



**MEETING OF THE
TEMPLE CITY COUNCIL
MUNICIPAL BUILDING
2 NORTH MAIN STREET
3rd FLOOR – CONFERENCE ROOM
THURSDAY, JUNE 15, 2017
4:00 P.M.
AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, June 15, 2017.
2. Receive an update from the Hill County Transit District (HOP).

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 HEARING

3. **PUBLIC HEARING** – Presentation of the proposed Community Development Block Grant 2017/18 Annual Action Plan and Budget, including the funding recommendations and notice of thirty day public comment period June 16 – July 15, 2017.

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 1, 2017 Special and Regular Meeting](#)

Contracts, Leases, & Bids

- (B) [2017-8681-R](#): Consider adopting a resolution ratifying the purchase and installation of an air conditioning compressor at the Library, in the estimated amount of \$31,187 from Temple Heat & Air, LLC of Temple.

- (C) [2017-8682-R](#): Consider adopting a resolution authorizing the purchase of an easement necessary for the construction of the Charter Oak Water Line and authorizing closing costs associated with the purchase, in an estimated amount of \$21,000.
- (D) [2017-8683-R](#): Consider adopting a resolution authorizing the purchase of a water line easement necessary for the expansion of Hogan Road and authorizing closing costs associated with the purchase in an estimated amount of \$9,500.
- (E) [2017-8384-R](#): Consider adopting a resolution authorizing the purchase of one right of way necessary for the Connor Park Drainage Channel Improvement Project and authorizing closing costs associated with the purchase in an estimated amount of \$10,000.
- (F) [2017-8685-R](#): Consider adopting a resolution authorizing the purchase of Holmatro rescue equipment from Metro Fire Apparatus Specialists, Inc. of Houston in the total amount of \$29,746.
- (G) [2017-8686-R](#): Consider adopting a resolution authorizing a construction contract with Wilson Construction Services, LLC of Belton, in the amount of \$29,995 to repair the foundation supporting the elevator at Clarence Martin Gym.
- (H) [2017-8687-R](#): Consider adopting a resolution authorizing a renewal to the Services Agreement with James Construction Group, LLC to provide Temple police officers for traffic control services and use of police vehicles on the I-35 Reconstruction Project.
- (I) [2017-8688-R](#): Consider adopting a resolution authorizing a Commercial Lease Agreement with the Temple Chamber of Commerce for the lease of property located at 2 North 5th Street and 8 North 5th Street, Temple.
- (J) [2017-8689-R](#): Consider adopting a resolution authorizing an Airport Hangar Lease Agreement with Wilsonart, LLC.
- (K) [2017-8690-R](#): Consider adopting a resolution authorizing contract amendment #2 for a professional services agreement with Kasberg, Patrick and Associates, LP, in the amount not to exceed \$231,120 for construction administration and on-site representation required to construct Phase 1 of the Leon River Trunk Sewer Project.
- (L) [2017-8691-R](#): Consider adopting a resolution authorizing an amendment to an agreement with Kasberg, Patrick, and Associates, in an amount not to exceed \$32,920 to add professional services to the Old Town South Utility Replacement Line.
- (M) [2017-8692-R](#): Consider adopting a resolution authorizing an amendment to the professional services agreement with Haley & Olson, P.C., to increase the not to exceed amount from \$30,000 to \$60,000, for the provision of legal services associated with various condemnation proceedings.
- (N) [2017-8693-R](#): Consider adopting a resolution authorizing a Memorandum of Agreement with Belton Independent School District for the donation of all necessary right of way for the proposed expansion of Poison Oak Road.

- (O) [2017-8694-R](#): Consider adopting a resolution authorizing a Chapter 380 Development Agreement with Ray Family Investments I, LLC, in an amount not to exceed \$24,500 for improvements to property located at 212 Adams Avenue within the Downtown Strategic Investment Zone corridor.
- (P) [2017-8695-R](#): Consider adopting a resolution authorizing a Chapter 380 Development Agreement with Aurora & ARS LLC DBA Benny's Ristorante Italiano, in an amount not to exceed \$22,500 for improvements to property located at 17 South Main Street within the Downtown Strategic Investment Zone corridor.
- (Q) [2017-8696-R](#): Consider adopting a resolution authorizing a Chapter 380 Development Agreement with BCMerc Holdings, LLC, for improvements within the Downtown Strategic Investment Zone corridor to property located at and an amount not to exceed:
 - 1) 13 West Central Avenue - \$18,000
 - 2) 15 West Central Avenue - \$18,000.

Ordinances – Second & Final Reading

- (R) [2017-4846](#): SECOND READING – Consider adopting an ordinance amending Chapter 39 of the Code of Ordinances, "Wreckers."
- (S) [2017-4847](#): SECOND READING – Z-FY-17-27: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to General Retail zoning district on 2.485 +/- acres, situated in the George W. Lindsey, Abstract No. 513, located at 40 Morgan's Point Road. ***(June 1, 2017, Council Approved on first reading a rezoning from Agricultural to Planned Development-General Retail)***
- (T) [2017-4848](#): SECOND READING – Z-FY-17-28: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to Single Family Two zoning district of 46.766 acres and Neighborhood Services zoning district of 3.497 acres out of 50.263 +/- acres, situated in the Redding Roberts Survey, Abstract No. 692 and part of that certain 157.93 acre tract, Bell County, Texas, located at 5900 South 31st Street.

Misc.

- (U) Consider adopting resolutions authorizing:
 - 1) [2017-8697-R](#): A-FY-17-08: Release of a 7.5 foot wide public utility easement within an existing gas easement located on Lots 11, 12, 13, 24, 25 & 26, Block 4, Plains of Riverside, Phase II, subdivision;
 - 2) [2017-8698-R](#): A-FY-17-09: Release of a 7.5 foot wide public utility easement within an existing gas easement located on Lots 1, 2, 3, 6, 7 & 8, The Plains at Riverside, Phase III subdivision; and
 - 3) [2017-8699-R](#): A-FY-17-11: Release of a 10 foot wide public utility easement within an existing gas easement located on Lots 3, 4, 5 & 6, Block 1 & Lots 2 & 3, Block 4, Plains at Riverside, Phase I subdivision.

- (V) [2017-8700-R](#): Consider adopting a resolution authorizing approval of a dual street name of South 6th Street/Little Joe Hernandez Drive on a section of South 6th Street between East Central Avenue and East Avenue E. in the City of Temple, Bell County, Texas and more particularly shown as Exhibit A.
- (W) [2017-8701-R](#): Consider adopting a resolution authorizing certain City employees to conduct investment transactions, transfer funds, and represent the City in other financial transactions.
- (X) [2017-8702-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2016-2017.

V. REGULAR AGENDA

RESOLUTIONS

- 5. [2017-8703-R](#): P-FY-16-27: Consider adopting a resolution approving the Preliminary Plat of Circle C Ranch Estates, a 72.49 +/- acres, 80-lot, 5-block, 5 tract, residential subdivision, **with developer-requested exceptions to the Unified Development Code (UDC) to Section 8.3** related to the payment of required park fees **and Section 8.2.D.4b** related to the minimum number of street openings, situated in the Lewis Walker Survey, Abstract 860, Bell County Texas, located in Temple's western ETJ at the southeast corner of Sparta Loop and Sparta Road, west of FM 439.

ORDINANCES – FIRST READING

- 6. [2017-4849](#): FIRST READING – Z-FY-17-18: Consider adopting an ordinance authorizing amendments to the City of Temple's Unified Development Code: Article 6 (Sec. 6.7) related to the Interstate 35 Corridor Overlay zoning district to amend the boundary description, applicability, uses allowed and the development standards including landscaping, architecture and signage.
- 7. [2017-4850](#): FIRST READING – Z-FY-17-21: Consider authorizing a rezoning from Single Family One zoning district to Planned development-General Retail zoning district of 27.876 ± acres located on the southeast corner of South 5th Street and Loop 363 to incorporate certain development and frontage standards from the Temple Medical and Educational zoning district, allow approval of site/development plans in phases and to allow multi-family dwellings and mini-storage warehouses only as approved by the site/development plan.

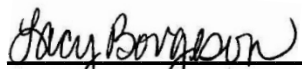
ORDINANCES – SECOND AND FINAL READING

- 8. [2017-4845](#): SECOND READING – Consider adopting an ordinance amending the Code of Ordinances, Chapter 37, "Traffic," to include a general update of the Chapter and changes to the two-hour parking regulations.

BOARD APPOINTMENT

- 9. [2017-8680-R](#): Consider adopting a resolution appointing one alternate member to the Bell County Public Health District Board of Directors.

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 12:30 PM, on Friday, June 9, 2017.



City Secretary, TRMC

SPECIAL ACCOMMODATIONS: *Persons with disabilities who have special communication or accommodation needs and desire to attend this meeting should notify the City Secretary's Office by mail or telephone 48 hours prior to the meeting date.*

I certify that this Notice of Meeting Agenda was removed by me from the outside bulletin board in front of the City Municipal Building on _____ day of _____ 2017.

Title _____



COUNCIL AGENDA ITEM MEMORANDUM

06/15/17
Item #3
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Ashley Williams, Director of General Services

ITEM DESCRIPTION: PUBLIC HEARING – Presentation of the proposed Community Development Block Grant 2017/18 Annual Action Plan and Budget, including the funding recommendations and notice of thirty day public comment period June 16 – July 15, 2017.

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

ITEM SUMMARY:

2017–2018 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 \$328,768 for our 2017/18 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 \$37,344 from the 2016 Action Plan in order to assist us with meeting the goals identified in the 2015/19 Consolidated Plan.

<i>2017-18 CDBG Funding</i>	<i>Program Income Received</i>	<i>Prior Funding Reallocation</i>	<i>Total</i>
\$328,768	\$0	\$37,344	\$366,112

The proposed allocation of funds is as follows:

Public Services	\$46,000
Infrastructure Improvements	\$20,000
Housing Improvements	\$100,112
Main Street Program	\$20,000
Neighborhood Revitalization	\$45,000
Demolition	\$70,000
Administration	\$65,000
Total	\$366,112

Public Services - \$46,000

The City received eight applications requesting a total of \$156,573 in CDBG Public Service Agency funding. A total of \$46,000 will be awarded to qualifying programs and to those that address objectives outlined in the five-year Consolidated Plan.

Infrastructure Improvements - \$20,000

Infrastructure improvements will focus on sidewalk/transportation enhancements. Projects will address accessibility issues along West Adams Avenue. The project will address objectives in the five-year Consolidated Plan

Housing Improvements - \$100,112

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.

Main Street Program - \$20,000

Infrastructure related improvements will focus on façade, code compliance, and accessibility enhancements for buildings in the downtown core that encourage mixed use and residential units downtown. Projects will address objectives in the five-year Consolidated Plan.

Neighborhood Revitalization - \$45,000

Neighborhood Revitalization is intended to provide an integrated approach to community redevelopment by 1) building connections between our Code Compliance and Community Development programs and 2) fostering collaboration with our many community partners. The goal of the Neighborhood Revitalization initiative is to build healthy, safe, and vibrant neighborhoods using approaches that foster the long-term, positive, and sustainable changes necessary for Temple to remain a place of choice to live, work, and play. 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 managed by Community Development, in conjunction with Code Compliance.

Administration - \$65,000

It is recommended that \$65,000 be allocated for the City's administration of the CDBG Program.

This presentation and public hearing for the proposed 2017/18 Annual Action Plan and Budget will be followed by a 30-day public comment period. A final public hearing and action on the 2017/18 Annual Action Plan and Budget will occur at the August 3, 2017 Council Meeting.

FISCAL IMPACT: The anticipated allocation amount of \$328,768 in FY 2017/18 CDBG funds along with the reprogramming of \$37,344 in additional funds available for a total of \$366,112 are to be allocated as recommended.

ATTACHMENTS:

None



COUNCIL AGENDA ITEM MEMORANDUM

06/15/17
Item #4(A)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) June 1, 2017 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 1, 2017 Special and Regular Meeting](#)



COUNCIL AGENDA ITEM MEMORANDUM

06/15/17
Item #4(B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Leigh Gardner, Library Director
Ashley Williams, Director of General Services

ITEM DESCRIPTION: Consider adopting a resolution ratifying the purchase and installation of an air conditioning compressor at the Library, in the estimated amount of \$31,187 from Temple Heat & Air, LLC of Temple.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization of this resolution will formerly authorize the replacement of a compressor on chiller #1 at the Library.

On May 1, 2017, Temple Heat & Air was called to check an alarm on the Library chiller #1, and they determined that the chiller's compressor was faulty and could no longer hold refrigerant and needed to be replaced. As allowed by the competitive bidding exceptions defined in LGC 252.022(a)(3), an emergency procurement was found to be necessary because of the lead time to obtain the compressor from the manufacturer, along with the stress this was leaving on chiller number 2 with the summer months fast approaching. The building is occupied by the City Library and includes multiple leased spaces, as well as provides a public meeting space.

The work is being completed under the terms of the City's annual contract for HVAC Maintenance & Repair Services with Temple Heat & Air. In accordance with the terms of the annual contract, the work will be invoiced at a percentage markup for the materials and at the labor rates stated in the contract.

FISCAL IMPACT: Funding is available in the amount of \$31,187 for the purchase and installation of the compressor from Temple Heat & Air as shown below:

	110-4000-555-6310	110-5940-555-6310	Total
	101646	101646	
Project Budget	\$ 21,387	\$ 9,800	\$ 31,187
Temple Heat & Air	(21,387)	(9,800)	(31,187)
Remaining Project Funds	\$ -	\$ -	\$ -

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2017-8681-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING THE PURCHASE AND INSTALLATION OF AN AIR CONDITIONING COMPRESSOR AT THE LIBRARY IN THE ESTIMATED AMOUNT OF \$31,187, FROM TEMPLE HEAT & AIR, LLC OF TEMPLE, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on May 1, 2017, Temple Heat & Air, LLC of Temple, Texas was called to check an alarm on chiller No. 1 at the Library – it was determined that the chiller’s compressor was faulty, could no longer hold refrigerant, and needed to be replaced;

Whereas, as allowed by the competitive bidding exceptions defined in LGC 252.022(a)(3), an emergency procurement was found to be necessary because of the lead time to obtain the compressor from the manufacturer, along with the stress this was leaving on chiller No. 2 with the summer months fast approaching;

Whereas, the building is occupied by the City Library, and includes multiple leased spaces, as well as provides a public meeting space;

Whereas, the work is being completed under the terms of the City’s annual contract for HVAC Maintenance & Repair Services with Temple Heat & Air, LLC - in accordance with the terms of the annual contract, the work will be invoiced at a percentage markup for the materials and at the labor rates stated in the contract;

Whereas, funding is available for this purchase and installation in Account Nos. 110-4000-555-6310 and 110-5940-555-6310, Project No. 101646; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council ratifies the purchase and installation of an air conditioning compressor at the Library in the estimated amount of \$31,187, from Temple Heat & Air, LLC of Temple, Texas.

Part 3: The City Council authorizes the Acting City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for this purchase.

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

PASSED AND APPROVED this the **15th** day of **June**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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

Kayla Landeros, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of an easement necessary for the construction of the Charter Oak Water Line and authorizing closing costs associated with the purchase, in an estimated amount of \$21,000.

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 as presented in item description.

ITEM SUMMARY: The City is installing a new transmission water line in southwest Temple, roughly parallel to Charter Oak Drive. The project is necessary to replace deteriorating existing facilities and improve service to properties along the route. Phase One of the project is currently under construction and required the acquisition of easements from four property owners.

The design of Phase Two requires the acquisition of easements for water lines across 30 properties owned by 23 different property owners. Appraisals have been completed for eighteen of the properties, and offers based on the appraisals have been made to the property owners. The City has acquired or reached an agreement to acquire twenty of the needed easements. Negotiations continue for the remaining easements.

Staff is now seeking authorization to purchase one easement needed for the construction of the Charter Oak Water Line and authorizing closing costs associated with the purchase, in an estimated amount of \$21,00.

The address and Bell County Appraisal District ID Number of the property is Tem-Bel Lane, Bell County Rural—Bell CAD ID #5115.

FISCAL IMPACT: Funding is available for the purchase of an easement necessary for the construction of the Charter Oak Water Line in an estimated amount of \$21,000 in account 520-5900-535-6110, project #100608.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2017-8682-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF ONE EASEMENT NECESSARY FOR THE CONSTRUCTION OF THE CHARTER OAK WATER LINE; AUTHORIZING CLOSING COSTS ASSOCIATED WITH THE PURCHASE IN AN ESTIMATED AMOUNT OF \$21,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is installing a new transmission water line in southwest Temple, roughly parallel to Charter Oak Drive that is necessary to replace deteriorating existing facilities and improve service to properties along the route - Phase One of the project is currently under construction and required the acquisition of easements from four property owners;

Whereas, the design of Phase Two requires the acquisition of easements for water lines across 30 properties owned by 23 different property owners - appraisals have been completed for eighteen of the properties, and offers have been made to most of the property owners, based on the appraisals;

Whereas, the City has acquired or reached an agreement to acquire twenty of the needed easements and negotiations continue for the remaining easements;

Whereas, Staff requests Council authorize the purchase of one easement on Tem-Bel Lane, which is needed for the construction of the Charter Oak Water Line and authorize closing costs associated with the purchase, in an estimated amount of \$21,000;

Whereas, funding is available for the purchase of one easement in Account No. 520-5900-535-6110, Project No. 101608; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the purchase of one easement which is necessary for the construction of the Charter Oak Water Line and authorizes closing costs associated with the purchase, in an estimated amount of \$21,000. The address and Bell County Appraisal District ID Number of the property is Tem-Bel Lane, Bell County Rural—Bell CAD ID #5115.

Part 3: The City Council authorizes the Acting City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for this purchase.

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

PASSED AND APPROVED this the **15th** day of **June**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of a water line easement necessary for the expansion of Hogan Road and authorizing closing costs associated with the purchase in an estimated amount of \$9,500.

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 as presented in item description.

ITEM SUMMARY: The City is currently in the design phase for the proposed expansion of Hogan Road from South Pea Ridge Road to State Highway 317. The design requires the acquisition of seven rights-of-way and one easement from six property owners. Appraisals have been performed and offers made to all property owners based upon the appraisals.

With the assistance H.W. Lochner, Inc. (Lochner), the City has reached an agreement with one of the property owners. The City has acquired one of the needed rights of way and has reached an agreement for two rights of way. Staff is actively negotiating with the other property owners and hopes to reach agreements in the coming weeks. At this time, Staff is asking for authorization to purchase a water line easement needed and pay closing costs in an estimated amount of \$9,500.

The address and Bell County Appraisal District ID Number of the property is 9015 Hogan Road—Bell CAD ID #50974.

FISCAL IMPACT: A budget adjustment is being presented to Council to appropriate funding for the purchase of a water line easement necessary for the project in an estimated amount of \$9,500 in account 561-5200-535-6983, project #100952. The budget adjustment also appropriates funding for the consultant hired to assist with the acquisition.

ATTACHMENTS:

[Budget Adjustment
Resolution](#)

FY 2017

BUDGET ADJUSTMENT FORM

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

Adjustments should be rounded to the nearest \$1.

+

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
561-5200-535-69-83	100952	Capital Bonds Program Rd Matching Improvements	\$ 18,300			
561-5000-535-65-32		Contingency Fund Balance			18,300	
TOTAL.....			\$ 18,300		\$ 18,300	

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

The budget adjustment presented for approval reallocates funds from utility revenue bond contingency for project #100952, Hogan Road Expansion, in the amount of \$18,300, (\$9,500 for purchase of an easement and \$8,800 for HW Lochner services).

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

6/15/2017

WITH AGENDA ITEM?

☒ Yes

☐ No

Department Head/Division Director

Date _____

☐ Approved

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

Finance

Date _____

☐ Approved

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

City Manager

Date _____

☐ Approved

	Disapproved
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RESOLUTION NO. 2017-8683-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A WATER LINE EASEMENT NECESSARY FOR THE EXPANSION OF HOGAN ROAD; AUTHORIZING THE PAYMENT OF CLOSING COSTS ASSOCIATED WITH THE PURCHASE IN AN ESTIMATED AMOUNT OF \$9,500; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently in the design phase for the proposed expansion of Hogan Road from South Pea Ridge Road to State Highway 317 and the design requires the acquisition of seven rights-of-way and one easement from six property owners;

Whereas, appraisals have been performed and offers have been made to all property owners based upon those appraisals - Staff anticipates the last appraisal in the coming weeks and will present offers accordingly;

Whereas, with the assistance H.W. Lochner, Inc., the City has reached an agreement with one of the property owners and has acquired one of the needed rights of way – agreements have been reached on two additional rights of way;

Whereas, Staff is actively negotiating with the other property owners who have received the City's offers and hopes to reach agreements in the coming weeks;

Whereas, Staff recommends Council authorize the purchase a water line easement needed from property located at 9015 Hogan Road, and authorize the payment of closing costs, in an estimated amount of \$9,500;

Whereas, funding for the purchase of this easement is available but an amendment to the fiscal year 2017 budget needs to be approved to transfer the funds in to Account No. 561-5200-535-6983, Project No. 100952; and

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

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the purchase of a water line easement on property located at 9015 Hogan Road which is necessary for the expansion of Hogan Road, and authorizes the payment of closing costs associated with this purchase, in an estimated amount of \$9,500.

Part 3: The City Council authorizes the Acting City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for this purchase.

Part 4: The City Council authorizes an amendment to the fiscal year 2017 budget, substantially in the form of the copy attached hereto as Exhibit 'A.'

Part 5: 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 15th day of **June**, 2017.

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

06/15/17
Item #4(E)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of one right of way necessary for the Connor Park Drainage Channel Improvement Project and authorizing closing costs associated with the purchase in an estimated amount of \$10,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: A Pepper Creek tributary drains south from Adams Avenue into a grass channel where it repeatedly escapes its banks and floods property and structures near Conner Park in west Temple. Smaller drainage swales that contribute to this tributary also back up and cause repetitive nuisance flooding to adjacent properties. The tributary continues through a detention pond and goes underground into box culverts along the west side of the Brazos Bend subdivision. It reemerges through a grass channel before joining the Thompson drainage channel at Old Waco Road.

The City is currently in the design phase for the Connor Park Drainage Channel Improvement Project. The design requires the acquisition of seven rights-of-way from six property owners. Appraisals have been performed on all the parcels and offers have been made to all property owners based upon the appraisals. Two whole properties needed for the project have been acquired and relocations are in progress. Staff continues to negotiate with the remaining owners.

With the assistance of Stateside Right of Way Services, Inc. (Stateside), the City has reached an agreement with one of the property owners. At this time, Staff is asking for authorization to purchase the needed right of way necessary for the Connor Park Drainage Channel Improvement Project and authorizing closing costs associated with the purchase in an estimated amount of \$10,000.

The address and Bell County Appraisal District ID Numbers of the property is 7112 Cameron Park Road—Bell CAD ID #453195

FISCAL IMPACT: Funding is available for the purchase of 7112 Cameron Park Road, which is necessary for the construction of the improvements to the Connor Park Drainage Channel, in an estimated amount of \$10,000 in account 292-2900-534-6312, project 101592.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2017-8384-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF RIGHT OF WAY NECESSARY FOR THE CONNOR PARK DRAINAGE CHANNEL IMPROVEMENT PROJECT; AUTHORIZING CLOSING COSTS ASSOCIATED WITH THE PURCHASE IN AN ESTIMATED AMOUNT OF \$10,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, a Pepper Creek tributary drains south from Adams Avenue into a grass channel where it repeatedly escapes its banks and floods property and structures in the vicinity of Conner Park in west Temple - smaller drainage swales that contribute to this tributary also back up and cause repetitive nuisance flooding to adjacent properties;

Whereas, this tributary continues through a detention pond and goes underground into box culverts along the west side of the Brazos Bend subdivision where it reemerges through a grass channel before joining the Thompson drainage channel at Old Waco Road;

Whereas, the City is currently in the design phase for the Connor Park Drainage Channel Improvement Project which requires the acquisition of rights-of-way from six property owners - appraisals have been performed on all of the parcels and offers have been made to all property owners based upon the appraisals;

Whereas, with the assistance of Stateside Right of Way Services, Inc. the City has reached an agreement with one property owners;

Whereas, Staff recommends Council authorize the purchase of right-of-way located at 7112 Cameron Park Road which is necessary for the Connor Park Drainage Channel Improvement Project, and authorize the payment of closing costs associated with the purchase in an estimated amount of \$10,000;

Whereas, funding is available for the purchase of right-of-way in Account No. 292-2900-534-6312, Project No. 101592; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the purchase of right of way located at 7112 Cameron Park Road which is necessary for the Connor Park Drainage Channel Improvement Project, and authorizes the payment of closing costs associated with the purchase in an estimated amount of \$10,000.

Part 3: The City Council authorizes the Acting City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for this purchase.

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

PASSED AND APPROVED this the **15th** day of **June**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Mitch Randles, Fire Chief

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of Holmatro rescue equipment from Metro Fire Apparatus Specialists, Inc. of Houston in the total amount of \$29,746.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In the FY2017 budget, Council approved the funding to purchase extrication equipment for Special Operations. Temple Fire and Rescue continues to see increases in motor vehicle accidents, which involve tractor trailers, in addition to current motor vehicle accidents that occur daily on Interstate 35. Currently the Department's front line heavy rescue extrication equipment was purchased in 2004 and is in need of upgrade.

The proposed purchase includes:

- Hydraulic Spreaders, \$7,158
- Hydraulic Cutters, \$5,836
- Power Unit, \$7,337
- Hydraulic Hose, \$1,804
- Core Upgrade, \$3,810
- Rescue Struts, \$3,476
- Ram support, \$325

Metro Fire Apparatus Specialists, Inc. has been awarded contract #524-17 by BuyBoard, which these items are contracted under. Contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

FISCAL IMPACT: Funding for the purchase of Holmatro rescue equipment is appropriated in account 110-5900-522-6211, project #101522, as follows:

Project Budget	\$	60,000
Encumbered/Committed to Date		(3,315)
Metro Fire Inc. - Holmatro Rescue Equip.		(29,746)
Remaining Funds Available	\$	<u>26,939</u>

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2017-8685-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF HOLMATRO RESCUE EQUIPMENT IN THE AMOUNT OF \$29,746, FROM METRO FIRE APPARATUS SPECIALISTS, INC., OF HOUSTON, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Council approved the funding to purchase extrication equipment for Special Operations in the fiscal year 2017 budget;

Whereas, Temple Fire and Rescue continues to see increases in motor vehicle accidents, which involve tractor trailers, in addition to current motor vehicle accidents that occur daily on I35;

Whereas, the Fire Department's front line heavy rescue extrication equipment was purchased in 2004 and is in need of upgrade;

Whereas, Metro Fire Apparatus Specialists, Inc. has been awarded a BuyBoard contract which will be utilized to purchase this equipment - contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

Whereas, Staff recommends Council authorize the purchase of Holmatro rescue equipment in the amount of \$29,746, from Metro Fire Apparatus Specialists, Inc. of Houston, Texas;

Whereas, funding is available for this purchase in Account No. 110-5900-522-6211, Project No. 101522; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the purchase of Holmatro rescue equipment in the amount of \$29,746 from Metro Fire Apparatus Specialists, Inc. of Houston, Texas.

Part 3: The City Council authorizes the Acting City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for this purchase.

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

PASSED AND APPROVED this the **15th** day of **June**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Ashley Williams, Director of General Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Wilson Construction Services, LLC of Belton, in the amount of \$29,995 to repair the foundation supporting the elevator at Clarence Martin Gym.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: It was determined that the elevator addition to the Clarence Martin Gym was pulling away from the building, a result of foundation movement. Staff engaged Engineering 360, Inc. in December 2014 for the completion of a Structural Assessment Report. Through consultation it was determined that the foundation needed to be stabilized and re-leveled, to minimize the impacts of differential settlement across the elevator addition.

During the summer of 2016 staff engaged Engineering 360, Inc. for the design proposed improvements, to address the foundation issues.

On April 18, 2017 bids were received and opened. Engineering 360, Inc., serving as the design engineer for the project, reviewed the single bid from Wilson Construction Services, LLC of Belton. The proposed work involves a different method than originally proposed by the design engineer. However, per the bid, alternative construction methods were allowed, if approved by the design engineer. Engineering 360, Inc. recommended Wilson Construction Services, LLC of Belton as a responsible bidder for this project, in the amount of \$29,995. Staff agrees with this recommendation.

FISCAL IMPACT: Funding for the construction contract with Wilson Construction Services in the amount of \$29,995 is appropriated in account 110-5924-519-6310, project 101464, as follows:

Project Budget	\$	39,071
Encumbered/Committed to Date		(9,076)
Wilson Construction Services		(29,995)
Remaining Funds Available	\$	-

ATTACHMENTS:

[Engineer's Letter of Recommendation](#)
[Bid Tabulation](#)
[Resolution](#)



June 8, 2017

Ashley Williams, ATEM
Director of General Services
City of Temple
101 N Main St.
Temple, Texas 76501

Re: Clarence Martin Gym
Elevator Foundation Repair
Temple, Texas
E360 Project No. 16069

Dear Ms. Williams;

We have reviewed the proposal and supplemental information submitted by Wilson Construction Services, LLC for performing repairs as noted in our Construction Documents dated 2/23/17 and including Addenda. We recommend the City of Temple accept the proposal for the work.

I trust this information meets your needs. If you have any questions or comments please contact me at your convenience.

Sincerely
Engineering 360, Inc.

A handwritten signature in blue ink, appearing to read "Larry J. Fisher".

Larry J. Fisher, P.E.
Principal

Tabulation of Bids Received
 on April 18, 2017 at 2:00 p.m.
 for Clarence Martin Gym Elevator Foundation Repair
 Bid# 24-01-17

	Bidders
	Wilson Construction Services, LLC Belton, TX
Description	
Total Base Bid: Provide all labor, equipment, materials, tools and supervision required to repair the foundation associated to the elevator/office addition to Clarence Martin Gym	\$29,995.00
Exceptions	Yes
Acknowledge Addenda (3)	Yes
Bid Bond	Yes
Bond Requirement Affidavit	Yes
Credit Check Authorization	Yes

RESOLUTION NO. 2017-8686-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH WILSON CONSTRUCTION SERVICES, LLC OF BELTON, TEXAS IN THE AMOUNT OF \$29,995, TO REPAIR THE FOUNDATION SUPPORTING THE ELEVATOR AT CLARENCE MARTIN GYM; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, it was recently determined that the elevator addition to the Clarence Martin Gym was pulling away from the building as a result of foundation movement;

Whereas, in December 2014, Staff engaged the services of Engineering 360, Inc. for the completion of a Structural Assessment Report in which it was determined that the foundation needed to be stabilized and re-leveled, to minimize the impacts of differential settlement across the elevator addition;

Whereas, during the summer of 2016, Staff engaged Engineering 360, Inc. for the design of proposed improvements to address the foundation issues;

Whereas, on April 18, 2017, one bid was received and Engineering 360, Inc., serving as the design engineer for the project, reviewed the single bid received from Wilson Construction Services, LLC of Belton, Texas in the amount of \$29,995;

Whereas, the proposed work involves a different method than originally proposed by the design engineer, however, per the bid, alternative construction methods were allowed if approved by the design engineer;

Whereas, Engineering 360, Inc. recommended Wilson Construction Services, LLC as a responsible bidder for this project and Staff agrees with this recommendation;

Whereas, funding is available for this construction contract in Account No. 110-5924-519-6310, Project No. 101464; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the Acting City Manager, or her designee, after approval as to form by the City Attorney, to execute a construction contract with Wilson Construction Services, LLC of Belton, Texas in the amount of \$29,995, to repair the foundation supporting the elevator at Clarence Martin Gym.

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 **15th** day of **June**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Floyd Mitchell, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing a renewal to the Services Agreement with James Construction Group, LLC to provide Temple police officers for traffic control services and use of police vehicles on the I-35 Reconstruction Project.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: James Construction Group, LLC ("James") is the general contractor on TXDOT's I-35 Reconstruction Project. James has requested a one-year renewal to the current Services Agreement which utilizes Temple police officers and Temple police vehicles to provide traffic control services on the I-35 project. All police officers working on the project will continue to remain under the supervision and control of the Temple Police Department. James will reimburse the City for overtime salary and benefits paid to the police officers. James will also pay the City \$20 per hour, per vehicle for each police vehicle used on any portion of the I-35 project that lies in whole or in part within the Temple city limits and \$30 per hour, per vehicle for each police vehicle used on any portion of the project that lies completely outside of the Temple city limits. The agreement is for a term of one year beginning August 1, 2017 and expiring July 31, 2018.

FISCAL IMPACT: Based on the projected hours to be worked during the contract period, it is estimated that the City will be reimbursed by James Construction approximately \$249,480 for overtime incurred and approximately \$90,000 for vehicle costs during FY 2018.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2017-8687-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A RENEWAL TO THE SERVICES AGREEMENT WITH JAMES CONSTRUCTION GROUP, LLC, OF TEMPLE, TEXAS, TO PROVIDE TEMPLE POLICE OFFICERS FOR TRAFFIC CONTROL SERVICES AND USE TEMPLE POLICE VEHICLES ON THE I-35 RECONSTRUCTION PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, James Construction Group, LLC (James) is the general contractor on TxDOT's I-35 Reconstruction Project;

Whereas, on July 16, 2016, Council approved a one-year renewal to the current Services Agreement which utilizes Temple police officers and Temple police vehicles to provide traffic control services on the I-35 project – that agreement expires July 31, 2017;

Whereas, James has requested an additional one-year renewal to the Services Agreement - all police officers working on this project will continue to remain under the supervision and control of the Temple Police Department;

Whereas, James will reimburse the City for overtime salary and benefits paid to the police officers and pay the City \$20.00 per hour, per vehicle used on any portion of the I-35 project that lies in whole or in part within the Temple city limits;

Whereas, James will also pay the City \$30.00 per hour, per vehicle for each police vehicle used on any portion of the project that lies completely outside of the Temple city limits;

Whereas, this agreement is for a term of one year beginning August 1, 2017 and expiring July 31, 2018;

Whereas, based on the average hours worked over the last nine months, it is estimated that the City will be reimbursed \$249,480 by James Construction for overtime incurred and approximately \$90,000 for vehicle costs during fiscal year 2018; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the Interim City Manager, or her designee, after approval as to form by the City Attorney, to execute a one-year renewal to the Services Agreement with James Construction Group, LLC of Temple, Texas, to provide Temple police officers for traffic control services and use Temple police vehicles on the I-35 Reconstruction Project.

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 **15th** day of **June**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Commercial Lease Agreement with the Temple Chamber of Commerce for the lease of property located at 2 North 5th Street and 8 North 5th Street, Temple.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On October 6, 2016, Council approved the purchase of property currently owned by the Temple Chamber of Commerce and located at 2 North 5th Street, 8 North 5th Street, and 314 West Central Avenue. The Chamber of Commerce asked for a delay in the closing on the three properties, but has recently notified City Staff that it would like to schedule closing for the end of June, 2017. The Chamber of Commerce will continue to utilize the property located at 2 North 5th Street and 8 North 5th Street for several months after closing while its new facility is being constructed in the Santa Fe Plaza area. For this reason, the Chamber of Commerce has asked to lease the property back from the City for an initial term of 15 months, with the option to extend the term for an additional six months, if needed.

The Chamber will lease the building at a rate of \$0.55/square foot. The building is 5,046 square feet which totals a monthly rental rate of \$2,775.30. The term of the Lease will commence the day after the City closes on the purchase of the property.

Either party may terminate the Lease at any time upon 30 days written notice of termination.

FISCAL IMPACT: The Temple Chamber of Commerce will pay rent in the amount of \$2,775.30 per month. Since the Reinvestment Zone is funding the Santa Fe Plaza project, the rental income will be deposited in the Reinvestment Zone lease revenue account 795-0000-461-0253. The Chamber will be responsible for all utility services and will maintain general/commercial liability insurance on the property.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2017-8688-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A COMMERCIAL LEASE AGREEMENT WITH THE TEMPLE CHAMBER OF COMMERCE FOR THE LEASE OF PROPERTY LOCATED AT 2 NORTH 5TH STREET AND 8 NORTH 5TH STREET, TEMPLE, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on October 6, 2016, Council approved the purchase of property currently owned by the Temple Chamber of Commerce and located at 2 North 5th Street, 8 North 5th Street, and 314 West Central Avenue;

Whereas, the Chamber of Commerce asked for a delay in the closing on the three properties, but has recently notified Staff that it would like to schedule closing for the end of June, 2017;

Whereas, the Chamber of Commerce will continue to utilize the property located at 2 North 5th Street and 8 North 5th Street for several months after closing while its new facility is being constructed in the Santa Fe Plaza area;

Whereas, the Chamber of Commerce has asked to lease the property back from the City for an initial term of 15 months, with the option to extend the term for an additional 6 months, if needed;

Whereas, the Chamber of Commerce will lease the approximately 5,046 square foot building at a rate of \$0.55 per square foot which totals a monthly rental rate of \$2,775.30 - the term of the Lease will commence the day after the City closes on the purchase of the property and either party may terminate the Lease at any time upon 30 days written notice of termination;

Whereas, the Reinvestment Zone is funding the Santa Fe Plaza project so the rental income from the Chamber of Commerce lease will be deposited in the Reinvestment Zone lease revenue account, Account No. 795-0000-461-0253 - the Chamber will be responsible for all utility services and will maintain general/commercial liability insurance on the property; and

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

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the Acting City Manager, or her designee, after approval as to form by the City Attorney, to execute a commercial lease agreement with the Temple Chamber of Commerce for lease of property located at 2 North 5th Street and 8 North 5th Street, Temple, Texas at a rental rate of \$2,775.30 per month (0.55/square foot) for 15 months with the option to extend the term of the lease for an additional 6 months if needed.

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 **15th** day of **June**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Sharon Rostovich, Airport Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing an Airport Hangar Lease Agreement with Wilsonart, LLC.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City Council previously awarded a design contract to Kasberg, Patrick, and Associates, LP ("KPA") for the design of a new hangar to be constructed at the Draughon-Miller Central Texas Regional Airport (the "Airport"). KPA is still in the design stage of the project, however, if Council later awards a construction contract for the hangar, Wilsonart, LLC ("Wilsonart") has asked to rent the hangar after it is constructed.

The proposed Lease would be for a term of 20 years with the option to renew for an additional 10 years upon agreement of the parties and approval of the City Council. Wilsonart will only have the right to use the hangar for aircraft hangar purposes and operations associated with operation and storage of the aircraft. Any aircraft stored in the Leased Premises must be owned and/or operated by Wilsonart.

Wilsonart will pay to the City, monthly, a rental rate of \$0.15/square foot of hangar space and \$0.10/square foot for office space. At this time, the hangar is estimated to be 12,000 square feet and the office space is estimated to be 1,380 square feet for an estimated monthly rent of \$1,938.00.

In the proposed Lease, Wilsonart will agree to reimburse the City for 100% of the construction costs related to the office space to be constructed in the hangar. Upon execution of the Lease, Wilsonart will make an initial payment to the City to cover the estimated costs of construction. Upon completion of construction and before Wilsonart occupies the hangar, the City will provide Wilsonart with the final office space construction costs. If Wilsonart's initial payment is more than the final costs, the City will reimburse to Wilsonart the difference. If the final costs are more than the initial payment, Wilsonart will pay the difference to the City.

The City will carry property insurance covering the hangar and office space. Wilsonart will carry general liability coverage and insurance coverage on any personal property. Wilsonart will be responsible for all utilities. Wilsonart will not be able to assign the Lease or sublet any space in the hangar without the prior written consent of the City.

FISCAL IMPACT: The lease payment revenue to be received from Wilsonart for the hangar rental will be \$1,938 monthly.

The current estimated cost for the construction of the related office space to be constructed in the hangar is \$150,000. Upon execution of the lease, Wilsonart will make an initial payment to the City to cover the estimated costs of construction.

Upon completion of construction and before Wilsonart occupies the hangar, the City will provide Wilsonart with the final office space construction costs. If Wilsonart's initial payment is more than the final costs, the City will reimburse to Wilsonart the difference. If the final costs are more than the initial payment, Wilsonart will pay the difference to the City.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2017-8689-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AIRPORT HANGAR LEASE AGREEMENT WITH WILSONART, LLC AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Council previously awarded a design contract to Kasberg, Patrick, and Associates, LP (“KPA”) for the design of a new hangar to be constructed at the Draughon-Miller Central Texas Regional Airport (“Airport”);

Whereas, KPA is still in the design stage of the project, however, if Council later awards a construction contract for the hangar, Wilsonart, LLC (“Wilsonart”) has asked to rent the hangar after construction is complete;

Whereas, the proposed Lease would be for a term of 20 years with the option to renew for an additional 10 years upon agreement of the parties and approval of City Council - Wilsonart will only have the right to use the hangar for aircraft hangar purposes and operations associated with operation and storage of the aircraft and any aircraft stored in the Leased Premises must be owned and/or operated by Wilsonart;

Whereas, the hangar is estimated to be approximately 12,000 square feet and the office space is estimated to be approximately 1,380 square feet - Wilsonart will pay to the City, a monthly rental rate of \$0.15 per square foot of hangar space and \$0.10 per square foot for office space, for an estimated monthly rent of \$1,938.00;

Whereas, in the proposed Lease, Wilsonart will agree to reimburse the City for 100% of the construction costs related to the office space to be constructed in the hangar and upon execution of the Lease, Wilsonart will make an initial payment to the City to cover the estimated costs of construction;

Whereas, the City will carry property insurance covering the hangar and office space and Wilsonart will carry general liability coverage and insurance coverage on any personal property and will be responsible for all utilities;

Whereas, Wilsonart will not be able to assign the Lease or sublet any space in the hangar without the prior written consent of the City;

Whereas, the current estimated cost for construction of the related office space to be constructed in the hangar is \$150,000 - upon execution of the lease, Wilsonart will make an initial payment to the City to cover the estimated costs of construction;

Whereas, upon completion of construction and before Wilsonart occupies the hangar, the City will provide Wilsonart with the final office space construction costs - if Wilsonart’s initial payment is more than the final costs, the City will reimburse to Wilsonart the difference and if the final costs are more than the initial payment, Wilsonart will pay the difference to the City; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the Acting City Manager, or her designee, after approval as to form by the City Attorney, to execute an airport hangar lease agreement with Wilsonart, LLC at the Draughon-Miller Central Texas Regional Airport, at a rental rate of approximately \$1,938 per month (\$0.15 per square foot of hangar space / \$0.10 per square foot for office space) for 20 years with the option to renew for an additional 10 years upon agreement of the parties and approval of Council.

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 **15th** 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

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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 contract amendment #2 for a professional services agreement with Kasberg, Patrick and Associates, LP, in the amount not to exceed \$231,120 for construction administration and on-site representation required to construct Phase 1 of the Leon River Trunk Sewer Project.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The IH35 corridor near the Leon River is an area of growing interest for new development. To support development, the City will provide wastewater service via the Leon River Trunk Sewer. This project comprises approximately 9,000 linear feet of new wastewater gravity lines, a new wastewater lift station, and approximately 4,400 linear feet of 10-inch wastewater force main.

On March 1, 2012, the City Council authorized a professional services contract with KPA in an amount not to exceed \$151,880 for preliminary design of the Leon River Trunk Sewer.

On July 18, 2013, the City Council authorized a professional services contract with KPA in an amount not to exceed \$458,850 for final design for Phase 1 of the Leon River Trunk Sewer.

On November 13, 2014, the City Council authorized contract amendment #1 in the amount of \$36,040. This amendment included redesigning a portion of the trunk sewer due to new property developments.

On May 18, 2017, the City Council authorized a contract with SJ Louis Construction of Texas, LTD., of San Antonio for \$4,092,036.59 to construct the project.

To accomplish proper construction oversight, consultant services recommended under this contract amendment include the following tasks and costs:

Basic Services

A. Construction Administration \$ 127,350

Special Services

A. On-Site Representation \$ 78,500

B. Construction Staking \$ 25,270

Total \$ 231,120

Please refer to the attached proposal and project map for further details. Construction is anticipated to begin in June 2017. Construction time allotted for this project is 365 calendar days.

FISCAL IMPACT: A budget adjustment is being presented to Council in the amount of \$231,120 to appropriate funding for contract amendment # 2 with Kasberg, Patrick and Associates, LP on the Leon River Trunk Sewer, Phase 1 agreement in account 561-5400-535-6941, project 100851, as follows:

Project Budget	\$ 5,113,805
Budget Adjustment	231,120
Encumbered/Committed to Date	(5,073,809)
KPA Contract Amendment #2	(231,120)
Remaining Funds Available	<u>\$ 39,996</u>

ATTACHMENTS:

Engineer's Proposal
Project 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. ATRAE SUTTON, III, P.E., CFM

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

June 5, 2017

Mr. Diego Yorsky
Project Manager
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple, Texas
Leon River Trunk Sewer

Dear Mr. Yorsky:

This letter is in response to your request for a proposal to amend the current contract for the Leon River Trunk Sewer Improvements to add construction phase services. Bids were received on April 21, 2017 with SJ Louis of San Antonio, Texas as the recommended low bidder. We will provide construction administration services (including construction staking) and daily on-site representation under this amendment.

The following not-to-exceed lump sum amounts will be applicable as part of this Contract Amendment No. 1:

Basic Services

A. Construction Administration	\$ 127,350.00
Sub-Total Basic Services	127,350.00

Special Services

A. On-Site Representation	\$ 78,500.00
B. Construction Staking	25,270.00
Sub-Total Special Services	\$ 103,770.00

Total \$ 231,120.00

Exhibit A provides a more detailed breakdown and description of the tasks included in our Scope of Services. These services are based on a 12 month construction period with an anticipated on site observation average of four hours per day during construction.

Sincerely,

Thomas D. Valle, P.E.
TDV/

xc: 2013-127

EXHIBIT AA

**Scope of Services
Leon River Trunk Sewer**

I. Basic Services

A. Construction Administration

1. Conduct pre-construction conference;
2. Prepare Partial Payment forms and review partial payment requests;
3. Make periodic project visits during construction;
4. Communicate with City Project Manager weekly regarding project status and schedule;
5. Conduct construction progress meetings;
6. Coordinate contractor schedule with Water Plant Staff;
7. Advise and consult with the Owner, communicate with Contractor, prepare routine change orders as required, and keep the Owner informed of the progress;
8. Review submittals;
9. Check final pay quantities and pay requests;
10. Prepare Record Drawings.

II. Special Services

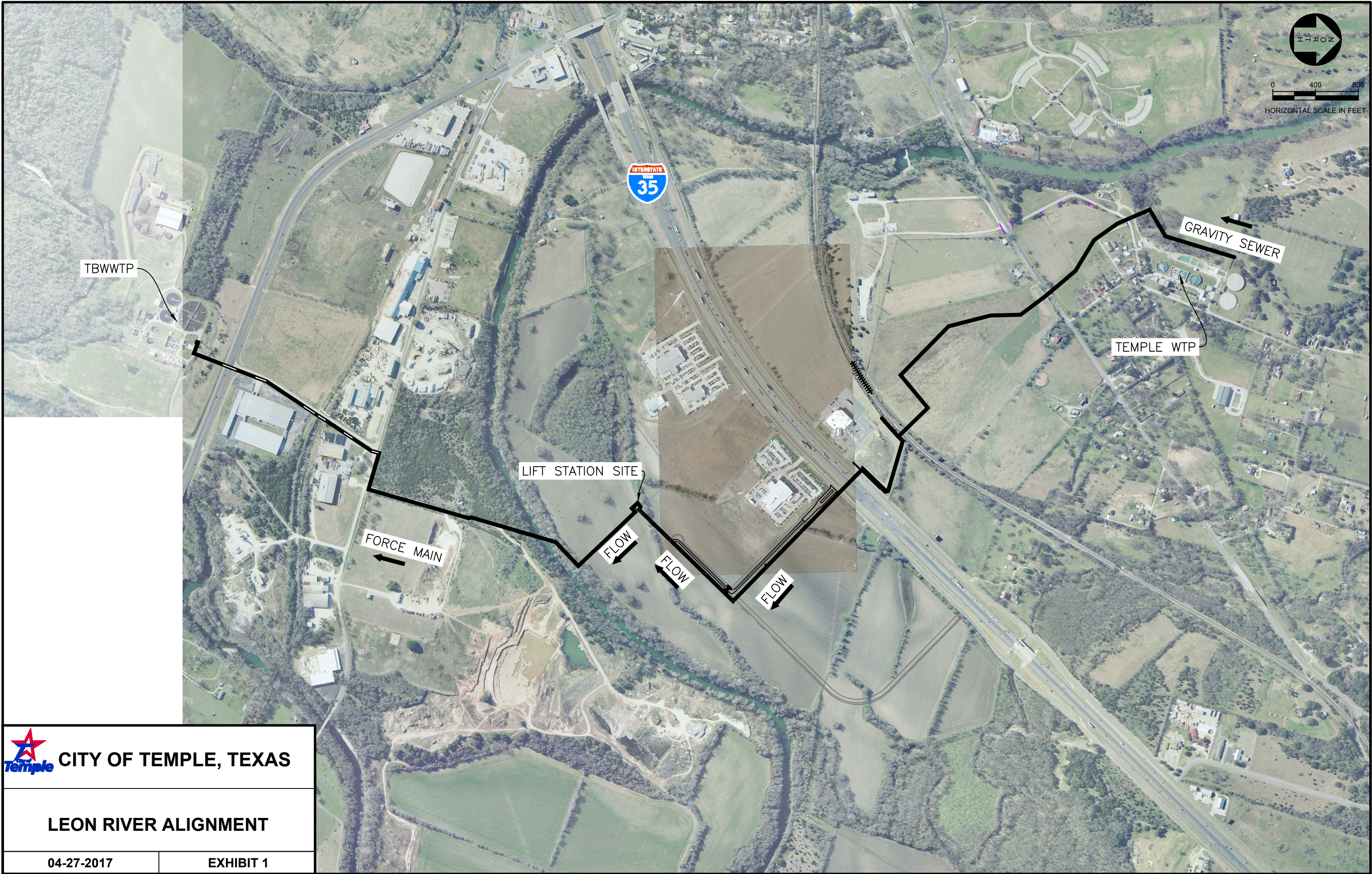
A. On-Site Representation


1. Respond to Contractor's requests for information (RFI);
2. Observe construction progress for general conformance with plans and specifications;
3. Prepare daily reports, including weather conditions, and deliver to Project Manager weekly;
4. These services are based on a 12 month construction period.

B. Construction Staking

1. Set horizontal and vertical control points for:
 - a. Gravity Sewer
 - i. 8,870 LF of Gravity Sewer Pipe, including points on line as necessary
 - ii. 6 Bores (beginning and end of encasement)
 - iii. 26 manholes
 - b. Lift Station
 - i. Site (property corner offsets)
 - ii. Wet Well
 - iii. Valve Vault
 - c. Force main
 - i. 4,400 LF of Force Main
 - ii. 6 bores (beginning and end of encasement)
 - iii. 1 Directional Drill
 - iv. Staking easement on McCracken Property
 - v. Staking of McCracken property corners along Rockwool Lane and Taylor's Valley.

FILE: P:\Temple\2013\2013-12\CAD\WORKING\PBS.dwg LAST SAVED: 4/27/2017 4:31:23 PM LAYOUT: NO OWNERS



 CITY OF TEMPLE, TEXAS	
LEON RIVER ALIGNMENT	
04-27-2017	EXHIBIT 1

FY 2017

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	
561-5400-535-69-41	100851	Leon River Interceptor, Phase 1	\$ 231,120			
561-5000-535-65-32		Contingency Fund Balance			231,120	
TOTAL.....			\$ 231,120		\$ 231,120	

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

The budget adjustment presented for approval reallocates funds from utility revenue bond contingency to fund contract amendment #2 with KPA for the Leon River Trunk Sewer, Phase I.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING 6/15/2017

WITH AGENDA ITEM?

☒ Yes

☐ No

Department Head/Division Director

Date _____

<input type="checkbox"/>	Approved
<input type="checkbox"/>	Disapproved

Finance

Date _____

	Approved
	Disapproved

City Manager

Date _____

	Approved
	Disapproved

RESOLUTION NO. 2017-8690-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CONTRACT AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP, OF TEMPLE, TEXAS, FOR CONSTRUCTION ADMINISTRATION AND ON-SITE REPRESENTATION REQUIRED TO CONSTRUCT PHASE 1 OF THE LEON RIVER INTERCEPTOR PROJECT, IN AN AMOUNT NOT TO EXCEED \$231,120; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the IH35 corridor near the Leon River is an area of growing interest for new development and to support that development, the City will provide wastewater service via the Leon River Trunk Sewer;

Whereas, this project comprises approximately 9,000 linear feet of new wastewater gravity lines, a new wastewater lift station, and approximately 44,000 linear feet of 10-inch wastewater force main;

Whereas, on March 1, 2012, Council authorized a professional services contract with Kasberg, Patrick & Associates, LP (KPA) for the preliminary design of the Leon River Trunk Sewer and on July 18, 2013, Council authorized a professional services contract with KPA for final design for Phase 1 of the Leon River Trunk Sewer;

Whereas, on November 13, 2014, Council authorized Contract Amendment No. 1 which included redesigning a portion of the trunk sewer due to new property developments;

Whereas, on May 18, 2017, Council authorized a contract with SJ Louis Construction of Texas, Ltd., of San Antonio, Texas, to construct the project;

Whereas, Staff recommends Council authorize contract amendment No. 2 to the professional services agreement with KPA, in an amount not to exceed \$231,120, for construction administration and on-site representation required to construct Phase 1 of the Leon River Trunk Sewer Project;

Whereas, funding is available for this contract amendment but an amendment to the fiscal year 2017 budget needs to be approved to transfer the funds to Account No. 561-5400-535-6941, Project No. 100851; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the Acting City Manager, or her designee, after approval as to form by the City Attorney, to execute contract amendment No. 2 to the professional services agreement with Kasberg, Patrick & Associates, LP, of Temple, Texas, in an amount not to exceed \$231,120, for construction administration and on-site representation required to construct Phase 1 of the Leon River Trunk Sewer Project.

Part 3: The City Council authorizes an amendment to the fiscal year 2017 budget, substantially in the form of the copy attached hereto as Exhibit 'A.'

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

PASSED AND APPROVED this the **15th** day of **June**, 2017.

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

06/15/17
Item #4(L)
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 an amendment to an agreement with Kasberg, Patrick, and Associates, in an amount not to exceed \$32,920 to add professional services to the Old Town South utility replacement line.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Public Works has identified failing wastewater mains requiring replacement in the south half of the Original Town subdivision beginning at West Avenue D and portions of other subdivisions extending to West Avenue N., between South 1st Street and South 11th Street. The project will replace approximately 18,000 linear feet of wastewater main with new six inch to 15-inch diameter PVC wastewater main, manholes, and services.

On April 7, 2016, Council authorized a professional services agreement with KPA in the amount of \$219,388. Additional improvements as described in the attached proposal include replacing an additional 1,000 linear feet of wastewater main and upsizing several undersized lines totaling 7,800 linear feet between South 3rd Street and South 11th, from West Avenue D to West Avenue N. The recommended design services are \$32,920. The amendment also proposes to change the design completion date to August 1st. The Engineer's preliminary OPC is \$3.1 million.

FISCAL IMPACT: Funding for this contract amendment with Kasberg, Patrick and Associates in the amount of \$32,920 for the Old Town South utility replacement line project is appropriated in account 561-5400-535-6964, project 101201, as follows:

Project Budget	\$ 1,160,000
Encumbered/Committed to Date	(219,388)
KPA Contract Amendment #1	(32,920)
Remaining Funds Available	\$ 907,692

Funding for construction of this project will be funded with the issuance of the 2017 Utility Revenue bonds to be issued in the summer of 2017.

ATTACHMENTS:

[Proposal](#)
[Map](#)
[Amendment Form](#)
[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. ATRAE SUTTON, III, P.E., CFM

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

June 1, 2017

Ms. Sharon Carlos, E.I.T.
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple, Texas
Old Town Wastewater Replacement

Dear Ms. Carlos:

This letter is in response to your request for a proposal to include additional design scope in the current contract for the Old Town Wastewater Replacement project. During the final design phase, it was decided to add the replacement of approximately 1,000 linear feet of wastewater rehabilitation and 7,800 linear feet of waterline upgrades in areas adjacent to the proposed wastewater rehabilitation. These additions will add approximately twenty five (25) plan sheets to the plan sets and \$1,000,000 to the opinion of probable construction cost. These services can be completed for the lump sum amount of \$32,920.00

We appreciate the opportunity to provide these services and are available to discuss them at your convenience.

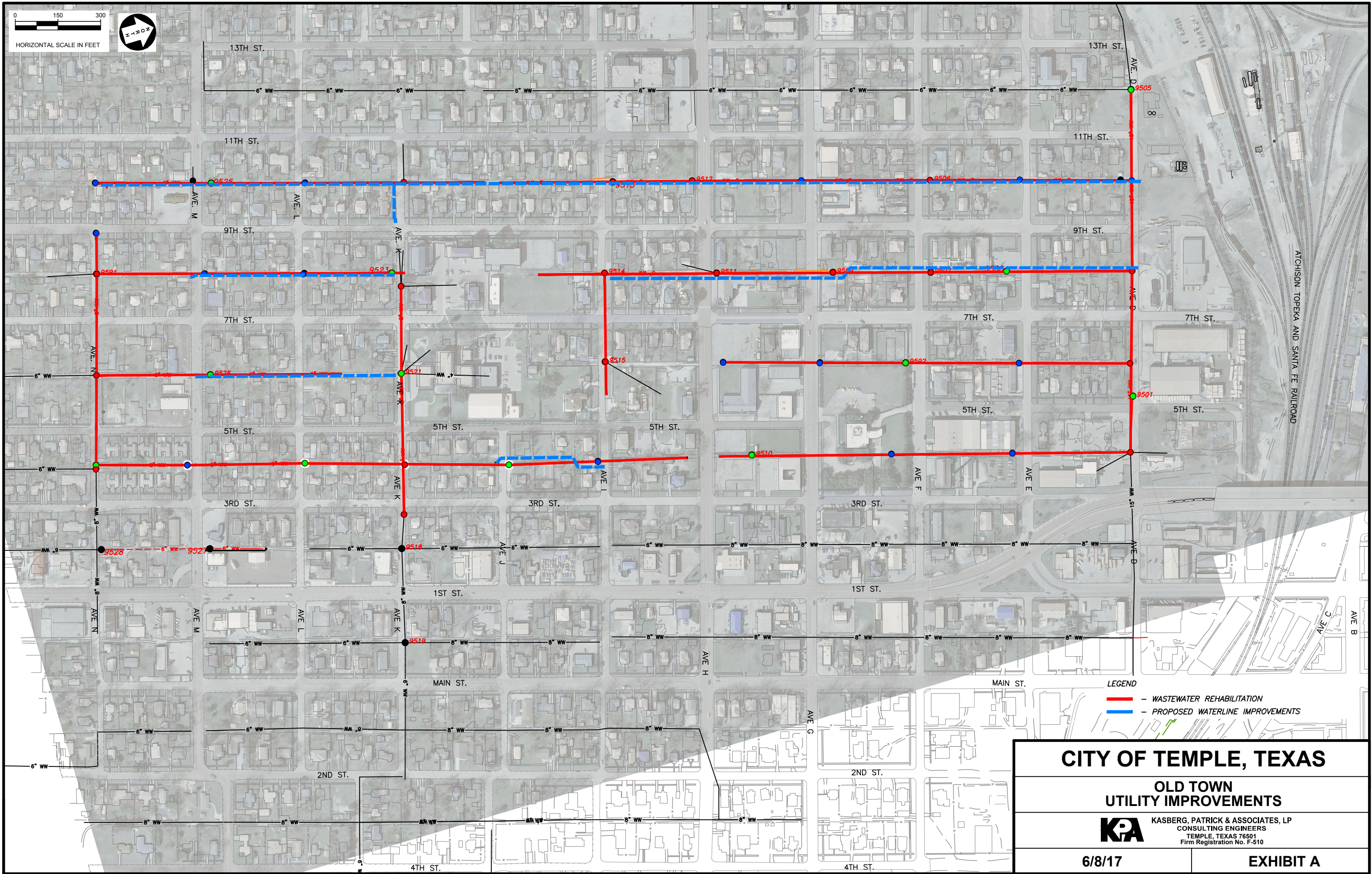
Sincerely,

A handwritten signature in blue ink, appearing to read 'Thomas D. Valle'.

Thomas D. Valle, P.E.

TDV/

xc: 2016-119-20



CONTRACT AMENDMENT (Professional Service Agreements)

PROJECT: Leon River Trunk Sewer

OWNER: City of Temple

ARCHITECT/ENGINEER: Kasberg, Patrick & Associates, LP

AMENDMENT #: 2

Make the following additions, modifications or deletions to the work described in the Contract Documents:

Professional services related to the Construction phase of the Leon River Trunk Sewer, consisting of:

Basic Services

Construction Administration Services	\$ 127,350.00
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Special Services

Construction Staking	\$ 25,270.00
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On-Site Representation	\$ 78,500.00
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TOTAL	\$ 231,120.00
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The Compensation agreed upon in this Contract Amendment is the full, complete and final payment for all costs the Architect or Engineer may incur as a result of or relating to this amendment 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 Contract Amendment.

Original Contract Amount:	\$ 458,850.00
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Previous Net Change in Contract Amount:	\$ 36,040.00
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Amount This Amendment:	\$ 231,120.00
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Revised Contract Amount:	\$ 726,010.00
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Original Contract Completion Date:	November 1, 2016
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Revised Contract Completion Date:	September 1, 2018
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Recommended by:

Project Manager Date

Approved by City of Temple:

Brynn Myer, Interim City Manager Date

Approved by Finance Department:

Date

Agreed to:

Thomas D. Vally 6-5-17

Architect or Engineer Date

Approved as to form:

City Attorney's Office Date

RESOLUTION NO. 2017-8691-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP, OF TEMPLE, TEXAS, IN AN AMOUNT NOT TO EXCEED \$32,920, TO ADD PROFESSIONAL SERVICES TO THE OLD TOWN SOUTH UTILITY REPLACEMENT LINE PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Public Works has identified failing wastewater mains requiring replacement in the south half of the Original Town subdivision beginning at West Avenue D and portions of other subdivisions extending to West Avenue N, between South 1st Street and South 11th Street;

Whereas, this project will replace approximately 18,000 linear feet of wastewater main with new 6-inch to 15-inch diameter PVC wastewater main, manholes, and services;

Whereas, on April 7, 2016, Council authorized a professional services agreement with KPA for this project - additional improvements include replacing an additional 1,000 linear feet of wastewater main and upsizing several undersized lines totaling 7,800 linear feet between South 3rd Street and South 11th Street, from West Avenue D to West Avenue N;

Whereas, Staff recommends Council authorize a contract amendment to the professional services agreement with KPA, in an amount not to exceed \$32,920, to add professional services to the Old Town South Utility Replacement Line Project;

Whereas, funding is available for this contract amendment in Account No. 561-5400-535-6964, Project No. 101201; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the Acting City Manager, or her designee, after approval as to form by the City Attorney, to execute a contract amendment to the professional services agreement with Kasberg, Patrick & Associates, LP, of Temple, Texas, in an amount not to exceed \$32,920, to add professional services to the Old Town South Utility Replacement Line Project.

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 **15th** day of **June**, 2017.

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

06/15/17
Item #4(M)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing an amendment to the professional services agreement with Haley & Olson, P.C., to increase the not to exceed amount from \$30,000 to \$60,000, for the provision of legal services associated with various condemnation proceedings.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Over the last several months, the City Council has authorized the use of eminent domain on certain properties which are necessary for many City infrastructure improvement projects: expansion of Outer Loop Phase III, Research Parkway, and Prairie View Road Phase II; construction of the Santa Fe Trail/MLK Festival Grounds and Santa Fe Plaza Projects; and construction of Leon River Trunk Sewer, Birdcreek Interceptor, and Shallow Ford Force Main.

Due to the number of properties initially needed, Council authorized a professional services agreement Haley & Olson, P.C of Waco to provide legal services associated with the condemnation proceedings. The initial agreement and first amendment included eleven properties. The City was able to ultimately reach agreements with some of the property owners and avoid condemnation. However, as negotiations have progressed on these infrastructure projects, additional properties require the need for condemnation legal services.

Staff is seeking authorization for an amendment to the professional services agreement with Haley & Olson, P.C., to increase the not to exceed amount from \$30,000 to \$60,000. Haley & Olson will bill for services on an hourly basis. Staff will continue to negotiate with property owners in the hopes of coming to an agreed settlement.

FISCAL IMPACT: Funding for the amendment to the professional services agreement with Haley & Olson, P.C. for legal services associated with various eminent domain proceedings is available as shown below:

Project Description	Account #	Project #
Leon River Trunk Sewer	561-5400-535-6941	100851
Research Parkway	795-9800-531-6864	101001
Santa Fe Plaza	795-9500-531-6870	101008
Outer Loop, Phase III	365-3400-531-6813	101121
Birdcreek Interceptor	520-5900-535-6110	101213
Prairie View Road, Phase II	365-3400-531-6862	101257
Santa Fe Trail/MLK Festival Grounds	795-9500-531-6566	101262
Shallow Ford Force Main	520-5900-535-6352	101512

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2017-8692-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH HALEY & OLSON, P.C. OF WACO, TEXAS, TO INCREASE THE NOT TO EXCEED AMOUNT FROM \$30,000 TO \$60,000, FOR THE PROVISION OF LEGAL SERVICES ASSOCIATED WITH VARIOUS CONDEMNATION PROCEEDINGS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, over the last several months, Council has authorized the use of eminent domain on certain properties which are necessary for many City infrastructure improvement projects including the expansion of Outer Loop Phase III, Research Parkway, and Prairie View Road Phase II, the construction of the Santa Fe Trail/MLK Festival Grounds project, and the construction of the Leon River Trunk Sewer, Birdcreek Interceptor, and Shallow Ford Force Main;

Whereas, due to the number of properties initially needed, Council authorized a professional services agreement with Haley & Olson, P.C to provide legal services associated with the condemnation proceedings;

Whereas, the initial agreement and first amendment included eleven properties but the City was able to ultimately reach agreements with some of the property owners and avoid condemnation, however, as negotiations have progressed on these infrastructure projects, additional properties now require the need for condemnation legal services;

Whereas, Staff recommends Council authorize an amendment to the professional services agreement with Haley & Olson, P.C., to increase the not to exceed amount from \$30,000 to \$60,000

Whereas, Haley & Olson will bill for services on an hourly basis and Staff will continue to negotiate with property owners in the hopes of coming to agreed settlements;

Whereas, funding is available for this contract amendment in the following accounts:

Project Description	Account No.	Project No.#
Leon River Trunk Sewer	561-5400-535-6941	100851
Research Parkway	795-9800-531-6864	101001
Outer Loop, Phase III	365-3400-531-6813	101121
Birdcreek Interceptor	520-5900-535-6110	101213
Prairie View Road, Phase II	365-3400-531-6862	101257
Santa Fe Trail/MLK Festival Grounds	795-9500-531-6566	101262
Shallow Ford Force Main	520-5900-535-6352	101512

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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the Acting City Manager, or her designee, to execute an amendment to the professional services agreement with Haley & Olson, P.C., to increase the not to exceed amount from \$30,000 to \$60,000 for the provision of legal services associated with various condemnation proceedings.

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 **15th** day of **June**, 2017.

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

06/15/17
Item #4(N)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, Acting City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Memorandum of Agreement with Belton Independent School District for the donation of all necessary right of way for the proposed expansion of Poison Oak Road.

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 as presented in item description.

ITEM SUMMARY: The City has begun the planning process for the proposed expansion of Poison Oak Road from State Highway 317 to Old Waco Road/Outer Loop. Though this project is in the early stages of planning, it is apparent that a portion of Belton Independent School District's (BISD) property situated along Poison Oak Road will be needed to construct the proposed improvements. The right of way needed from BISD is a portion of the property for their planned campus located on Poison Oak. Because the right of way will be acquired by donation, an appraisal will not be conducted for this property.

At this time, Staff is seeking authorization for a Memorandum of Agreement with Belton Independent School District (BISD) for the donation of all necessary right of way for the proposed expansion of Poison Oak Road.

The address of the property is Poison Oak Road, Temple, Bell CAD ID #446457.

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 are expected to be nominal.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2017-8693-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A MEMORANDUM OF AGREEMENT WITH BELTON INDEPENDENT SCHOOL DISTRICT FOR THE DONATION OF ALL NECESSARY RIGHT OF WAY FOR THE PROPOSED EXPANSION OF POISON OAK ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City has begun the planning process for the proposed expansion of Poison Oak Road from State Highway 317 to Old Waco Road/Outer Loop;

Whereas, though this project is in the early stages of planning, it is apparent that a portion of Belton Independent School District's (BISD) property situated along Poison Oak Road will be needed to construct the proposed improvements;

Whereas, the right of way needed from BISD is a portion of the property for their planned campus located on Poison Oak and because the right of way will be acquired by donation, an appraisal will not be conducted for this property;

Whereas, Staff recommends Council authorize a Memorandum of Agreement with Belton Independent School District for the donation of all necessary right of way for the proposed expansion of Poison Oak Road;

Whereas, the City will be responsible for future maintenance of the property and any costs associated with the closing transaction on the land which are expected to 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the Acting City Manager, or her designee, after approval as to form by the City Attorney, to execute a Memorandum of Agreement with Belton Independent School District for the donation of all necessary right of way for the proposed expansion of Poison Oak Road.

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 **15th** day of **June**, 2017.

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

06/15/17
Item #4(O)
Consent Agenda
Page 1 of 2

DEPT. / DIVISION SUBMISSION & REVIEW:

Brynn Myers, Acting City Manager
Ashley Williams, Director of General Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Chapter 380 Development Agreement with Ray Family Investments I, LLC, in an amount not to exceed \$24,500 for improvements to property located at 212 Adams Avenue within the Downtown Strategic Investment Zone corridor.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The proposed resolution would allow the City Manager to enter into a Chapter 380 Development Agreement with Ray Family Investments I, LLC, through which the City would provide a SIZ 1:1 matching grant of up to a total of \$24,500 for exterior building improvements. This results in a maximum eligible grant match of \$24,500, for a project with a total capital investment of \$63,700.

The applicant requested funding under the following grant types: façade, sign, landscaping, demolition, design and fee waiver, in the amount of \$31,500. However, staff has received a total of four applications and is not able to fund the full amount on each qualified project. Therefore, staff is proposing to fund the following for 212 West Adams Avenue: façade improvements, sign improvements, landscaping and waiver of permitting fees, in the amount of \$24,500.

In order to receive grant funding, the applicant must enter into a development agreement with the City prior to commencing work and receiving any grant funds. The agreement shall provide that the applicant agrees to:

- complete the work and total capital investment described in the agreement in a timely fashion;
- give the City the right to inspect the work described in the development agreement and the financial records associated with the same during reasonable business hours;
- perform all of the work described in the agreement in accordance with all applicable City codes and regulations; and
- maintain those improvements in the future.

FISCAL IMPACT: The total maximum grant match by the City is \$24,500. Payment of the grant matching funds will not be made until work and inspections are completed, and receipts are received by the City. Funding is available in account 110-1500-515-2695 for Strategic Investment Zone grants as follows:

Available Funding	\$	83,135
Ray Family Investments I, LLC		(24,500)
BCMerc Holdings, LLC		(36,000)
Aurora & ARS, LLC		(22,500)
Remaining Funds Available	\$	135

ATTACHMENTS:

Proposed building elevation
Scope of Work
Resolution

Strategic Investment Zone



Ray Investments – 212 W Adams



Agency:	Ray Family Investments I, LLC	Application Received:	5/7/2017
Building/Company:	Offices	Address:	212 W Adams Ave
Project Amount:	\$63,700	Amount Requested:	\$31,500.00
		Awarded Date:	6/15/2017
		Awarded:	

Description of Proposed Improvements:

Improvements include installation of new façade, updated sign for address, improved/defined landscaping, demolition, design development, and fee waiver

SIZ Area:

Downtown

Maximum Grant Amount Allowed: \$71,500

Does this meet the threshold?: Y

Maximum Investment Required: \$35,000

Does this meet the threshold?: Y

Project Estimate and Funding Request: 13 W Central

	Maximum Grant Match	Project Estimate	Funding Requested	Staff Recommendation
Façade	\$ 25,000.00	\$ 40,000.00	\$ 20,000.00	\$ 20,000.00
Sign	\$ 2,500.00	\$ 7,000.00	\$ 2,500.00	\$ 2,500.00
Landscaping (w/o irrigation)	\$ 2,000.00	\$ 4,700.00	\$ 2,000.00	\$ 2,000.00
Landscaping (w/ irrigation)	\$ 4,000.00	\$ -	\$ -	\$ -
Asbestos Abatement	\$ 4,000.00	\$ -	\$ -	\$ -
Demolition	\$ 2,500.00	\$ 5,000.00	\$ 2,500.00	\$ -
Sidewalk	\$ 10,000.00	\$ -	\$ -	\$ -
Design	\$ 5,000.00	\$ 5,000.00	\$ 2,500.00	\$ -
Fee Waiver	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ -
MAXIMUM GRANT MATCH REQUEST:	\$ 71,500.00	\$ 63,700.00	\$ 31,500.00	\$ 24,500.00

Submittals:

☒ Proposed design or drawings

☒ Proof of building ownership and/or lease agreement

☒ Contractor cost estimates

☒ Vendor Information Form and W9

RESOLUTION NO. 2017-8694-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 DEVELOPMENT AGREEMENT WITH RAY FAMILY INVESTMENTS I, LLC, IN AN AMOUNT NOT TO EXCEED \$24,500, FOR IMPROVEMENTS TO PROPERTY LOCATED AT 212 WEST ADAMS AVENUE, WITHIN THE DOWNTOWN STRATEGIC INVESTMENT ZONE CORRIDOR; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Ray Family Investments I, LLC has approached the City to request a Chapter 380 Development Agreement through which the City would provide a Strategic Investment Zone 1:1 matching grant of up to \$24,500 for improvements to property located at 212 West Adams Avenue and located within the Downtown Strategic Investment Zone Corridor;

Whereas, the applicant requested funding under various grant types including façade, sign, landscaping, demolition, design and fee waiver, in the amount of \$31,500, however, Staff has received a total of four applications and is not able to fund the full amount on each qualified project;

Whereas, Staff recommends Council authorize funding façade improvements, sign improvements, landscaping and waiver of permitting fees in the amount of \$24,500 for 212 West Adams Avenue;

Whereas, in order to receive grant funding, Ray Family Investments I, LLC must enter into a development agreement with the City prior to commencing work and receiving any grant funds - the agreement shall provide that the applicant agrees to the following conditions:

- complete the work and total capital investment described in the agreement in a timely fashion;
- give the City the right to inspect the work described in the development agreement and the financial records associated with the same during reasonable business hours;
- perform all of the work described in the agreement in accordance with all applicable City codes and regulations; and
- maintain those improvements in the future;

Whereas, the total maximum grant match by the City is \$24,500 and payment of the grant matching funds will not be made until work and inspections are completed, and receipts are received by the City;

Whereas, funding for the Strategic Investment Zone grants is available in Account No. 110-1500-515-2695; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the Acting City Manager, or her designee, after approval as to form by the City Attorney, to execute a Chapter 380 Development Agreement, in an amount not to exceed \$24,500, with Ray Family Investments I, LLC for improvements to property located at 212 West Adams Avenue within the Downtown Strategic Investment Zone Corridor.

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 **15th** day of **June**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT. / DIVISION SUBMISSION & REVIEW:

Brynn Myers, Acting City Manager
Ashley Williams, Director of General Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Chapter 380 Development Agreement with Aurora & ARS LLC DBA Benny's Ristorante Italiano, in an amount not to exceed \$22,500 for improvements to property located at 17 South Main Street within the Downtown Strategic Investment Zone corridor.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The proposed resolution would allow the City Manager to enter into a Chapter 380 Development Agreement with Aurora & ARS LLC DBA Benny's Ristorante Italiano, through which the City would provide a SIZ 1:1 matching grant of up to a total of \$22,500 for exterior building improvements. This results in a maximum eligible grant match of \$22,500, for a project with a total capital investment of \$500,000.

The applicant requested funding under the following grant types: façade, sign, asbestos abatement, demolition, sidewalk/patio improvements, design and fee waiver, in the amount of \$48,000. However, staff has received a total of four applications and is not able to fund the full amount on each qualified project. Therefore, staff is proposing to fund the following for 17 South Main Street: façade improvements, sign improvements and waiver of permitting fees, in the amount of \$22,500.

In order to receive grant funding, the applicant must enter into a development agreement with the City prior to commencing work and receiving any grant funds. The agreement shall provide that the applicant agrees to:

- complete the work and total capital investment described in the agreement in a timely fashion;
- give the City the right to inspect the work described in the development agreement and the financial records associated with the same during reasonable business hours;
- perform all of the work described in the agreement in accordance with all applicable City codes and regulations; and
- maintain those improvements in the future.

FISCAL IMPACT: The total maximum grant match by the City is \$22,500. Payment of the grant matching funds will not be made until work and inspections are completed, and receipts are received by the City. Funding is available in account 110-1500-515-2695 for Strategic Investment Zone grants as follows:

Available Funding	\$	83,135
Ray Family Investments I, LLC		(24,500)
BCMERC Holdings, LLC		(36,000)
Aurora & ARS, LLC		(22,500)
Remaining Funds Available	\$	<u>135</u>

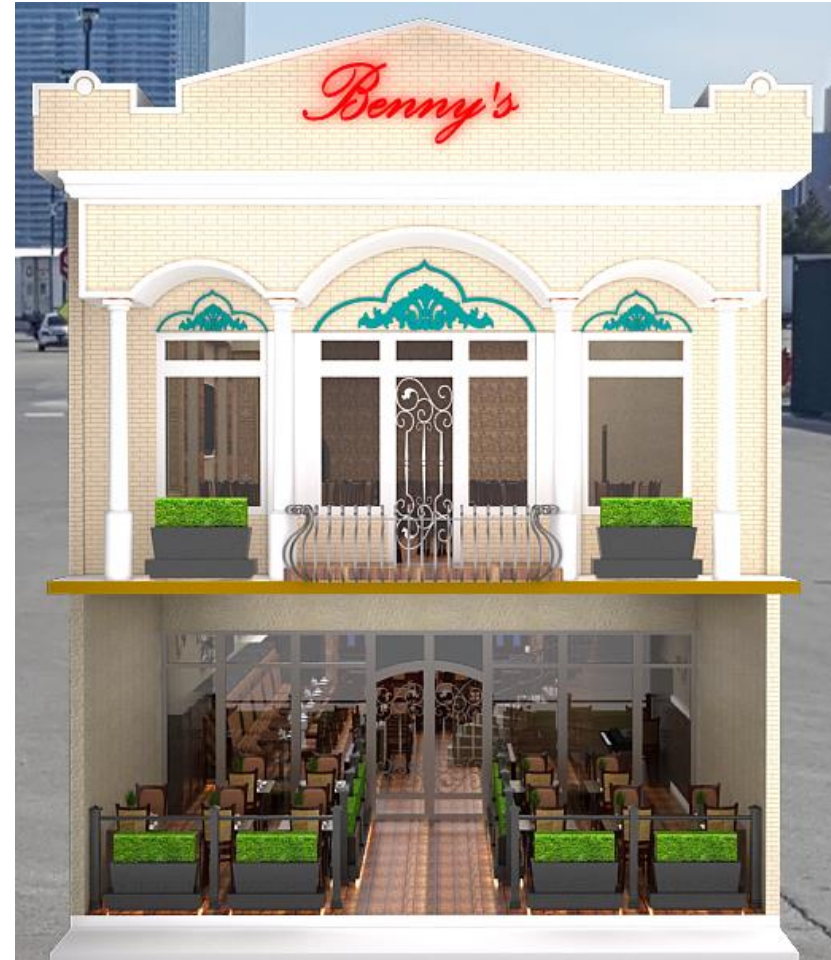
ATTACHMENTS:

[Proposed building elevation](#)
[Scope of Work](#)
[Resolution](#)

Strategic Investment Zone



Benny's Ristorante – 17 S Main



Agency:	Benny's Ristorante Italiano	Application Received:	5/16/2017
Building/Company:	Restaurant	Address:	17 S Main
Project Amount:	\$108,000	Amount Requested:	\$48,000.00
		Awarded Date:	6/15/2017
		Awarded:	

Description of Proposed Improvements:

Improvements include installation of new façade, updated sign for address, asbestos testing/abatement, remove/replace existing sidewalk, design development, and fee waiver

SIZ Area:

Downtown

Maximum Grant Amount Allowed: \$71,500

Does this meet the threshold?: Y

Maximum Investment Required: \$35,000

Does this meet the threshold?: Y

Project Estimate and Funding Request: 13 W Central

	Maximum Grant Match	Project Estimate	Funding Requested	Staff Recommendation
Façade	\$ 25,000.00	\$ 52,000.00	\$ 25,000.00	\$ 20,000.00
Sign	\$ 2,500.00	\$ 6,000.00	\$ 2,500.00	\$ 2,500.00
Landscaping (w/o irrigation)	\$ 2,000.00	\$ 10,000.00	\$ 2,000.00	\$ -
Landscaping (w/ irrigation)	\$ 4,000.00	\$ -	\$ -	\$ -
Asbestos Abatement	\$ 4,000.00	\$ 8,000.00	\$ 4,000.00	\$ -
Demolition	\$ 2,500.00	\$ 10,000.00	\$ 2,500.00	\$ -
Sidewalk	\$ 10,000.00	\$ 10,000.00	\$ 5,000.00	\$ -
Design	\$ 5,000.00	\$ 10,000.00	\$ 5,000.00	\$ -
Fee Waiver	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ -
MAXIMUM GRANT MATCH REQUEST:	\$ 71,500.00	\$ 108,000.00	\$ 48,000.00	\$ 22,500.00

Submittals:

☒ Proposed design or drawings

☒ Proof of building ownership and/or lease agreement

☒ Contractor cost estimates

☒ Vendor Information Form and W9

RESOLUTION NO. 2017-8695-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 DEVELOPMENT AGREEMENT WITH AURORA & ARS LLC dba BENNY'S RISTORANTE ITALIANO, IN AN AMOUNT NOT TO EXCEED \$22,500, FOR IMPROVEMENTS TO PROPERTY LOCATED AT 17 SOUTH MAIN STREET, WITHIN THE DOWNTOWN STRATEGIC INVESTMENT ZONE CORRIDOR; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Aurora & ARS LLC dba Benny's Ristorante Italiano has approached the City to request a Chapter 380 Development Agreement through which the City would provide a Strategic Investment Zone 1:1 matching grant of up to \$22,500 for exterior building improvements to property located at 17 South Main Street and located within the Downtown Strategic Investment Zone Corridor;

Whereas, the applicant has requested funding under various grant types including façade, sign, asbestos abatement, demolition, sidewalk/patio improvements, design and fee waiver, in the amount of \$48,000, however, Staff has received a total of four applications and is not able to fund the full amount on each qualified project;

Whereas, Staff recommends Council authorize funding façade improvements, sign improvements and waiver of permitting fees for Aurora & ARS LLC dba Benny's Ristorante Italiano in the amount of \$22,500, for 17 South Main Street;

Whereas, in order to receive grant funding, Aurora & ARS LLC dba Benny's Ristorante Italiano must enter into a development agreement with the City prior to commencing work and receiving any grant funds - the agreement shall provide that the applicant agrees to the following conditions:

- complete the work and total capital investment described in the agreement in a timely fashion;
- give the City the right to inspect the work described in the development agreement and the financial records associated with the same during reasonable business hours;
- perform all of the work described in the agreement in accordance with all applicable City codes and regulations; and
- maintain those improvements in the future;

Whereas, the total maximum grant match by the City is \$22,500 and payment of the grant matching funds will not be made until work and inspections are completed, and receipts are received by the City;

Whereas, funding for the Strategic Investment Zone grants is available in Account No. 110-1500-515-2695; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the Acting City Manager, or her designee, after approval as to form by the City Attorney, to execute a Chapter 380 Development Agreement, in an amount not to exceed \$22,500, with Aurora & ARS LLC dba Benny's Ristorante Italiano for improvements to property located at 17 South Main Street within the Downtown Strategic Investment Zone Corridor.

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 **15th** day of **June**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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Page 1 of 2

DEPT. / DIVISION SUBMISSION & REVIEW:

Brynn Myers, Acting City Manager
Ashley Williams, Director of General Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Chapter 380 Development Agreement with BCMerc Holdings, LLC, for improvements within the Downtown Strategic Investment Zone corridor to property located at and an amount not to exceed:

- 1) 13 West Central Avenue - \$18,000
- 2) 15 West Central Avenue - \$18,000

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The proposed resolution would allow the City Manager to enter into a Chapter 380 Development Agreement with BCMerc Holdings, LLC (BSP Engineers), through which the City would provide a SIZ 1:1 matching grant of up to a total of \$36,000 for exterior building improvements. This results in a maximum eligible grant match of \$36,000, for a project with a total capital investment of \$144,770.

The applicant requested funding under the following grant types: façade, sign, asbestos abatement, demolition, sidewalks, design and fee waiver, in the amount of \$32,763 at both properties, for a total of \$65,526. However, staff has received a total of four applications and is not able to fund the full amount on each qualified project. Therefore, staff is proposing to fund the following for both 13 and 15 West Central Avenue: façade improvements and waiver of permitting fees, in the amount of \$18,000 each, for a total of \$36,000.

In order to receive grant funding, the applicant must enter into a development agreement with the City prior to commencing work and receiving any grant funds. The agreement shall provide that the applicant agrees to:

- complete the work and total capital investment described in the agreement in a timely fashion;
- give the City the right to inspect the work described in the development agreement and the financial records associated with the same during reasonable business hours;
- perform all of the work described in the agreement in accordance with all applicable City codes and regulations; and
- maintain those improvements in the future.

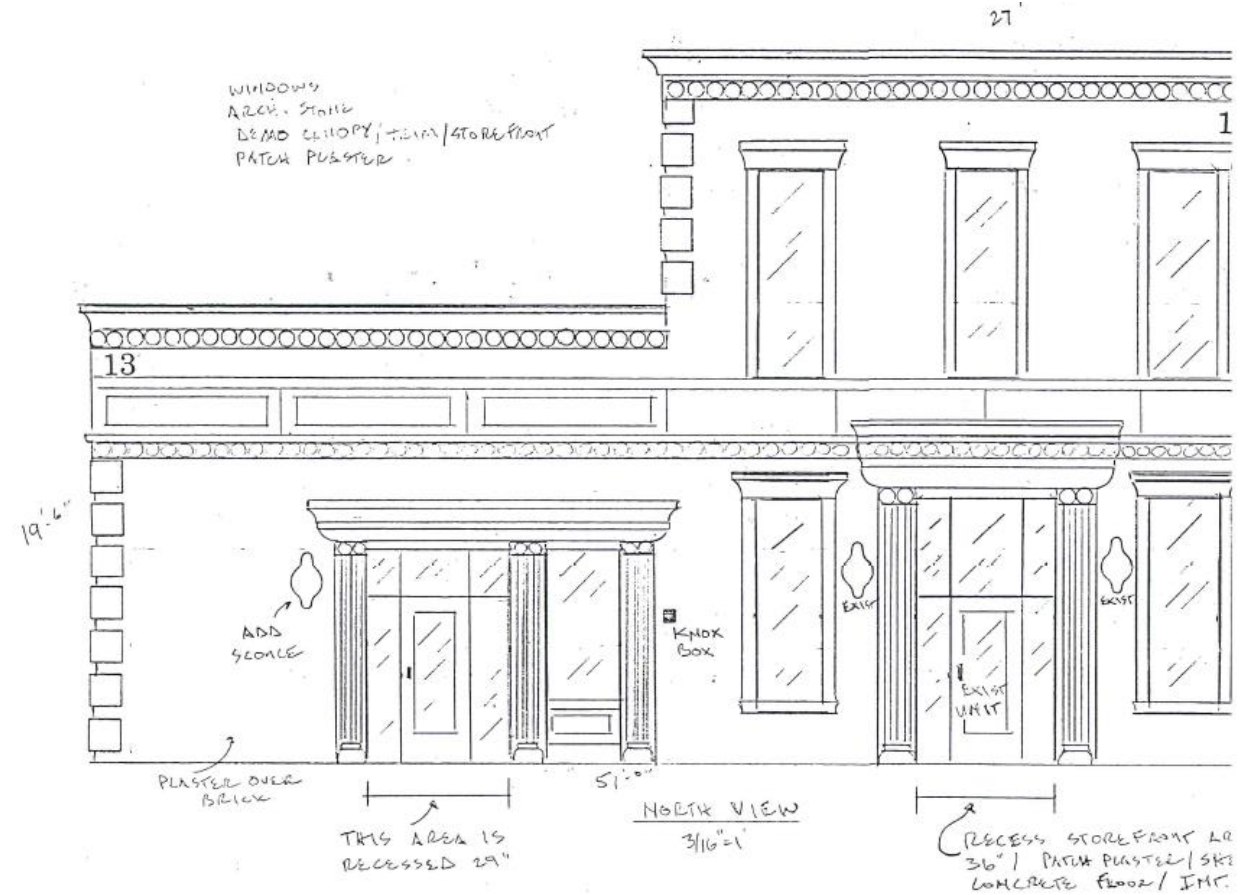
FISCAL IMPACT: The total maximum grant match by the City is \$36,000. Payment of the grant matching funds will not be made until work and inspections are completed, and receipts are received by the City. Funding is available in account 110-1500-515-2695 for Strategic Investment Zone grants as follows:

Available Funding	\$	83,135
Ray Family Investments I, LLC		(24,500)
BCMERC Holdings, LLC		(36,000)
Aurora & ARS, LLC		(22,500)
Remaining Funds Available	\$	<u>135</u>

ATTACHMENTS:

Proposed building elevation
Scope of Work
Resolution

A photograph of the BSP Engineers building, a two-story commercial structure. The building has a light-colored facade with a prominent corner section. A sign for 'BSP ENGINEERS' is mounted on the corner. A green awning covers the entrance area. Several vehicles are parked in front of the building, including a white pickup truck and a red pickup truck. The sky is overcast.



Agency:	BSP Engineers	Application Received:	5/2/2017
Building/Company:	Offices	Address:	13 West Central
Project Amount:	\$69,451	Amount Requested:	\$32,763.00
		Awarded Date:	6/15/2017
		Awarded:	

Description of Proposed Improvements:

Improvements include installation of new plaster façade, updated sign for address, asbestos testing, remove/replace existing sidewalk, design development, and fee waiver

SIZ Area:

Downtown

Maximum Grant Amount Allowed: \$71,500

Does this meet the threshold?: Y

Maximum Investment Required: \$35,000

Does this meet the threshold?: Y

Project Estimate and Funding Request: 13 W Central

	Maximum Grant Match	Project Estimate	Funding Requested	Staff Recommendation
Façade	\$ 25,000.00	\$ 45,587.00	\$ 25,000.00	\$ 18,000.00
Sign	\$ 2,500.00	\$ 1,671.00	\$ 418.00	\$ -
Landscaping (w/o irrigation)	\$ 2,000.00	\$ -	\$ -	\$ -
Landscaping (w/ irrigation)	\$ 4,000.00	\$ -	\$ -	\$ -
Asbestos Abatement	\$ 4,000.00	\$ 1,372.00	\$ 343.00	\$ -
Demolition	\$ 2,500.00	\$ 3,637.00	\$ 909.00	\$ -
Sidewalk	\$ 10,000.00	\$ 12,990.00	\$ 3,248.00	\$ -
Design	\$ 5,000.00	\$ 3,377.00	\$ 845.00	\$ -
Fee Waiver	\$ 2,000.00	\$ 817.00	\$ 2,000.00	\$ -
MAXIMUM GRANT MATCH REQUEST:	\$ 71,500.00	\$ 69,451.00	\$ 32,763.00	\$ 18,000.00

Submittals:

☒ Proposed design or drawings

☒ Proof of building ownership and/or lease agreement

☒ Contractor cost estimates

☒ Vendor Information Form and W9

Agency:	CRW Construction - BSP Engineers	Application Received:	4/25/2017
Building/Company:	Offices	Address:	15 West Central
Project Amount:	\$73,538	Amount Requested:	\$55,404.00
		Awarded Date:	
		Awarded:	

Description of Proposed Improvements:

Improvements include installation of new plaster façade, updated sign for address, asbestos testing, remove/replace existing sidewalk, design development, and fee waiver

SIZ Area:

Downtown

Maximum Grant Amount Allowed: \$71,500

Does this meet the threshold?: Y

Maximum Investment Required: \$35,000

Does this meet the threshold?: Y

Project Estimate and Funding Request: 13 W Central

	Maximum Grant Match	Project Estimate	Funding Requested	Staff Recommendation
Façade	\$ 25,000.00	\$ 49,674.00	\$ 25,000.00	\$ 18,000.00
Sign	\$ 2,500.00	\$ 1,671.00	\$ 418.00	\$ -
Landscaping (w/o irrigation)	\$ 2,000.00	\$ -	\$ -	\$ -
Landscaping (w/ irrigation)	\$ 4,000.00	\$ -	\$ -	\$ -
Asbestos Abatement	\$ 4,000.00	\$ 1,372.00	\$ 343.00	\$ -
Demolition	\$ 2,500.00	\$ 3,637.00	\$ 909.00	\$ -
Sidewalk	\$ 10,000.00	\$ 12,990.00	\$ 3,248.00	\$ -
Design	\$ 5,000.00	\$ 3,377.00	\$ 845.00	\$ -
Fee Waiver	\$ 2,000.00	\$ 817.00	\$ 2,000.00	\$ -
MAXIMUM GRANT MATCH REQUEST:	\$ 71,500.00	\$ 73,538.00	\$ 32,763.00	\$ 18,000.00

Submittals:

☒ Proposed design or drawings

☒ Proof of building ownership and/or lease agreement

☒ Contractor cost estimates

☒ Vendor Information Form and W9

RESOLUTION NO. 2017-8695-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 DEVELOPMENT AGREEMENT WITH BCMERC HOLDINGS, LLC FOR IMPROVEMENTS TO PROPERTY LOCATED AT 13 WEST CENTRAL AVENUE, IN AN AMOUNT NOT TO EXCEED \$18,000, AND 15 WEST CENTRAL AVENUE, IN AN AMOUNT NOT TO EXCEED \$18,000, WITHIN THE DOWNTOWN STRATEGIC INVESTMENT ZONE CORRIDOR; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, BCMerc Holdings, LLC (BSP Engineers) has approached the City to request a Chapter 380 Development Agreement through which the City would provide a Strategic Investment Zone 1:1 matching grant of up to a total of \$36,000 for exterior building improvements to property located at 13 & 15 West Central Avenue and located within the Downtown Strategic Investment Zone Corridor;

Whereas, the applicant has requested funding under various grant types including façade, sign, asbestos abatement, demolition, sidewalks, design and fee waiver, in the amount of \$32,763, however, Staff has received a total of four applications and is not able to fund the full amount on each qualified project;

Whereas, Staff recommends Council authorize funding façade improvements and waiver of permitting fees for BCMerc Holdings, LLC in the amount of \$36,000 for both 13 & 15 West Central Avenue;

Whereas, in order to receive grant funding, BCMerc Holdings, LLC (BSP Engineers) must enter into a development agreement with the City prior to commencing work and receiving any grant funds - the agreement shall provide that the applicant agrees to the following conditions:

- complete the work and total capital investment described in the agreement in a timely fashion;
- give the City the right to inspect the work described in the development agreement and the financial records associated with the same during reasonable business hours;
- perform all of the work described in the agreement in accordance with all applicable City codes and regulations; and
- maintain those improvements in the future;

Whereas, the total maximum grant match by the City is \$36,000 and payment of the grant matching funds will not be made until work and inspections are completed, and receipts are received by the City;

Whereas, funding for the Strategic Investment Zone grants is available in Account No. 110-1500-515-2695; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the Acting City Manager, or her designee, after approval as to form by the City Attorney, to execute a Chapter 380 Development Agreement, in an amount not to exceed \$36,000, with BCMerc Holdings, LLC (BSP Engineers) for exterior building improvements to property located at both 13 & 15 West Central Avenue within the Downtown Strategic Investment Zone Corridor.

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 **15th** day of **June**, 2017.

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

06/15/17
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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Belinda Mattke, Purchasing Director

ITEM DESCRIPTION: SECOND READING - Consider adopting an ordinance amending Chapter 39 of the Code of Ordinances, "Wreckers."

STAFF RECOMMENDATION: Adopt ordinance as presented in item description on second and final reading.

ITEM SUMMARY: City of Temple Code of Ordinances, Chapter 39, "Wreckers," currently requires the City to advertise for bids and contract for wrecker services with the "lowest acceptable bidder." In addition, Chapter 39 states that the term of any contract for wrecker services may only be two years. The City has been following this process for several years, however Staff is proposing to amend the language of Section 39-1 to allow the City to award the contract to one or more companies providing the best value to the City, instead of being required to award the contract to the lowest acceptable bidder. Additionally, Staff would prefer to have flexibility on the term of any contract entered into for wrecker services.

The City has a need for reliable and efficient wrecker services to assist with clearing traffic accidents and removing disabled vehicles. The contracted company is required to provide non-consent tows and towing of disabled vehicles within the City limits. The City requires towing services on request of City personnel on a 24 hours/day, seven days/week basis when the vehicle's owner is unavailable, unable or unwilling to arrange for their vehicle to be towed. Some examples of those circumstances include: when city officials identify abandoned motor vehicles or junked vehicles which cannot lawfully be driven on a public roadway; when police seize vehicles as evidence in criminal cases or for safekeeping in connection with an arrest; when a vehicle has been damaged in a traffic accident or becomes disabled and is disrupting traffic on a public roadway. The City does not pay for wrecker services. All costs for the services are passed along to vehicle owners.

The City currently contracts with the Towman's Association for wrecker services. That contract will expire on August 31, 2017. Staff is preparing to bid these services and would prefer that Chapter 39 be amended to provide more flexibility in the bidding process.

Attached to this Memorandum is a redlined draft of the proposed amendments to Chapter 39. Staff is also asking that Section 39-6 be deleted as it references outdated State law.

FISCAL IMPACT: Not applicable.

ATTACHMENTS:

[Redlined Draft of Chapter 39
Ordinance](#)

Chapter 39

WRECKERS

Sec. 39-1. City wrecker service to be by bid.

The City of Temple ~~shall will~~ advertise for ~~bids-proposals~~ and contract for wrecker service ~~with the lowest acceptable bidder~~. The contract ~~shall be for a term of two (2) years and shall will~~ require the successful ~~bidder-contractor~~ to provide motor vehicle wrecker service within the City of Temple, as needed ~~and required by the police department~~, and to operate and maintain a storage facility for impounded vehicles. Specifications for ~~bids-proposals shall will~~ be prepared by the ~~purchasing agent of the City of Temple~~ Purchasing Department. ~~The contract will be awarded to one or more contractors determined to provide the best value to the City.~~

Sec. 39-2. City service bid not a restriction on choice.

Nothing contained in the bid or contract ~~shall will~~ prohibit any citizen from utilizing any other wrecker service.

Sec. 39-3. Call to accident scene.

No person shall drive a wrecker to or near the site of a motor vehicle accident on the streets of the city, unless such person has been summoned by the police department or the owner of a vehicle involved in the accident; provided, however, when necessary to prevent death or bodily injury the prohibition of this section shall be inapplicable.

Sec. 39-4. Soliciting business.

No person shall solicit on the public streets, directly or indirectly, the business of towing, repair or acquisition of any vehicle which is wrecked or disabled on a public street.

Sec. 39-5. Intercepting radio messages.

It ~~shall be is~~ unlawful for any person to intercept, receive or assist the interception or reception of any message emanating through the medium of the city police radio station and to divulge or publish the existence, contents or substance of such communication for the purpose of allowing or aiding a wrecker service to respond to the site of a motor vehicle accident when not otherwise summoned to the scene under the provisions of section 39-3.

~~Sec. 39-6. Local option.~~

~~—The City of Temple exercises the option provided in Article 6687 9a, Revised Civil Statutes of Texas, Section 13(a), to exempt vehicle storage facilities located in and operating within the territorial limits of the City of Temple from the requirements of~~

~~Article 6687 9a, and all regulations adopted under the authority of Article 6687 9a.~~

ORDINANCE NO. 2017-4846

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 39, "WRECKERS;" PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple Code of Ordinances, Chapter 39, "Wreckers" currently requires the City to advertise for bids and contract for wrecker services with the "lowest acceptable bidder;"

Whereas, Chapter 39 states that the term of any contract for wrecker services may only be 2 years - the City has been following this process for several years;

Whereas, Staff is proposing to amend the language of Section 39-1 to allow the City to award the contract for wrecker services to one or more companies providing the best value to the City, instead of being required to award the contract to the lowest acceptable bidder - Staff also desires to have flexibility on the term of any contract entered into for wrecker services;

Whereas, the City has a need for reliable and efficient wrecker services to assist with clearing traffic accidents, removing disabled vehicles, and the contracted company is required to provide non-consent tows and towing of disabled vehicles within the City limits;

Whereas, the City also requires towing services on request of City personnel on a 24 hours/day, 7 days/week basis when the vehicle's owner is unavailable, unable or unwilling to arrange for their vehicle to be towed - the City does not pay for wrecker services and all costs for the services are passed along to vehicle owners;

Whereas, the City currently contracts with the Towman's Association for wrecker services and that contract expires August 31, 2017;

Whereas, Staff is preparing to bid these services and would prefer that Chapter 39 be amended to provide more flexibility in the bidding process; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Part 2: The City Council amends Chapter 39 of the Code of Ordinances, “Wreckers” as attached hereto as Exhibit ‘A,’ and made a part hereof for all purposes.

Part 3: All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **1st** day of **June**, 2017.

PASSED AND APPROVED on Second Reading on the **15th** day of **June**, 2017.

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

06/15/17
Item #4(S)
Consent Agenda
Page 1 of 4

DEPT. / DIVISION SUBMISSION & REVIEW:

Mark Baker, Senior Planner

ITEM DESCRIPTION: SECOND READING - Z-FY-17-27: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to General Retail zoning district on 2.485 +/- acres, situated in the George W. Lindsey, Abstract No. 513, located at 40 Morgan's Point Road. ***(June 1, 2017, Council Approved on first reading a rezoning from Agricultural to Planned Development-General Retail)***

STAFF RECOMMENDATION: Staff recommends approval for a rezoning from Agricultural (AG) district to Planned Development-General Retail (PD-GR) district based on the following compatibility factors:

1. Compliance with the provisions of the Planned Development Criteria as required by UDC Section 3.4.5;
2. Compliance with the FM 2271 Corridor Plan and with Planned Developments approved within the corridor;
3. Compatibility with the Future Land Use Map's Suburban Commercial District;
4. Compatibility with surrounding zoning, existing and anticipated uses;
5. Compliance with the Thoroughfare Plan; and
6. Availability of public and on-site facilities to serve the subject property; and

Staff recommends approval subject to the following conditions:

1. A 10-foot tree preservation buffer is provided along the north property line;
2. A 15-foot tree preservation buffer for the preservation of existing canopy trees with a minimum diameter of eight inches at breast height, is provided along the street frontage of Morgan's Point Road, excluding ingress and egress points;
3. Existing trees and other landscape material shall be counted as credit toward meeting the overall landscape requirements of UDC Section 7.4.4, subject to review of a Landscape Plan at the building permit review stage;
4. Maximum building height of 25 feet;
5. Residential appearance to buildings with pitched roofs, windows, foundation plantings and brick / masonry facades;
6. Driveway openings no closer than 150 feet apart; and
7. Freestanding signs: maximum 30 feet height.

PLANNING & ZONING COMMISSION RECOMMENDATION: At their May 1, 2017 meeting, The Planning & Zoning Commission voted seven to zero to recommend approval of the proposed rezoning per staff's recommendation.

ITEM SUMMARY: The owner Alexander Peshkov, being represented by Aldrich-Thomas Group, requests rezoning of a 2.485 +/- acre tract, from Agricultural (AG) zoning district to General Retail (GR) zoning district. Although the rezoning is not being driven by a specific user, the owner intends to market the property for retail and service uses.

Select trees have been recently removed on the site leaving mature hardwood trees. Significant tree preservation is noted as well as other vegetation and landscaping. Per UDC Section 7.4.4, a minimum 5% of the subject property is to be landscaped. It is further noted that per UDC sections 7.4.7 and 7.4.11, existing landscaping requirements may be adjusted using existing healthy plant material that exists prior to development. This is an opportunity to use the existing trees and vegetation to meet code requirements.

FM 2271 CORRIDOR PLAN: The City of Temple City Council adopted the FM 2271 Corridor Plan per Ordinance 98-2589. The Corridor Plan was intended to be a general guide for development within the study area over the course of 10 to 20 years. While it was adopted in 1998, it is still a relevant guideline for the defined corridor.

The study area for the Corridor Plan spans one-quarter mile on either side of FM 2271 (Morgan's Point Road), within the corporate boundaries of the City of Temple, bounded by Belton Dam on the south and Bonnie Lane on the north, consisting of approximately 438 acres of land. The subject property is within those boundaries and is subject to the guidelines of the Corridor Plan. Further, the plan identifies General Retail (GR) as the appropriate zoning district to provide the retail and service uses. The Plan also identifies the Planned Development concept to codify the guidelines of the Corridor Plan.

The proposed, previously-mentioned, conditions in the staff recommendation **are consistent** with the intent of the Corridor Plan and existing vegetative conditions.

Early in the application process, staff met and discussed with the applicant options for the request. Options discussed with the applicant included:

1. Proceed as discussed with a Planned Development, which would codify relevant standards of the FM 2271 Corridor Plan; or
2. Develop Deed Restrictions for the property that provide for the guidelines in the FM 2271 Corridor Plan. Deed restrictions would require creation of an enforcement mechanism such as a property owner's association.

It is noteworthy, that both the FM 2271 Corridor Plan's Future Land Use Map and Zoning Map (attached with Maps) identify the subject property as within the target area for not only a Planned Development Concept but with an underlying zoning district of General Retail. Therefore, proceeding as a PD-GR, the request **is** consistent with the intent of the FM 2271 Corridor Plan.

In conclusion, while the tree preservation buffers and the Planned Development concept were discussed early in the process with the applicant, in order to retain marketability without the restrictions from a Planned Development, the property owner desires to proceed with the rezoning request for straight GR. While staff is supportive of the base zoning of GR, in order to implement the provisions of the FM 2271 Corridor Plan, without deed restrictions, a Planned Development concept with binding conditions of approval is necessary.

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

As a Planned Development, per UDC Sec.3.4, a Development / Site Plan is binding and subject to review and approval by City Council as part of the rezoning. As opposed to a standard rezoning, conditions of approval can be included into the rezoning Ordinance.

Further, this Planned Development (PD) concept, will have a base zoning of General Retail (GR) with no changes to the allowed uses of the GR district. Building height however, will be restricted to two-stories rather than three allowed in GR. At the same time, the PD concept codifies the intent of the FM 2271 Corridor Plan and utilizes the natural resources to add buffer and screening for the subject property. As such, the Development / Site Plan is included as the Exhibit with the Rezoning Ordinance and identifies the location and size of the tree preservation buffers.

In determining whether to approve, approve with conditions or deny a Planned Development application, the Planning & Zoning Commission and City Council must consider criteria as set forth in UDC Section 3.4.5 A-J. The Planned Development Criteria and Compliance Summary is attached.

A formal subdivision plat is anticipated to be submitted in the future and will be reviewed by the Development Review Committee (DRC). If utility extension is required for sewer service, the plat will be scheduled for the Planning & Zoning Commission when it is deemed administratively complete. It is not known at this time whether the Planning & Zoning Commission will be the final plat authority.

While it is anticipated for the property to be developed with non-residential uses, there are a number of residential and non-residential uses that are permitted by right in the GR zoning district. It should be noted that the Planned Development will be reflective of the underlying GR district. The uses include but are not limited to those shown in the attached table.

COMPREHENSIVE PLAN (CP) COMPLIANCE: Compliance to goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan are summarized by the attached Comprehensive Plan Compliance table but further described below:

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 appropriate for office, retail and services uses adjacent to and abutting residential neighborhoods and in other areas where the community's image and aesthetic value is to be promoted, such as "Gateways" and high-profile corridor locations. The recommended base-zoning of General Retail (GR) **is** consistent with the Suburban Commercial Future Land Use Map designation.

Thoroughfare Plan (CP Map 5.2)

The subject property takes access from FM 2271 is shown on the Thoroughfare Plan as a minor arterial. A minor arterial requires a minimum 70 feet of right-of-way (ROW) and 49 feet of pavement. The right-of-way (ROW) width along the property frontage appears to range from an estimated 75 feet to 85 feet, which would be confirmed during the platting process. To date, no dedication issues have been identified. No Transportation Capital Improvement Program (TCIP) improvements scheduled through FY 2024 have been identified.

Availability of Public Facilities (CP Goal 4.1)

Sewer is available from a 12-inch sewer line within FM 2305 (West Adams Avenue) but will need to be extended in order to serve the subject property. Water is available through three inch and eight inch water lines in FM 2271. Utility extension will be addressed during the review of the subdivision plat.

Temple Trails Master Plan Map and Sidewalks Ordinance

On FM 2271, a proposed Local Connector Trail is shown on the Trails Master Plan. In addition, as a major arterial, a six foot sidewalk is required along FM 2271. The City may agree to upsize the six foot sidewalk. Provisions for the sidewalk will be addressed during the plat review stage.

DEVELOPMENT REGULATIONS: The attached table compare and contrast, the current Agricultural development standards with the proposed General Retail standards.

DESIGN REVIEW COMMITTEE (DRC): The DRC reviewed the Development / Site Plan on May 1, 2017 meeting. No issues were identified.

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 23, 2017 at 9:00 AM, six notices in agreement, four representing two separate property owners, have been received. Additionally, a seventh notice has been received as undeliverable.

The newspaper printed notice of the public hearing on April 20, 2017, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Development / Site Plan \(Exhibit A\)](#)

[Field Notes \(Exhibit B\)](#)

[Planned Development Criteria Compliance Summary \(UDC Sec. 3.4.5\)](#)

[Photos](#)

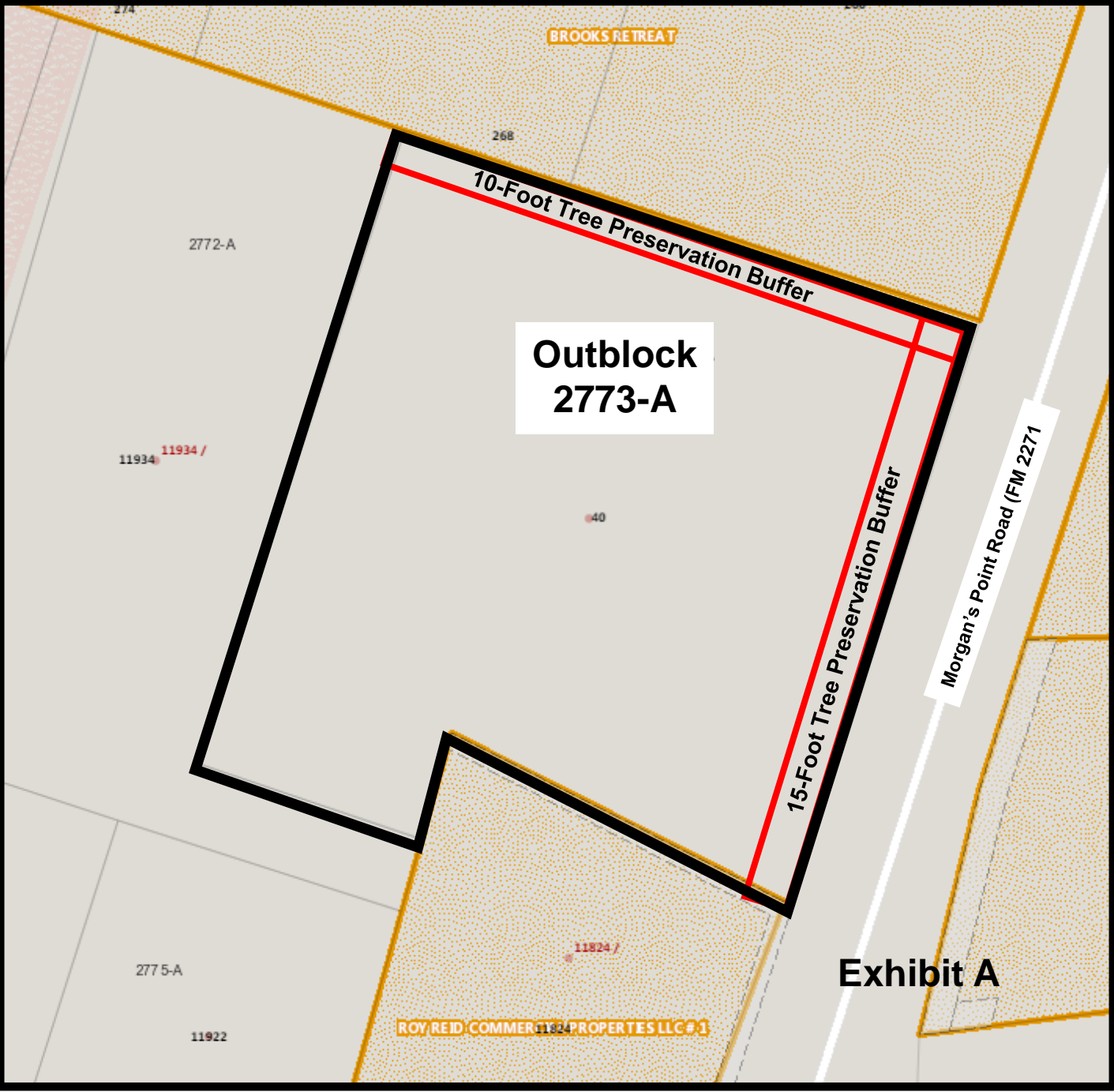
[Maps](#)

[Tables](#)

[Returned Property Notices](#)

[PZ Excepts \(May 1, 2017\)](#)

[Ordinance](#)



Conditions of Approval

- 1. A 10-foot tree preservation buffer is provided along the north property line;
- 2. A 15-foot tree preservation buffer for the preservation of existing canopy trees with a minimum diameter of 8-inches at breast height, is provided along the street frontage of Morgan’s Point Road, excluding ingress and egress points;
- 3. Existing trees and other landscape material shall be counted as credit toward meeting the overall landscape requirements of UDC Section 7.4.4, subject to review of a Landscape Plan at the building permit review stage;
- 4. Maximum building height of 25 feet;
- 5. Residential appearance to buildings with pitched roofs, windows; foundation plantings and brick / masonry facades;
- 6. Driveway openings no closer than 150 feet apart; and
- 7. Freestanding signs: maximum 30 feet height.



FIELD NOTES FOR A TRACT OF LAND IN BELL COUNTY, TEXAS.

Being 2.485 Acres, more or less, of the George W. Lindsey Survey, Abstract No. 513, and being part of a 0.68 Acre tract described in a deed to J. W. Andrews and wife, Elizabeth Andrews as recorded in Volume 1097, Page 154 of the Deed Records of Bell County, Texas, and all of a tract of land described in a deed to the said J. W. Andrews and wife, Elizabeth Andrews as recorded in Volume 1227, Page 485 of said deed records, and also being all of a 0.490 Acre tract of land described in a deed to the said J. W. Andrews and wife, Elizabeth Andrews as recorded in Volume 1452, Page 65 of said deed records, and all of a 0.507 Acre tract of land described in a deed to the said J. W. Andrews and wife, Elizabeth Andrews as recorded in Volume 1496, Page 801 of said deed records;

BEGINNING at a ½ inch iron pin, found, at the Northeast corner of said 0.507 Acre tract and at the Southeast corner of Brooks Retreat Subdivision as recorded in Plat Cabinet B, Slide 100-A of the Plat Records of Bell County, Texas, also being in the West line of Texas F. M. Highway No. 2271;

THENCE, S 18° 15' 25" W with the East line of said 0.507 Acre tract and the West line of said highway, 67.60 Feet, to a ½ inch iron pin, found, at the Southeast corner of said 0.507 Acre tract, and at the Northeast corner of said 0.490 Acre tract;

THENCE, S 18° 01' 39" W, with the East line of said 0.490 Acre tract and the West line of said highway, 64.70 Feet, to a ½ inch iron pin, found, at the Southeast corner of said 0.490 Acre tract and the Northeast corner of said 0.68 Acre tract;

THENCE, S 18° 04' 54" W, with the East line of said 0.68 Acre tract and the West line of said highway, 107.73 Feet, to a brass disk highway R-O-W monument, found, at the North corner of a 0.004 Acre tract conveyed by J. W. Andrews and wife, Elizabeth Andrews to the State of Texas for R-O-W purposes;

THENCE, S 21° 04' 17" W, with the West line of said 0.004 Acre tract and said highway, 90.57 Feet, to an aluminum cap highway R-O-W monument, found, at the Southwest corner of said 0.004 Acre tract and in the South line of said 0.68 Acre tract, also being in the North line of Roy Reid Subdivision as recorded in Plat Cabinet C, Slide 278-C of said plat records;

THENCE, N 61° 09' 59" W, with the South line of said 0.68 Acre tract and said tract described in Volume 1227, Page 485 of said deed records and the North line of said Roy Reid Subdivision, 202.97 Feet, to a ½ inch iron pin, found, at an inner ell corner of said tract of land described in Volume 1227, Page 485 of said deed records, and at the Northwest corner of said Roy Reid Subdivision;

THENCE, S 16° 02' 19" W, with an East line of said tract of land described in Volume 1227, Page 485 of said deed records and the West line of said Roy Reid Subdivision, 63.26 Feet, to a ½ inch iron pin, found, at the Southernmost Southeast corner of said tract of land described in Volume 1227, Page 485 of said deed records and at an outer ell corner of said 2.528 Acre tract described in a deed to A. C. Boston and wife, Nancy Boston as recorded in Volume 4501, Page 690 of the Official Public Records of Real Property of Bell County, Texas;

THENCE, N 71° 38' 32" W, with the South line of said tract of land described in Volume 1227, Page 485 of said deed records and a line of said 2.528 Acre tract, 128.10 Feet, to a ½ inch iron pin, found, at the Southwest corner of said tract of land described in Volume 1227, Page 485 of said deed records;

THENCE, N 18° 27' 22" E, with the West line of said tract of land described in Volume 1227, Page 485 of said deed records and the East line of said 2.528 Acre tract, 225.37 Feet, to a 60d nail, found, at the Northwest corner of said tract of land described in Volume 1227, Page 485 of said deed records, and at the Southwest corner of said 0.490 Acre tract;

THENCE, N 19° 09' 35" E, with the West line of said 0.490 Acre tract and the East line of said 2.528 Acre tract, 64.91 Feet, to a ½ inch iron pin, found, at the Northwest corner of said 0.490 Acre tract and at the Southwest corner of said 0.507 Acre tract;

THENCE, N 17° 15' 50" E, with the West line of said 0.507 Acre tract and the East line of said 2.528 Acre tract, 67.35 Feet, to a ¾ inch iron pin, found, at the Northwest corner of said 0.507 Acre tract and at the Northeast corner of said 2.528 Acre tract, also being in the South line of said Brooks Retreat Subdivision;

THENCE, S 71° 30' 00" E, with the North line of said 0.507 Acre tract and the South line of said Brooks Retreat Subdivision, 328.40 Feet, to the PLACE OF BEGINNING.

I, Toby Tibbit, Registered Professional Land Surveyor No. 5496, do hereby certify that the foregoing Field Notes and accompanying Plat were prepared from a survey made on the ground, December 8, 2008, the Records of Bell County, Texas, and surveys of area property, that the corners and boundaries with marks Natural and Artificial are just as were found, on the ground, and that discrepancies, conflicts, protrusions or intrusions, overlapping of improvements, easements, visible or apparent to me, are shown or described hereon. Basis of Bearings, Corners found, along the North line of said 0.507 Acre tract.

WITNESS MY HAND AND SEAL THIS THE 12th DAY OF DECEMBER, 2008.

Toby Tibbit
Registered Professional Land Surveyor No. 5496



Exhibit B

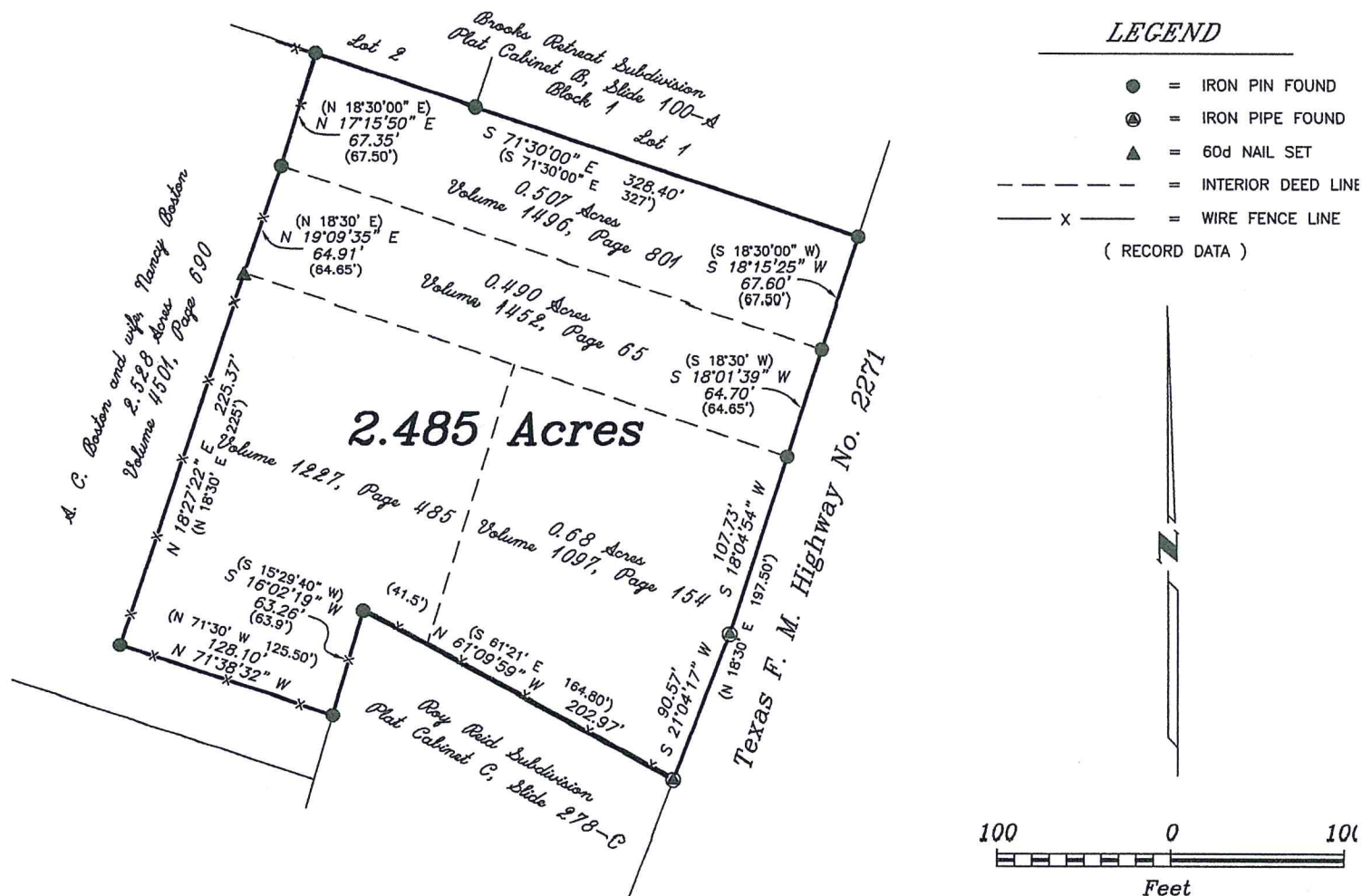


Tibbit Surveying

1-254-774-8200

Fax 1-254-774-8015

Toll Free 1-877-259-5660



PLAT SHOWING A TRACT OF LAND IN BELL COUNTY, TEXAS.

Being 2.485 Acres, more or less, of the George W. Lindsey Survey, Abstract No. 513, and being part of a 0.68 Acre tract described in a deed to J. W. Andrews and wife, Elizabeth Andrews as recorded in Volume 1097, Page 154 of the Deed Records of Bell County, Texas, and all of a tract of land described in a deed to the said J. W. Andrews and wife, Elizabeth Andrews as recorded in Volume 1227, Page 485 of said deed records, and also being all of a 0.490 Acre tract of land described in a deed to the said J. W. Andrews and wife, Elizabeth Andrews as recorded in Volume 1452, Page 65 of said deed records, and all of a 0.507 Acre tract of land described in a deed to the said J. W. Andrews and wife, Elizabeth Andrews as recorded in Volume 1496, Page 801 of said deed records;

I, Toby Tibbit, Registered Professional Land Surveyor No. 5496, do hereby certify that the foregoing Plat and accompanying Field Notes were prepared from a survey made on the ground, December 8, 2008, the Records of Bell County, Texas, and surveys of area property, that the corners and boundaries with marks Natural and Artificial are just as were found, on the ground, and that discrepancies, conflicts, protrusions or intrusions, overlapping of improvements, easements, visible or apparent to me, are shown or described hereon. Basis of Bearings, Corners found, along the North line of said 0.507 Acre tract.

WITNESS MY HAND AND SEAL THIS THE 12th DAY OF DECEMBER, 2008.

Toby Tibbit
Registered Professional Land Surveyor No. 5496



Planned Development Criteria and Compliance Summary

UDC Code Section 3.4.5 (A-J)	Yes/No	Discussion / Synopsis
A. The Plan Complies with all provisions of the Design and Development Standards Manual, this UDC and other Ordinances of the City.	YES	It is fully anticipated that the development / site plan attached with the rezoning ordinance will conform to all applicable provisions of the UDC as well as to dimensional, developmental and design standards adopted by the City for all new development.
B. The environmental impact of the development relating to the preservation of existing natural resources on the site and the impact on natural resources of the surrounding impacts and neighborhood is mitigated.	YES	Drainage and other related engineering will be addressed at the platting stage. No issues have been identified related to the preservation of existing natural resources on the property. See Item #H for additional discussion related to preservation of existing trees and other landscaping.
C. The development is in harmony with the character, use and design of the surrounding area.	YES	The project site is located within the FM2271 Corridor, addressed as 40 Morgan's Point Road. Corridor Plan standards which have been adopted by ordinance for surrounding Planned Developments have required conditions that promote development standards that are in harmony with the surrounding area.
D. Safe and efficient vehicular and pedestrian circulation systems are provided.	YES	Vehicular circulation will be formally addressed during the building plan review stage. No circulation issues have been identified with the companion development / site plan.
E. Off-street parking and loading facilities are designed to ensure that all such spaces are usable and are safely and conveniently arranged.	YES	Parking will be provided for each use in accordance with UDC Section 7.5.
F. Streets are designed with sufficient width and suitable grade and location to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.	YES	Streets will be developed in accordance with the design standards in accordance with UDC Section 8.2 requirements and reviewed during the platting stage of development.
G. Streets are coordinated so as to compose a convenient system consistent with the Thoroughfare Plan of the City.	YES	Compliance and consistency with the Thoroughfare Plan will be addressed during the subdivision plat stage. No compliance issues have been identified.
H. Landscaping and screening are integrated into the overall site design: 1. To provide adequate buffers to shield lights, noise, movement or activities from adjacent properties when necessary. 2. To complement the design and location of buildings.	YES	The recommendation of Planned Development, codifies the preservation of the existing trees, primarily Oak, which provide additional screening and buffering beyond what is required by UDC Section 7.7. A screening & buffer strip of 10 feet along the northern property line and a strip of 15 feet along the street frontage of Morgan's Point Road (FM2271) is recommended. Other landscaping requirements in compliance with UDC Section 7.7 will be addressed during the building permit stage as the lot develops. Compliance to buffering and screening in compliance to UDC Section 7.7 as well as Planned Development conditions of approval will be confirmed during the review of the subdivision plat and building permit.
I. Open space areas are designed to ensure that such areas are suitable for intended recreation and conservation uses.	YES	Parkland dedication is not required for non-residential development.
J. Water, drainage, wastewater facilities, garbage disposal and other utilities necessary for essential services to residents and occupants are provided.	YES	Water is available from existing City water lines in Morgan's Point Road. Wastewater will require the extension of a sewer line. Utility extension and drainage facilities will be addressed at the platting stage. To date, no issues other have been identified.

Site & Surrounding Property Photos



**Site: Undeveloped (As seen from Morgan's Point Road)
(AG)**



**Site: Undeveloped (Existing vegetation along Northern Property Boundary)
(AG)**



Site: Undeveloped (Looking from Southern Property Boundary)
Note: Existing line of tree preservation along Morgan's Point Road (Arrow)
(AG)



Site: Undeveloped (Interior of Site)
(AG)



**North: Existing SF Residential Use on Acreage
(AG)**



**East: Existing Single Family Residence
Note: Buffering from Existing Trees & Vegetation
(UE)**



**East: Existing Retail and Site of Undeveloped Office Warehouse Use
(PD-GR, per Ord. 2016-4794)**



**East: Existing Retail Service Uses
(PD-GR)**

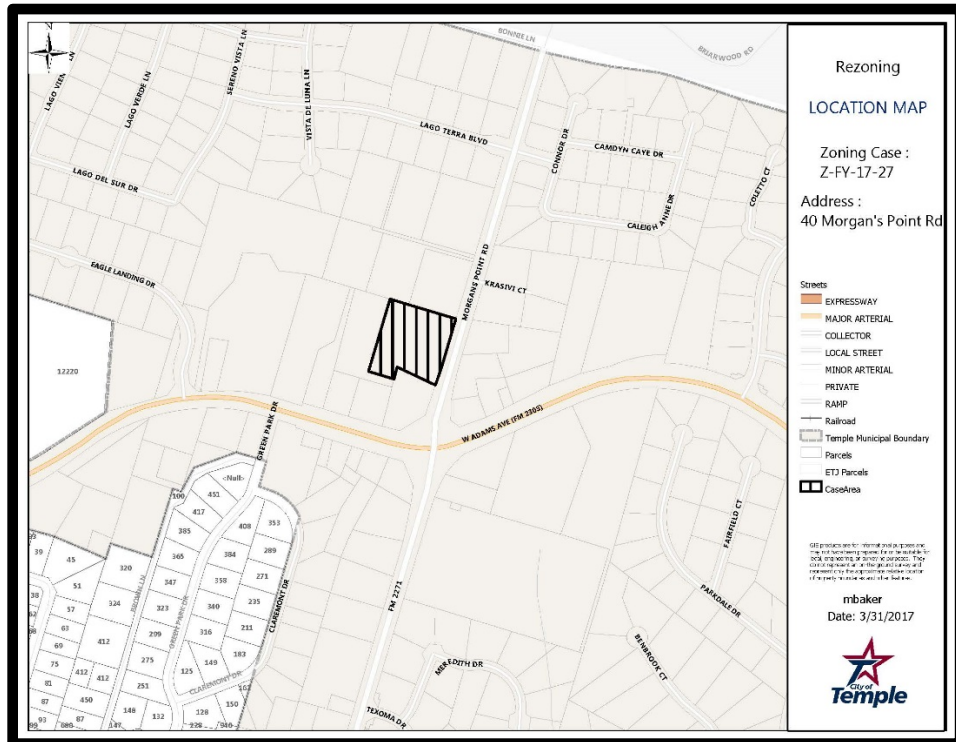


**West: Undeveloped
(AG)**



**South: Existing Retail & Service Uses
(PD-GR)**

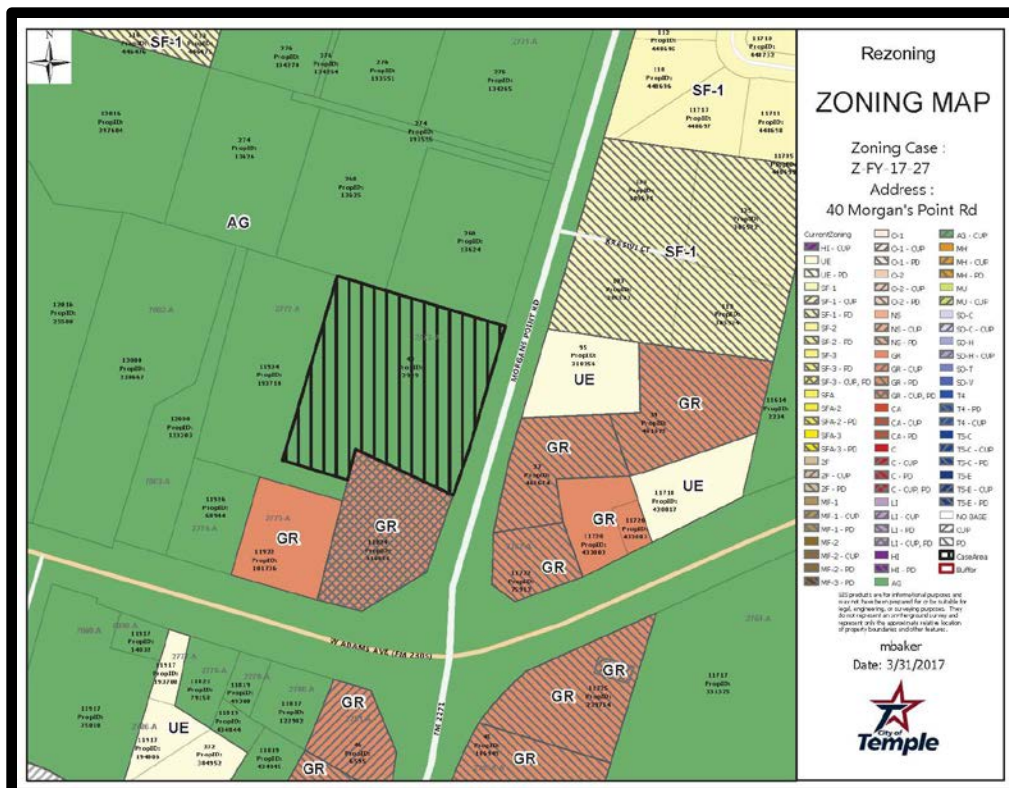
Maps



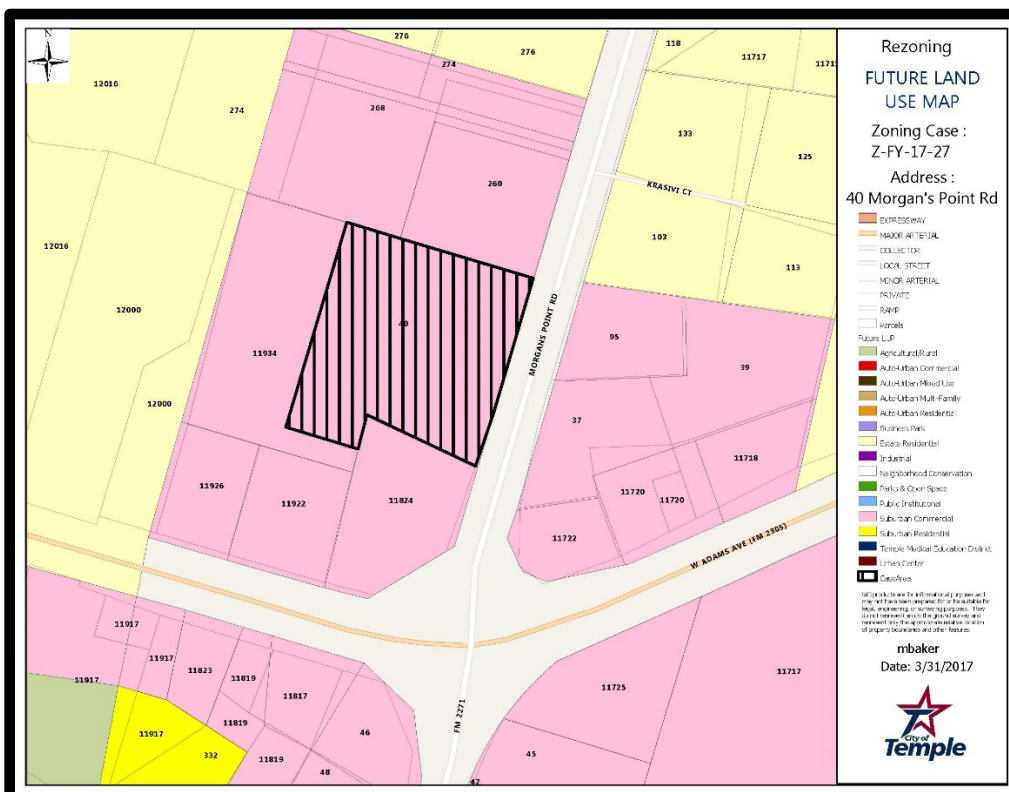
Location Map



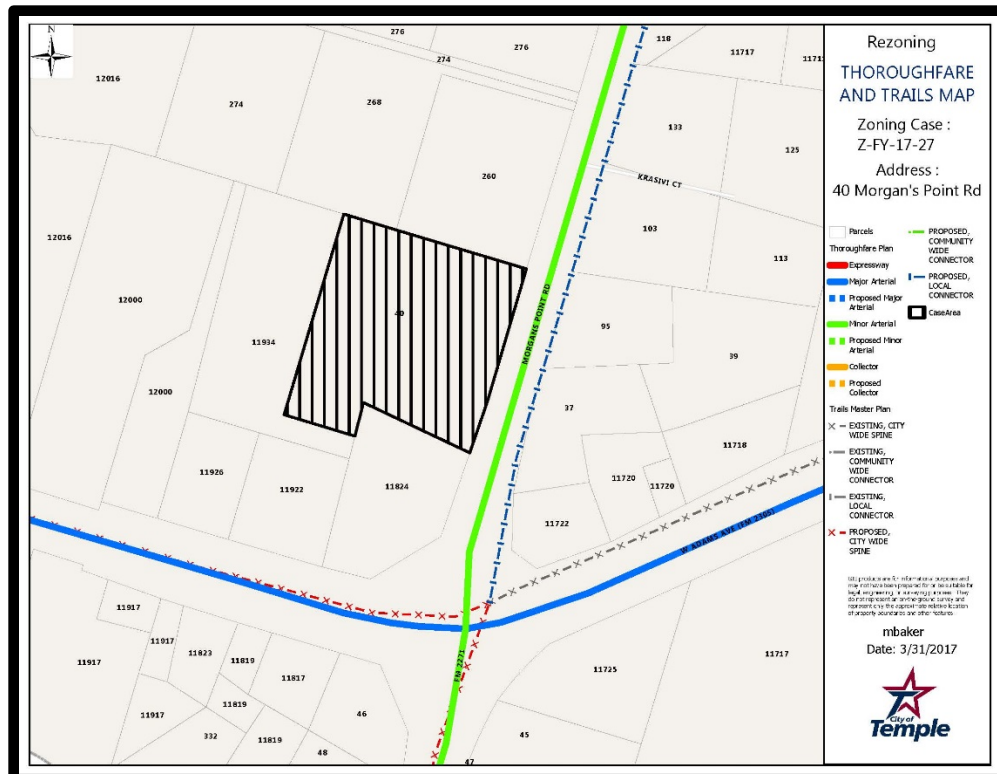
Aerial Map



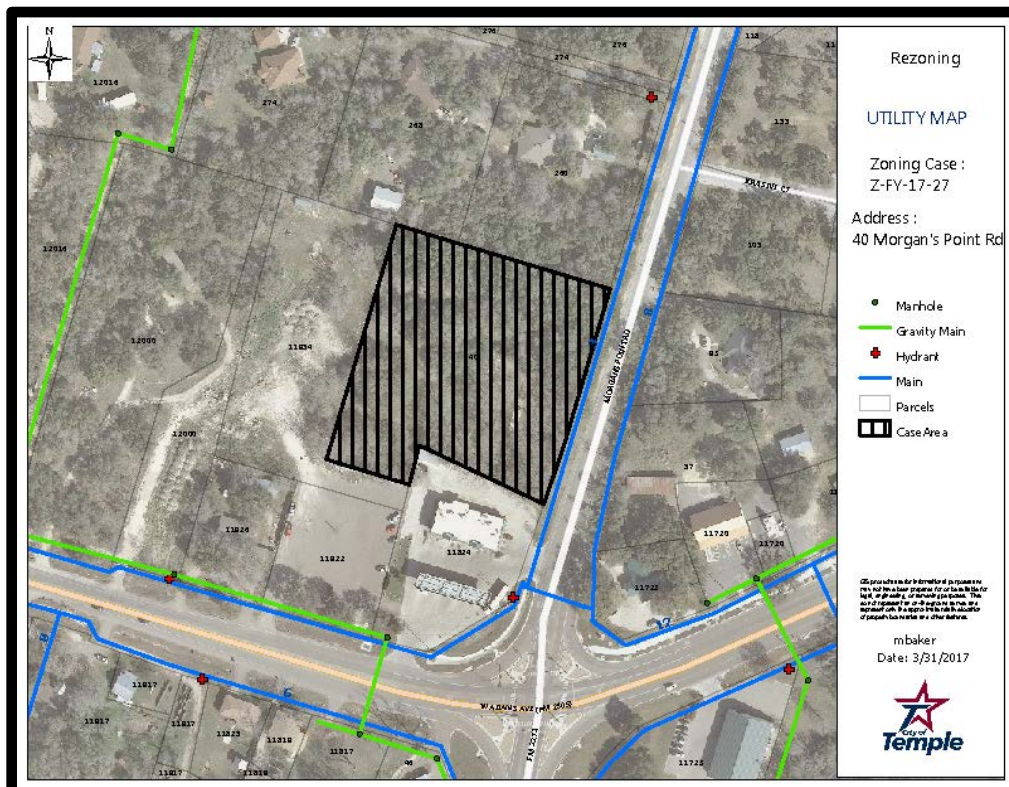
Zoning Map



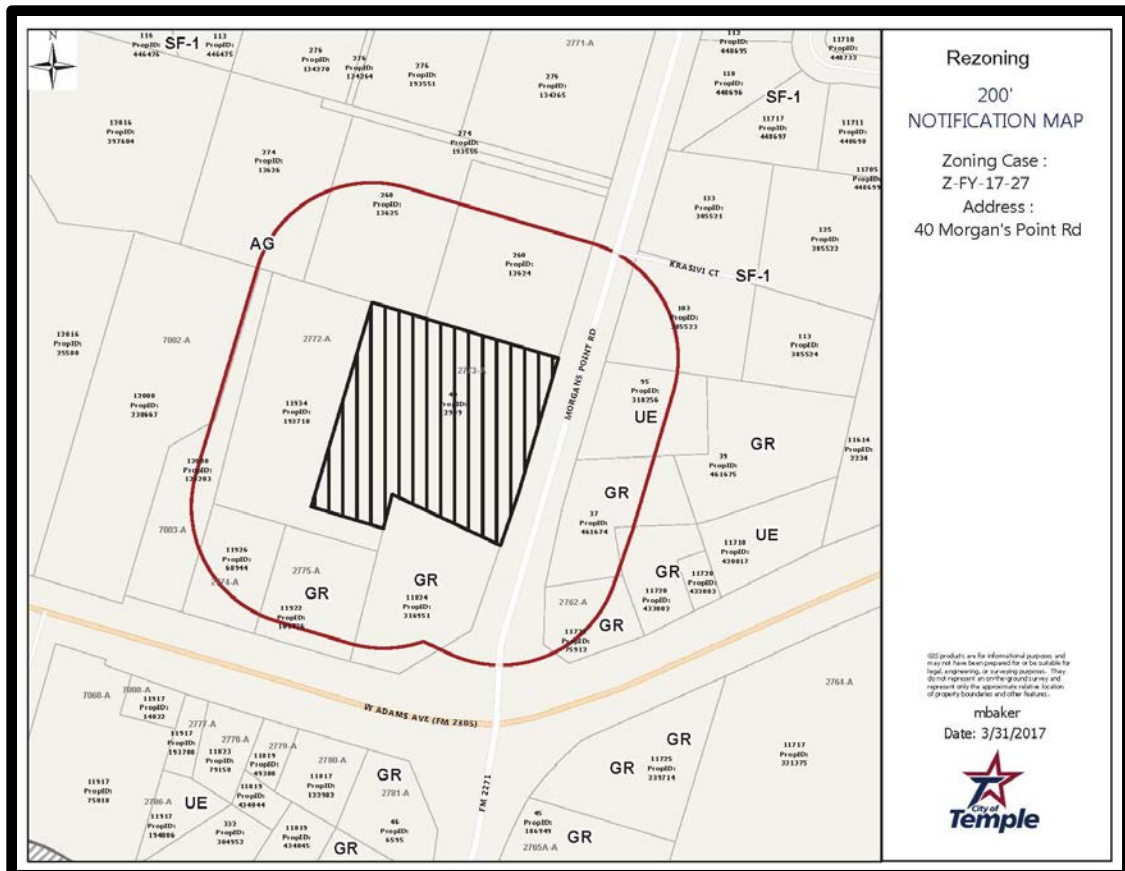
Future Land Use Map



Thoroughfare & Trails Map



Utility Map

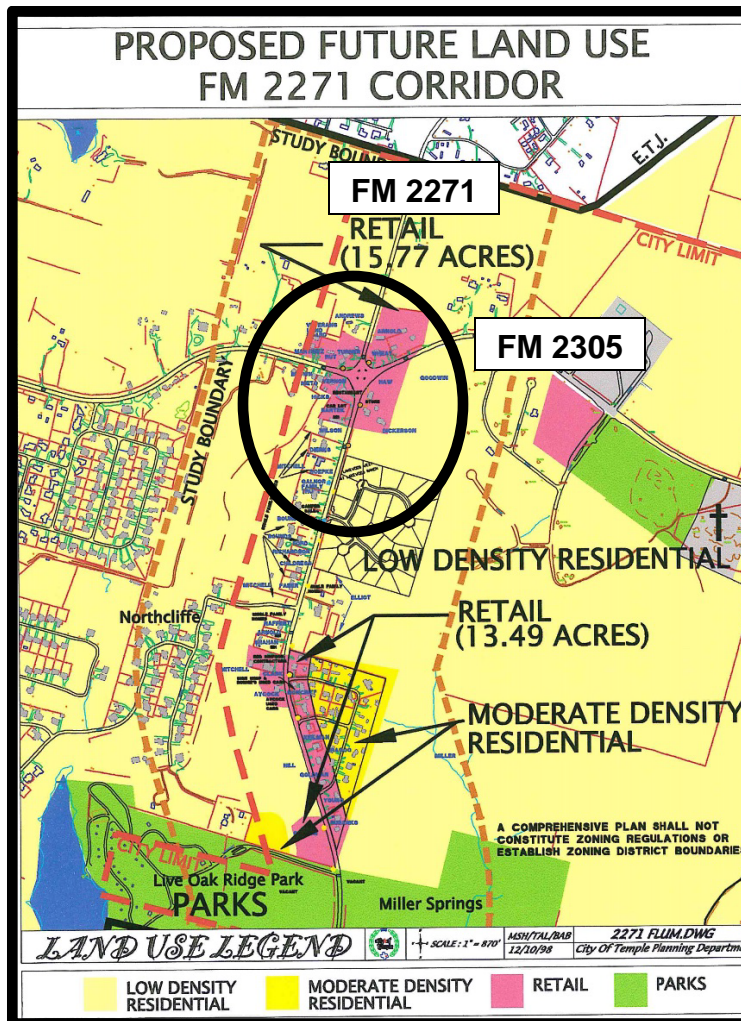


Notification Map

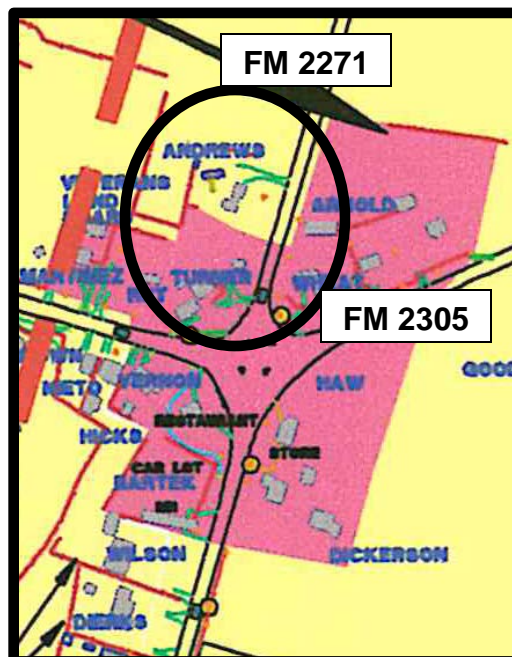
FM 2271 Corridor Plan

**Future Land Use Map
&
Zoning Map**

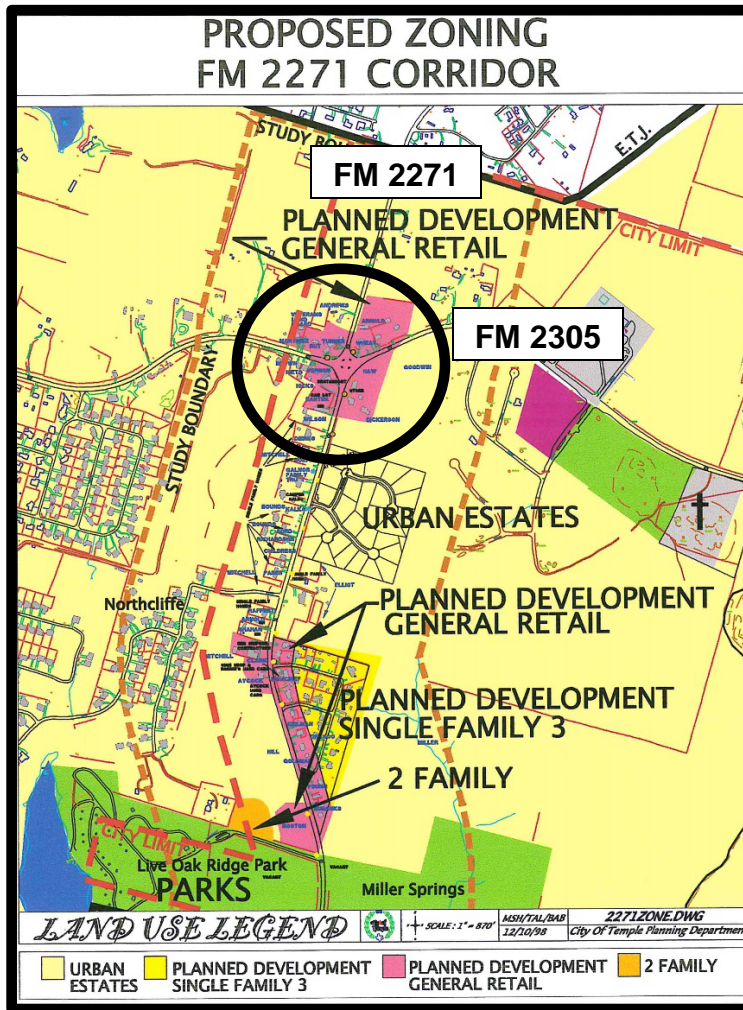
SEE NEXT 2 PAGES



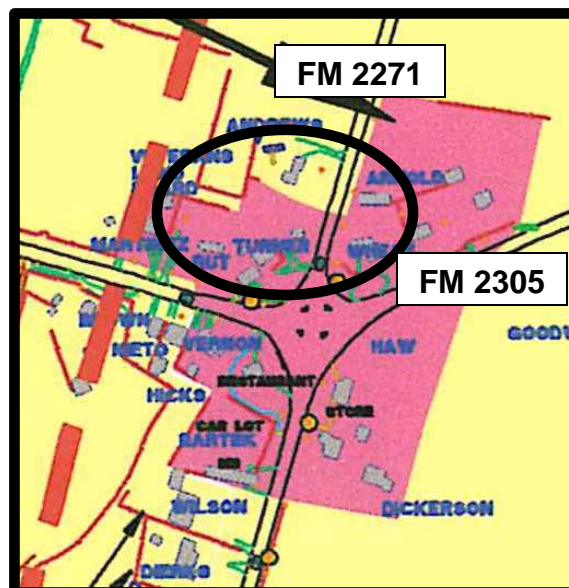
**FM 2271 Corridor Plan – Future Land Use Map
Subject Property Area encircled in BLACK**



Subject Area of Future Land Use Map (Enlarged)



**FM 2271 Corridor Plan – Zoning Map
Subject Property Area encircled in BLACK**



Subject Area of Zoning Map (Enlarged)

Tables

Permitted & Conditional Uses Table (PD-GR)

Permitted & Conditional Use Table - General Retail (PD-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 Plant (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

Surrounding Property Uses

<u>Surrounding Property & Uses</u>			
Direction	FLUP	Zoning	Current Land Use
Site	Suburban Commercial	AG	Undeveloped
North	Suburban Commercial	AG	SF Residence on Acreage
South	Suburban Commercial	PD-GR	Existing Retail & Service Uses
East	Suburban Commercial	UE & PD-GR	SF Residence on Acreage & Existing Retail & Service Uses (Office Warehouse)
West	Suburban Commercial	AG	Undeveloped & Scattered SF Uses

Comprehensive Plan Compliance

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		

Development Standards

	<u>Current (AG)</u> <u>Residential</u>	<u>Proposed</u> <u>(PD-GR)</u> <u>Non-Res</u>
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	2 Stories

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

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).



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

BOSTON, A C ETUX NANCY
12435 FM 2305
BELTON, TX 76513-5438

Zoning Application Number: Z-FY-17-27

Case Manager: Mark Baker

Location: 40 Morgan's Point 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:

Rezoning from AG to CR would enhance area
and contribute to continuing economic development.

Nancy Boston
A.C. Boston

Signature

Nancy Boston
A.C. BOSTON

Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **May 1, 2017**.

RECEIVED

**City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501**

APR 26 2017
City of Temple
Planning & Development

Number of Notices Mailed: 15

Date Mailed: April 20, 2017

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.



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

BOSTON, A C ETUX NANCY
12435 FM 2305
BELTON, TX 76513-5438

Zoning Application Number: Z-FY-17-27

Case Manager: Mark Baker

Location: 40 Morgan's Point 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:

*This rezoning will further enhance this
Commercial Center of activity and provide
neighborhood services.*

Nancy Boston
A.C. Boston

Signature

Nancy Boston
A.C. BOSTON

Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **May 1, 2017**.

City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

RECEIVED

APR 26 2017

City of Temple
Planning & Development
April 20, 2017

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

BOSTON, A C & NANCY
12435 FM 2305
BELTON, TX 76513-5438

Zoning Application Number: Z-FY-17-27

Case Manager: Mark Baker

Location: 40 Morgan's Point 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 AGREE

THIS IS HIGHEST & BEST USE

OF THE PROPERTY

Nancy Boston

Nancy Boston

A.C. Boston

A.C. BOSTON

Signature

Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **May 1, 2017**.

**City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501**

RECEIVED

APR 26 2017

City of Temple
Planning & Development

Number of Notices Mailed: 15

Date Mailed: April 20, 2017

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

REID, ROY COMMERCIAL PROPERTIES LLC
12435 FM 2305 UNIT B
BELTON, TX 76513-5488

Zoning Application Number: Z-FY-17-27

Case Manager: Mark Baker

Location: 40 Morgan's Point 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:

Good GR area will be good
for the area

Roy Reid
Signature

Roy Reid
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **May 1, 2017**.

City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

RECEIVED

APR 27 2017

City of Temple
Planning & Development

Number of Notices Mailed: 15

Date Mailed: April 20, 2017

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, MAY 1, 2017**

ACTION ITEMS

Item 2: Z-FY-17-27 – Hold a public hearing to discuss and recommend action on a rezoning from Agricultural (AG) zoning district to General Retail (GR) zoning district on 2.485 +/- acres, situated in the George W. Lindsey, Abstract No. 513, located at 40 Morgan's Point Road.

Mr. Mark Baker, Senior Planner, stated this item was scheduled to go forward to City Council for first reading on June 1, 2017 and second reading on June 15, 2017.

This is a rezoning request of approximately 2.4 +/- acres and the applicant is requesting a straight rezoning from AG to the GR zoning.

No specific use has been identified for the rezoning request.

A subdivision plat may be required prior to development which would go through the Development Review process (DRC) and may require Planning & Zoning Commission review.

The property is within the boundaries of the FM 2271 Corridor Plan. The Corridor Plan was adopted in 1998 (Ord. No. 98-2589) and intended as a general development guide. It is located on both sides of FM 2271 and bounded by Bonnie Lane to the north and Belton Dam to the south.

The subject property encompasses approximately 438 +/- acres of land and does identify GR as the base-zoning to deliver retail and service uses. It also identifies a Planned Development Concept as the implementation mechanism.

The FM 2271 Corridor Plan provides guidelines for:

- Use of trees and other landscaping for corridor enhancement with flexibility for existing material;

- Promotes residential appearance of buildings;

- Pitched roofs

- Foundation plantings

- Brick / Masonry facades

- Building / Sign height limitations

- Limits on distances between driveways

Two maps from the FM 2271 Corridor Plan are shown: the Future Land Use and Character Map and Zoning Map shown.

Planned Development per the UDC Sec. 3.4. indicates:

A Planned Development is a flexible Overlay Zoning District designed to respond to unique development proposals, special design considerations and land use transitions by allowing evaluation of land use relationships to surrounding areas through Development / Site Plan approval

Binding nature of the Approved Development /Site Plan.

There are no restrictions on the uses allowed on the base zoning of GR.

Zoning map shown. AG is the current zoning and primarily for areas containing rural land uses or undeveloped acreage or used as a holding-zone after annexation.

Staff recommends a Planned Development with the base zoning of General Retail (PD-GR) which is consistent with the FM 2271 Corridor Plan as well as being consistent with surrounding zoning retail and service uses as opposed to the straight rezoning to GR.

The Future Land Use and Character Map designate the subject property as Suburban Commercial which is intended for office, retail and services uses adjacent to an abutting residential neighborhoods and in areas where community image and aesthetic value are to be promoted such as “Gateways” or “Corridors.”

Both water and sewer are available to serve the property with a three-inch waterline in FM 2271 and a 12-inch sewer line in FM 2305. The sewer would potentially require an extension or easement due to its current location.

The Thoroughfare Plan designates FM 2271 (Morgan’s Point Rd) as a minor arterial. Any needed right-of-way would be addressed with the platting process.

A six-foot required sidewalk would be required along FM 2271 and addressed during the platting process.

Any trail development for a local connector trail will be addressed with the platting process or construction plans.

On-Site photos shown.

The preservation strip along the northern property boundary would provide assurance through the Planned Development process to protect the more desirable existing trees along the Morgan’s Point frontage.

Surrounding properties include existing single family residence on acreage, zoned AG, to the north, undeveloped land, zoned AG, to the west, existing retail and service uses, zoned PD-GR, to the south, and existing retail and service uses, zoned PD-GR, to the east.

Some allowed uses cited for PD-GR (not all inclusive list). No changes to base GR uses.

Current and proposed Development Standards for existing AG and proposed GR given.

Fifteen notices were mailed in accordance with all state and local regulations with six notices returned in agreement and zero notices returned in disagreement. One notice returned undelivered.

The request for rezoning complies with the Future Land Use and Character Map, the Thoroughfare Plan, UDC Section 3.4.5 (PD Criteria), the FM 2271 Corridor Plan, is compatible with surrounding uses and zoning, and public facilities are available to serve the property.

Staff recommends approval of the request for a rezoning from AG district to PD-GR district subject to the following conditions:

1. 10-foot tree preservation buffer on the northern property line;
2. 15-foot tree preservation buffer – excluding ingress and egress points required along FM 2271 street frontage;
3. Credit for existing trees and other landscape material toward overall landscape compliance (UDC Section 7.4.4);
4. Building height maximum of two stories;
5. Residential appearance to buildings;
6. Driveway openings no closer than 150 feet apart; and
7. Freestanding signage with maximum 30 feet height.

Commissioner Langley asked about the preservation of the buffer on the northern boundary with the residence with the fence, and if they would be required to add additional buffering. Mr. Baker responded that the area that is protected through the 15-foot buffer was not visible in the photos. To clarify, the 15 feet is incorporated into the buffer so no additional buffering would be required. The fence seen in the photo is not within the area.

Chair Rhoads opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Crisp made a motion to approve Item 2, **Z-FY-17-27**, as presented, and Commissioner Alaniz made a second.

Motion passed: (7:0)

Commissioners Ward and Armstrong absent

ORDINANCE NO. 2017-4847
(Z-FY-17-27)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL ZONING DISTRICT TO GENERAL RETAIL ZONING DISTRICT ON APPROXIMATELY 2.485 ACRES, SITUATED IN THE GEORGE W. LINDSEY SURVEY, ABSTRACT NO. 513, LOCATED AT 40 MORGAN'S POINT 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 zoning district to General Retail zoning district on approximately 2.485 acres, situated in the George W. Lindsey Survey, Abstract No. 513, located at 40 Morgan's Point 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 **1st** day of **June**, 2017.

PASSED AND APPROVED on Second Reading on the **15th** day of **June**, 2017.

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

06/15/17
Item #4(T)
Consent Agenda
Page 1 of 2

DEPT. / DIVISION SUBMISSION & REVIEW:

Lynn Barrett, Assistant Director of Planning

ITEM DESCRIPTION: SECOND READING - Z-FY-17-28: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to Single Family Two zoning district of 46.766 acres and Neighborhood Services zoning district of 3.497 acres out of 50.263 +/- acres, situated in the Redding Roberts Survey, Abstract No. 692 and part of that certain 157.93 acre tract, Bell County, Texas, located at 5900 South 31st Street.

STAFF RECOMMENDATION: Staff recommends approval for a rezoning from AG to SF-2 and NS zoning districts due to compliance with:

1. The Future Land Use Map's Suburban Commercial District;
2. Surrounding zoning and anticipated retail and service uses fronting along this section of 31st Street;
3. The Thoroughfare Plan; and
4. Availability of public facilities

PLANNING & ZONING COMMISSION RECOMMENDATION: At their May 1, 2017 meeting, the Planning & Zoning Commission voted seven to zero for approval of the rezoning from AG to SF-2 and NS of the 50.263 acre property, being called Bella Terra.

ITEM SUMMARY: Belton Engineering, on behalf of the owner Mike Emmons, WGR Development, is requesting rezoning the 50.263 subject property from Agricultural district to SF-2 (46.7 +/- acres) and NS (3.5 +/- acres) out of a larger 158 +/- acre tract along South 31st Street, south of the Bentwood Subdivision and north of the Georgetown RR. The property is currently undeveloped.

The Bentwood Subdivision is contiguous with the subject property and is also zoned SF-2 with NS along 31st Street. There are a number of residential and non-residential uses that are permitted by right in the NS zoning district. Prohibited uses include multi-family, HUD-Code manufactured homes and land lease communities, most commercial uses and industrial uses.

The subdivision plat for this property has been submitted and is under review by the Development Review Committee.

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

Future Land Use Map (CP Map 3.1)

The subject property is entirely within the Suburban Residential land use district. The Suburban Residential district is intended for residential zoning districts, of moderate density, which the requested SF-2 zoning encompasses and, thus, is in compliance with the Future Land Use Map.

Thoroughfare Plan (CP Map 5.2)

The subject property takes access from 31st Street along the NS portion, and as it is a major arterial, requires a six-foot sidewalk on both sides. A six-foot sidewalk will be required at NS development along the subject property's frontage. Currently, there do not appear to be funded or scheduled TCIP improvement projects along this section of 31st Street.

Availability of Public Facilities (CP Goal 4.1)

Water and sewer are available to the subject property and connection details will be addressed through the subdivision plat process.

Temple Trails Master Plan Map and Sidewalks Ordinance

The Trails Master Plan identifies a proposed existing City-Wide spine trail along the Georgetown RR which borders the subject property to the south. South 31st Street is also a proposed local connector. (City may agree to upsize the required 6' sidewalk.)

DEVELOPMENT REGULATIONS: Residential setbacks in the Agricultural district & SF-2 and non-residential for the NS district standards are shown below.

- ❖ 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 wall or fencing from six to eight 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: Fifty two 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 Monday May 22, 2017 at noon, three notices had been received in disagreement and four notices in agreement (including two from the developer).

The newspaper printed notice of the public hearing on April 20, 2017, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

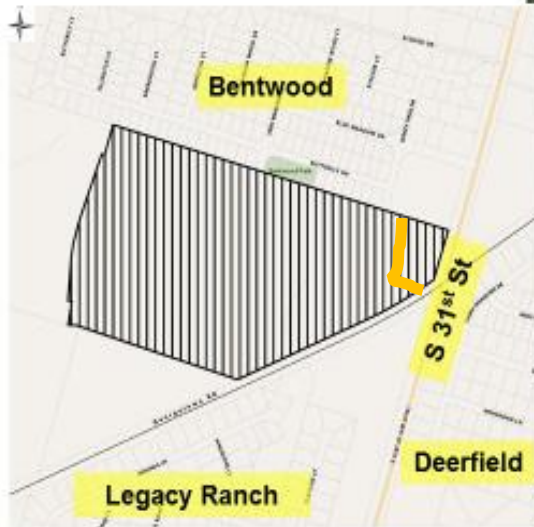
ATTACHMENTS:

[Maps](#)
[Site and Surrounding Property Photos](#)
[Returned Property Notices](#)
[Ordinance](#)

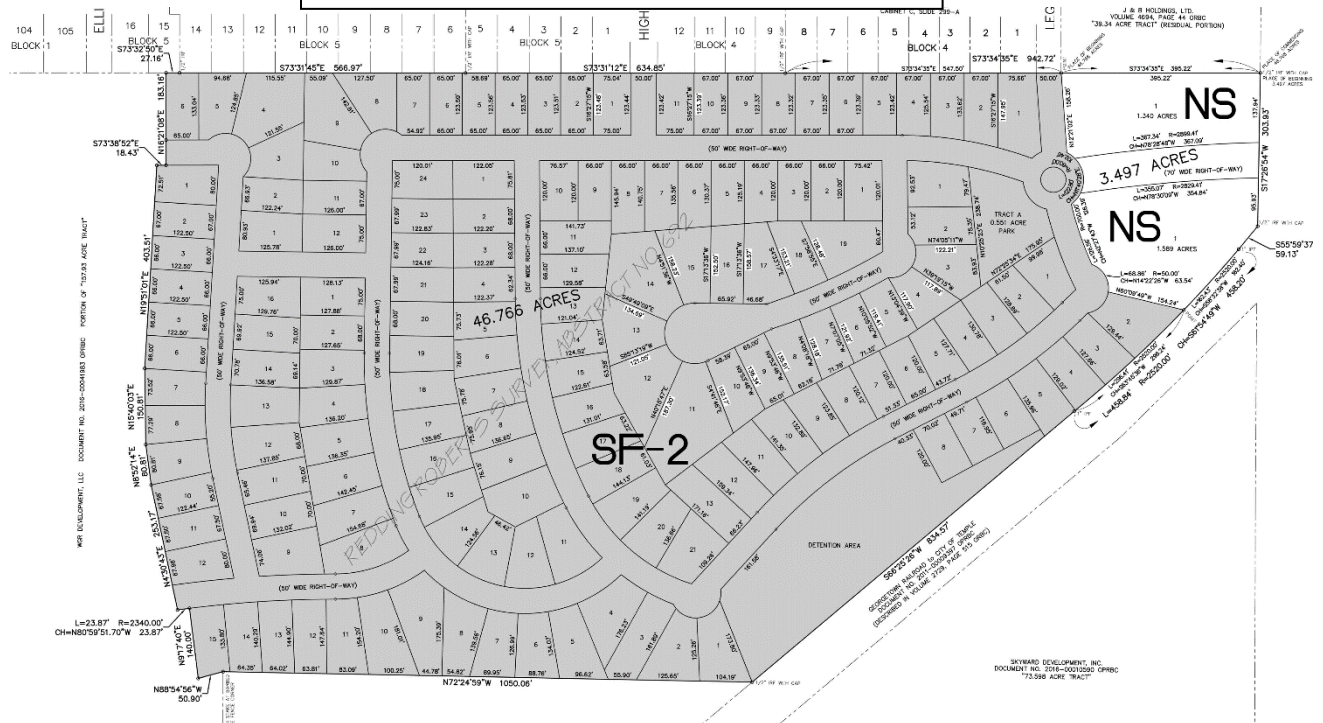
Location & Aerial

50.27 +/- Acres

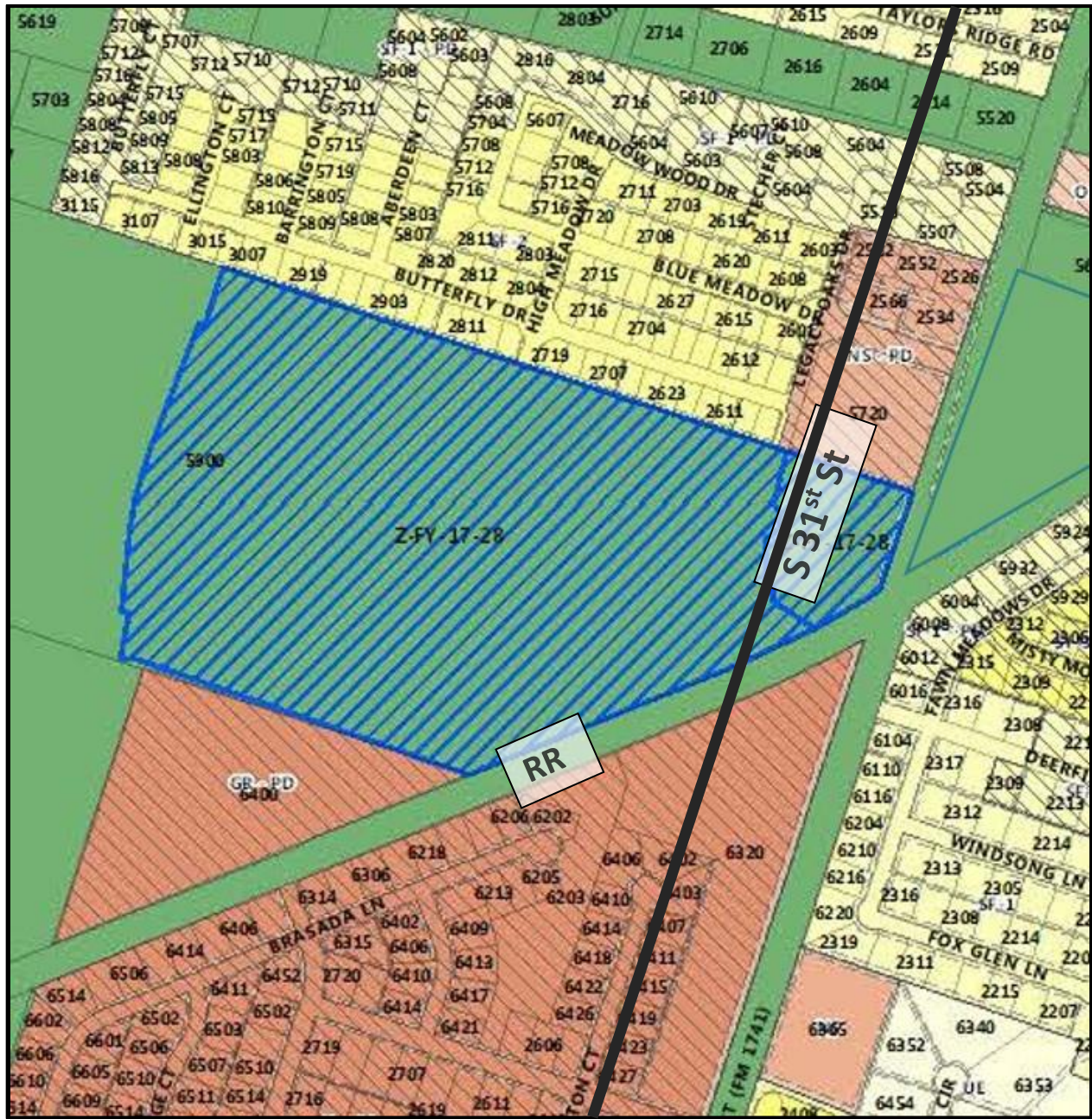
- 46.8 acres Single Family Two
- 3.5 acres Neighborhood Svcs







Conceptual Lot Layout

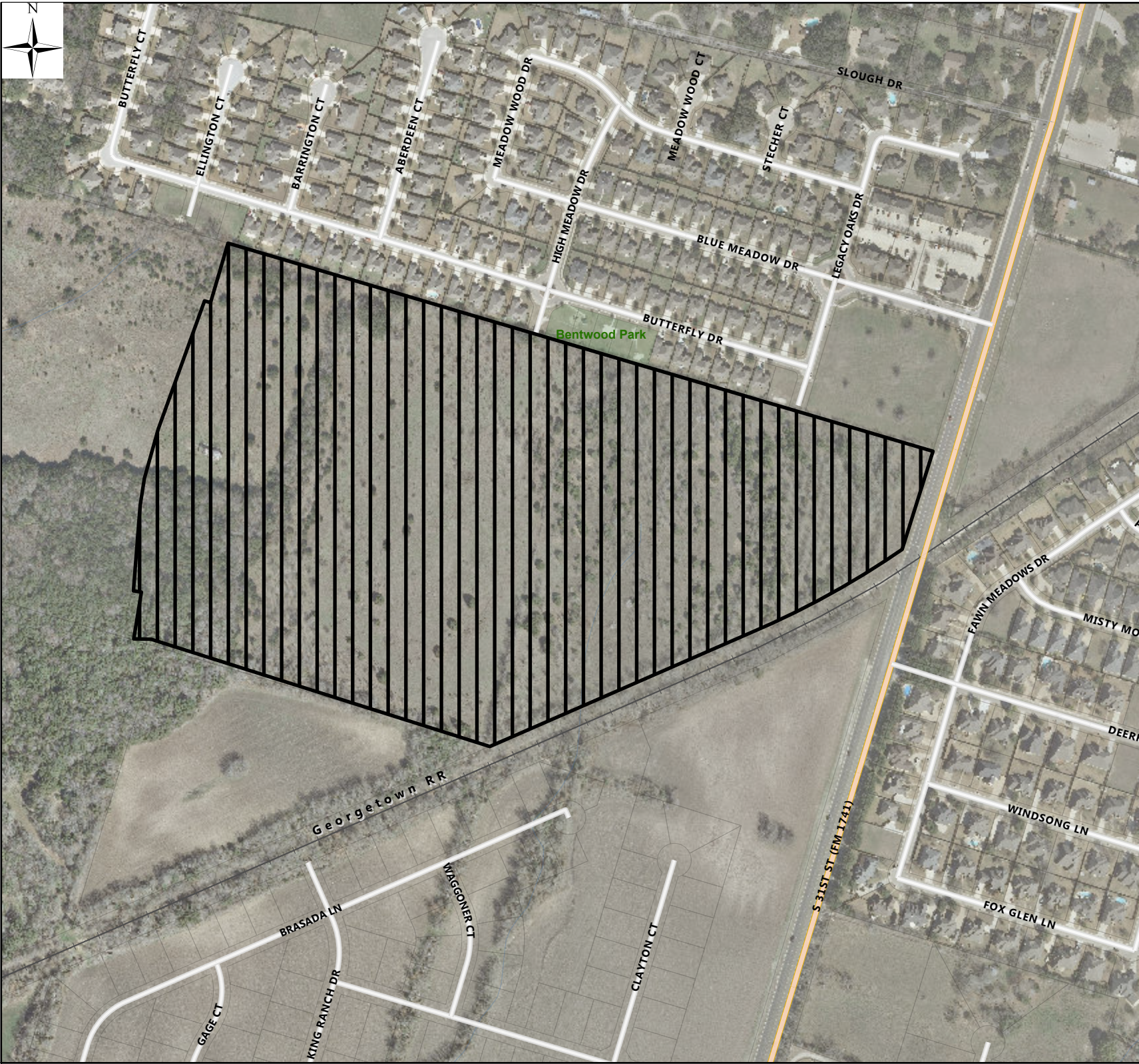


Current Zoning Bella Terra Property



Legend

-  Single Family-2
-  AG
-  Neighborhood Services
-  General Retail



AG TO SF-2 and NS

AERIAL MAP

Zoning Case :
Z-FY-17-28

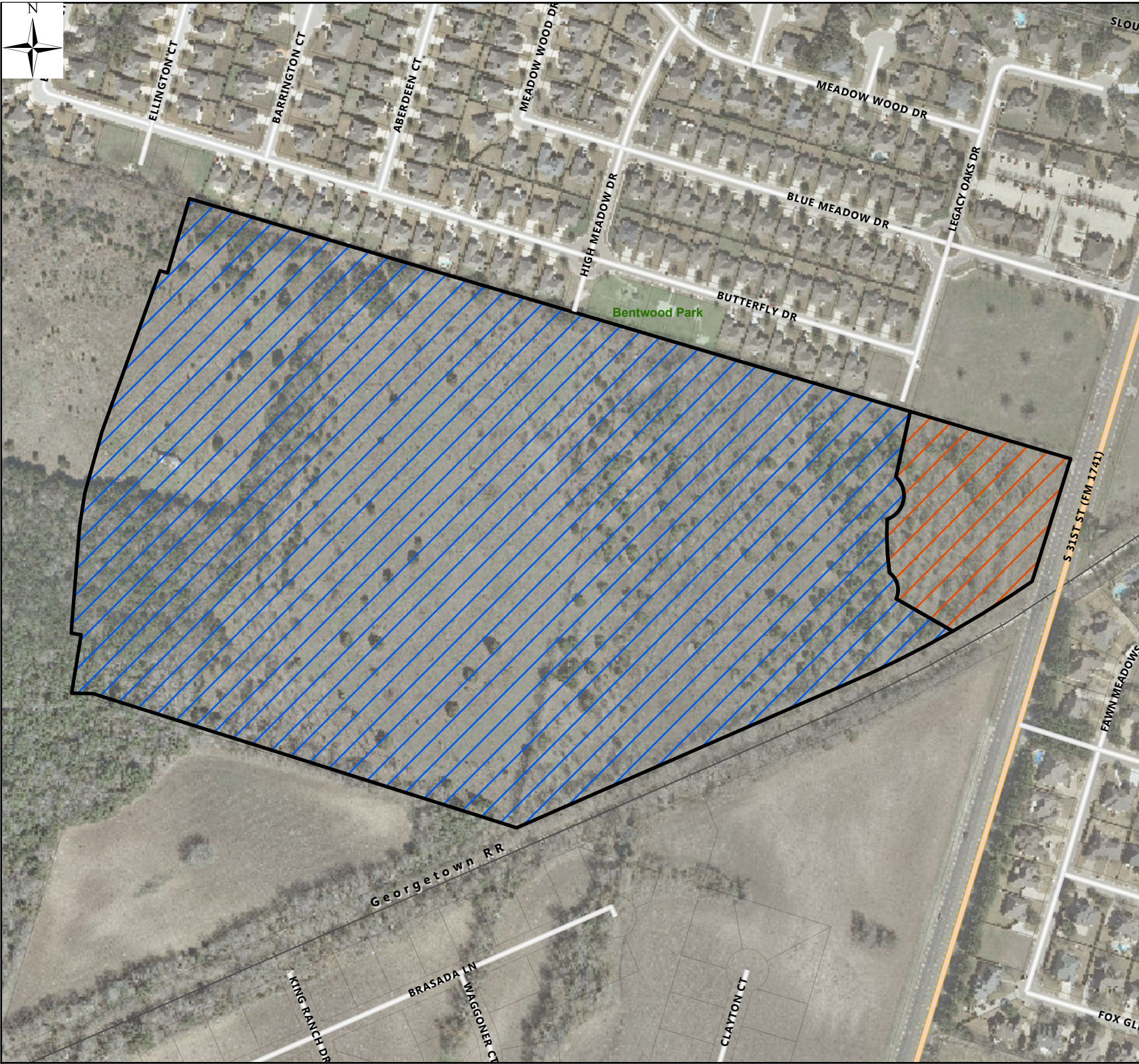
Address :
5900 S 31st ST

- 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.

Irbarrett
Date: 4/12/2017





AG TO SF-2 and NS

AERIAL MAP

Zoning Case :
Z-FY-17-28

Address :
5900 S 31st Street

- Streets
- EXPRESSWAY
 - MAJOR ARTERIAL
 - COLLECTOR
 - LOCAL STREET
 - MINOR ARTERIAL
 - PRIVATE
 - RAMP
 - Railroad
- Temple Municipal Boundary
- Parcels
- ETJ Parcels
- ZONE_TO
- NS
 - SF-2
 - <all other values>

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.

Irbarrett
Date: 4/17/2017





AG TO SF-2 and NS

UTILITY MAP

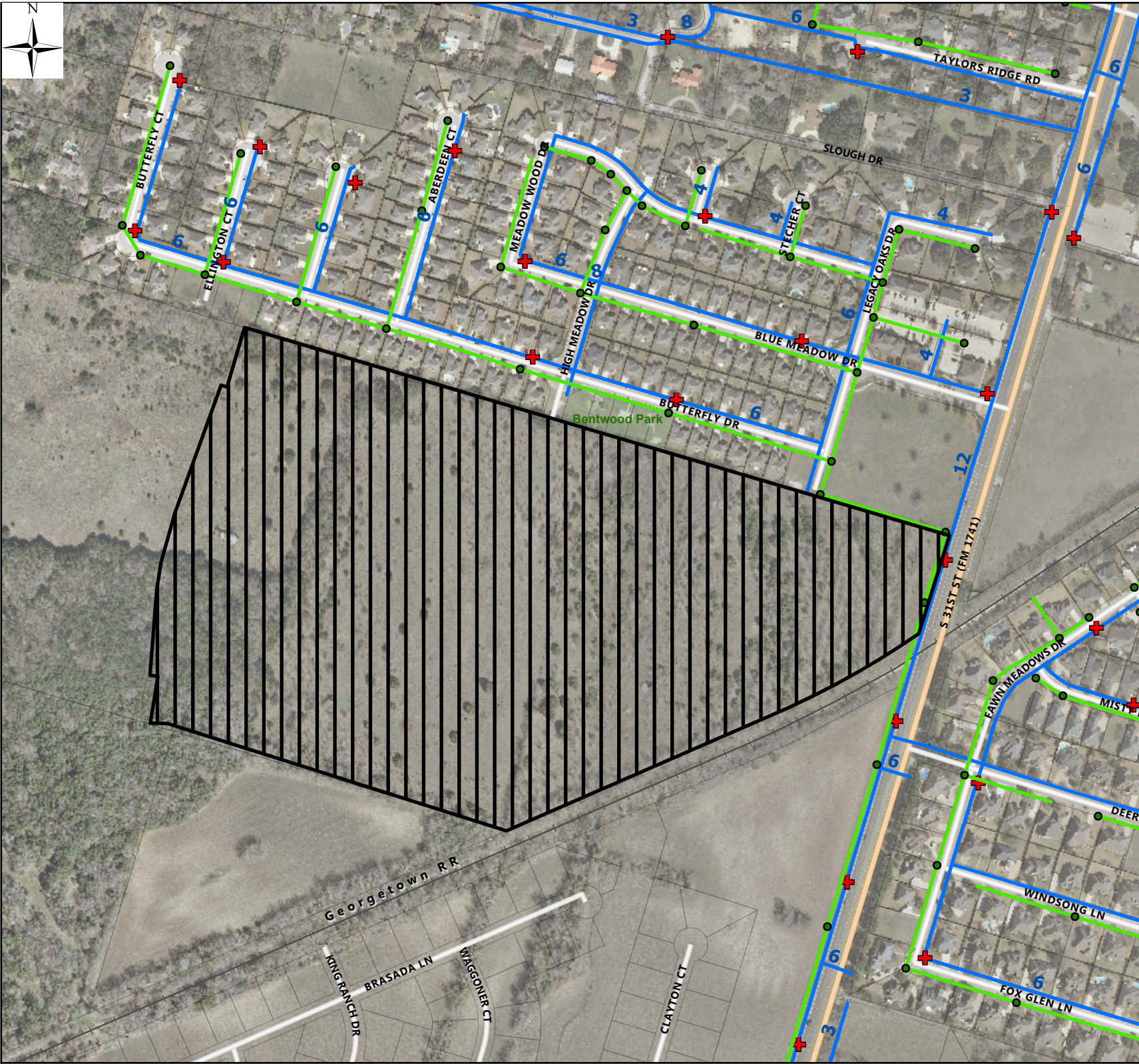
Zoning Case :
Z-FY-17-28

Address :
5900 S 31st ST

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

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Irbarrett
Date: 4/12/2017





AG TO SF-2 and NS FUTURE LAND USE MAP

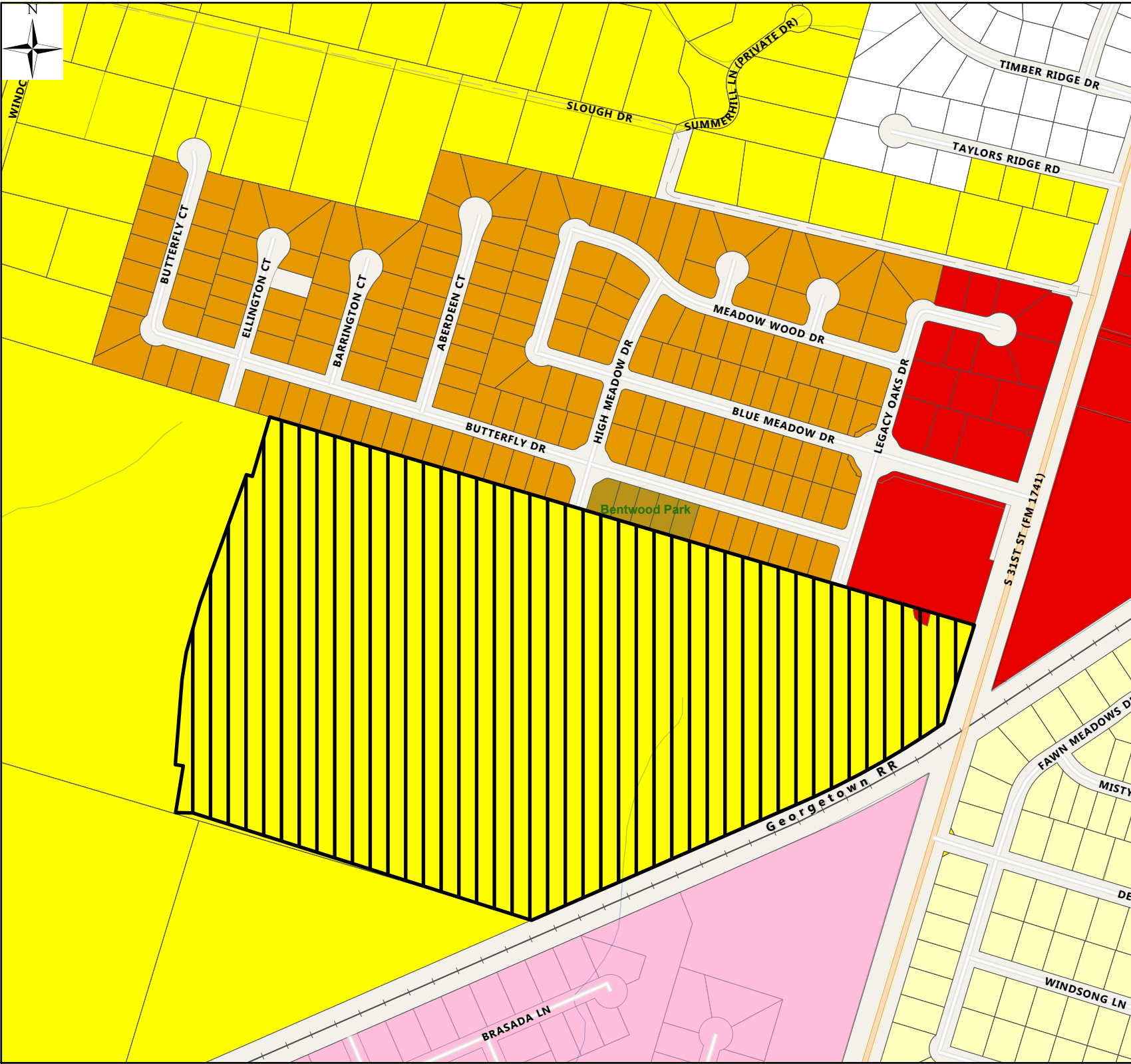
Zoning Case :
Z-FY-17-28

Address :
5900 S 31st 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

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Irbarrett
Date: 4/12/2017





AG TO SF-2 and NS THOROUGHFARE AND TRAILS MAP

Zoning Case :
Z-FY-17-28

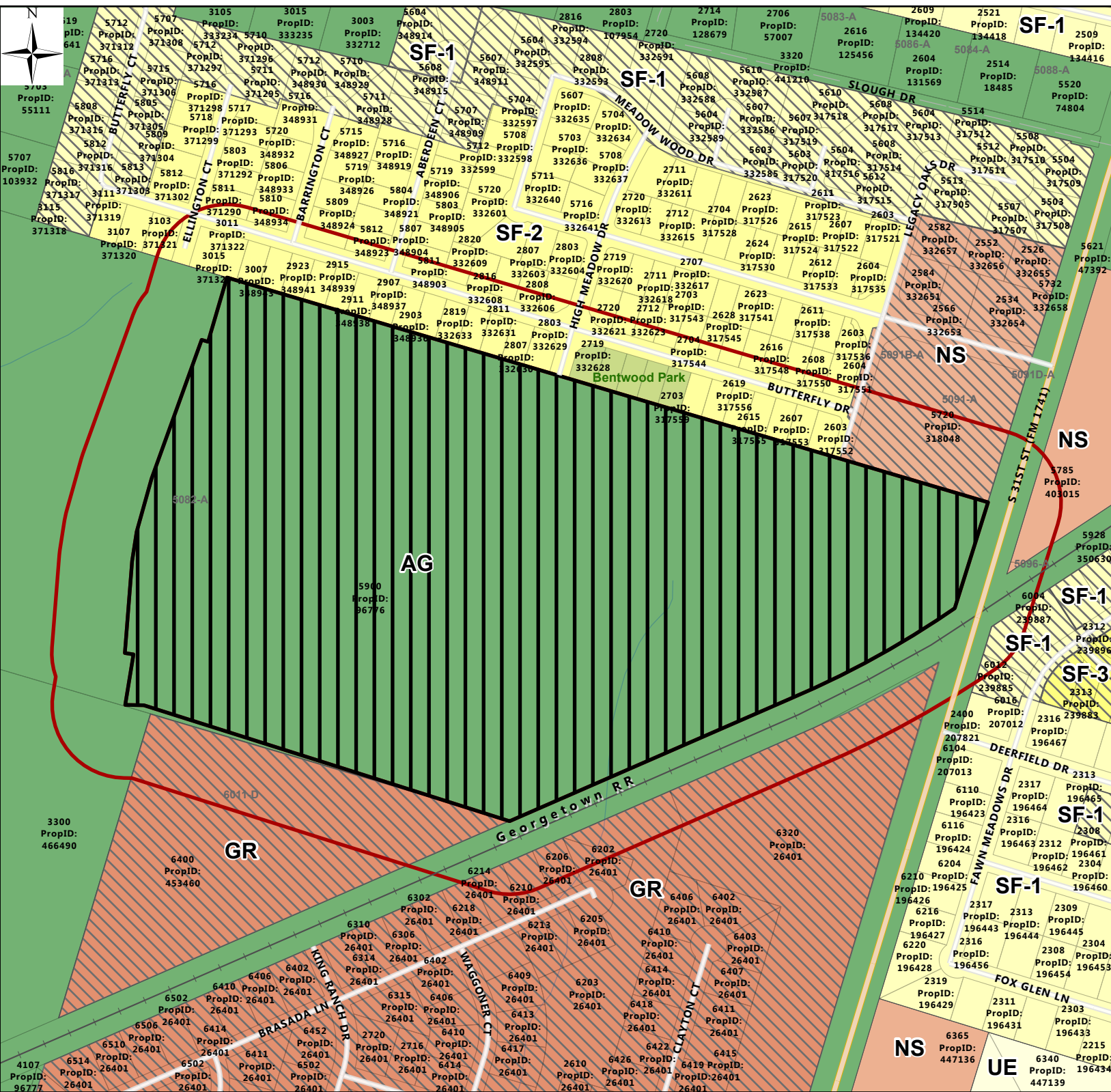
Address :
5900 S 31st St

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

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Irbarrett
Date: 4/12/2017





AG TO SF-2 , NS

200'

NOTIFICATION MAP

Zoning Case :
Z-FY-17-28
Address :
5900 S 31st Street

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	Buffer
MF-2 - PD	HI - PD	CaseArea
MF-3 - PD	AG	

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Irbarrett
Date: 4/12/2017



Site and Area Photos





View to East

S 31st St





RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

HUTCHISON, GARY
2803 BUTTERFLY DR
TEMPLE, TX 76502-7934

Zoning Application Number: Z-FY-17-28

Case Manager: Lynn Barrett

Location: 5900 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:

1) NEED SPACE LEFT AS IS

2) TRAFFIC ON 31ST WOULD INCREASE

3) NO SIGNAL LIGHTS FROM WATER DAIRY TO FM 93

4) ADDITIONAL SCHOOL ?

5) ADDITIONAL NOISE ON OUR QUIET NEIGHBORHOOD

Signature

GARY L. HUTCHISON

Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbartlett@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **May 1, 2017**.

City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

Number of Notices Mailed: 52

Date Mailed: April 20, 2017

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.

RECEIVED

APR 24 2017

City of Temple
Planning & Development



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

FARMERS MUTUAL PROTECTIVE ASSOCIATION OF TEXAS
PO BOX 6106
TEMPLE, TX 76503-6106

Zoning Application Number: Z-FY-17-28

Case Manager: Lynn Barrett

Location: 5900 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

James E. Smith
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbartlett@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **May 1, 2017**.

**City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501**

Number of Notices Mailed: 52

Date Mailed: April 20, 2017

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.



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

WGR DEVELOPMENT LLC
PO BOX 975
SALADO, TX 76571-0975

Zoning Application Number: Z-FY-17-28

Case Manager: Lynn Barrett

Location: 5900 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:

well planned!


Signature

GARY ROSEN
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbarrrett@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **May 1, 2017**.

City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

RECEIVED

APR 26 2017

City of Temple
Planning & Development

Number of Notices Mailed: 52

Date Mailed: April 20, 2017

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

WGR DEVELOPMENT LLC
PO BOX 975
SALADO, TX 76571-0975

Zoning Application Number: Z-FY-17-28

Case Manager: Lynn Barrett

Location: 5900 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:

THE NEW AFFORDABLE HOUSING IS NEEDED!

W. Grady Rose
Signature

W. GRADY ROSE
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbartlett@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **May 1, 2017**.

City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

RECEIVED

APR 26 2017

City of Temple
Planning & Development

Number of Notices Mailed: 52

Date Mailed: April 20, 2017

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

SALUTO, TONI
5810 BARRINGTON CT
TEMPLE, TX 76502

Zoning Application Number: Z-FY-17-28

Case Manager: Lynn Barrett

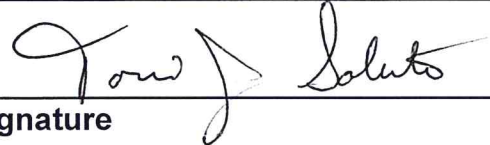
Location: 5900 South 31st Street

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

Toni J. Saluto
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbarrrett@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **May 1, 2017**.

City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

RECEIVED

APR 26 2017

City of Temple
Planning & Development

Number of Notices Mailed: 52

Date Mailed: April 20, 2017

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

HOGAN, DAVID L ETUX SAMANTHA F
2819 BUTTERFLY DR
TEMPLE, TX 76502

Zoning Application Number: Z-FY-17-28

Case Manager: Lynn Barrett

Location: 5900 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

(X) disagree with this request

Comments:

with the building of homes + apartments south of the tracks, I think the extra traffic problems and water + sewage problems are not necessary. There is a lot of wildlife in this area also.

David L. Hogan
Signature

David L. Hogan
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbarrett@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **May 1, 2017**.

City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

RECEIVED
MAY - 3 2017
City of Temple
Planning & Development

Number of Notices Mailed: 52

Date Mailed: April 20, 2017

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

NIEVES, LUIS ERNESTO & ELSA G VELEZ
2923 BUTTERFLY DR
TEMPLE, TX 76502-7944

Zoning Application Number: Z-FY-17-28

Case Manager: Lynn Barrett

Location: 5900 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

(X) disagree with this request

Comments: Plus this is an impact on Hanna and Laura in the area.

Ecefnil;
Signature

Elsa Velez
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbartlett@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **May 1, 2017**.

City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

RECEIVED

MAY - 3 2017

City of Temple
Planning & Development

Number of Notices Mailed: 52

Date Mailed: April 20, 2017

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.

ORDINANCE NO. 2017-4848
(Z-FY-17-28)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL ZONING DISTRICT TO SINGLE FAMILY TWO ZONING DISTRICT ON APPROXIMATELY 46.766 ACRES, AND NEIGHBORHOOD SERVICES ZONING DISTRICT ON APPROXIMATELY 3.497 ACRES OUT OF APPROXIMATELY 50.263 ACRES, SITUATED IN THE REDDING ROBERTS SURVEY, ABSTRACT NO. 692, AND PART OF THAT CERTAIN APPROXIMATELY 157.93 ACRE TRACT, BELL COUNTY, TEXAS, LOCATED AT 5900 SOUTH 31ST STREET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Agricultural zoning district to Single Family Two zoning district on approximately 46.766 acres and Neighborhood Services zoning district on approximately 3.497 acres out of approximately 50.263 acres, situated in the Redding Roberts Survey, Abstract No. 692 and part of that certain approximately 157.93 acre tract, Bell County, Texas, located at 5900 South 31st Street., as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

Part 2: Staff recommends approval of a rezoning from Agricultural zoning district to Single Family Two zoning district and Neighborhood Services zoning District.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **1st** day of **June**, 2017.

PASSED AND APPROVED on Second Reading on the **15th** day of **June**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



CITY COUNCIL AGENDA ITEM MEMORANDUM

06/15/17
Item #4(U)
Consent Agenda
Page 1 of 1

DEPT. / DIVISION SUBMISSION & REVIEW:

Mark Baker, Senior Planner

ITEM DESCRIPTION: Consider adopting resolutions authorizing:

- 1) A-FY-17-08: Release of a 7.5 foot wide public utility easement within an existing gas easement located on Lots 11, 12, 13, 24, 25 & 26, Block 4, Plains of Riverside, Phase II, subdivision;
- 2) A-FY-17-09: Release of a 7.5 foot wide public utility easement within an existing gas easement located on Lots 1, 2, 3, 6, 7 & 8, The Plains at Riverside, Phase III subdivision; and
- 3) A-FY-17-11: Release of a 10 foot wide public utility easement within an existing gas easement located on Lots 3, 4, 5 & 6, Block 1 & Lots 2 & 3, Block 4, Plains at Riverside, Phase I subdivision.

STAFF RECOMMENDATION: Staff recommends approval for the release of 7.5 foot wide & 10-foot wide public utility easements, within an existing 110-foot Atmos gas easement, as presented in the item description and more particularly described in Exhibit A, Exhibit B and Exhibit C and respective Field Notes. This is a recommendation for approval since the easements contain no existing public facility or utilities and are not used for other public services or access.

ITEM SUMMARY: The applicant, Turley Associates, submitted a request on behalf of the developer, 3 Nex-Gen Development as well as several individual owners are requesting release of the public utility easements.

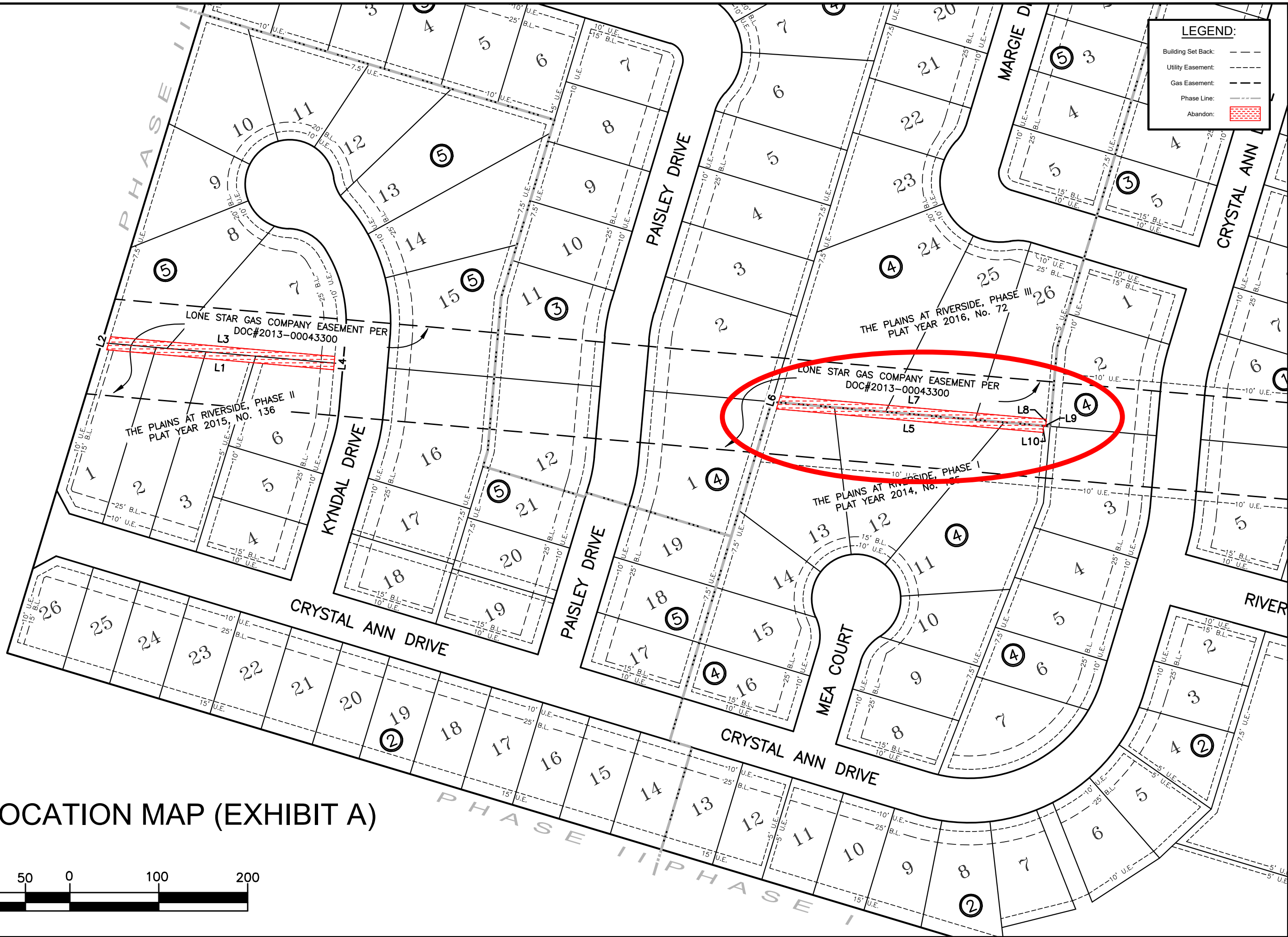
The public utility easements, located within an existing 110-foot Atmos Gas easement, formally Lone Star Gas, were created by the recordation of the Plains at Riverside, Phases I, II & III final plat subdivisions. The easements are redundant and not needed, since there are other utility easements created by the plat in place. While many of the affected lots have been sold by the developer, Next-Gen Development, the developer as well as the individual property owners are requesting the releases.

Planning staff has contacted all public and private service providers, including the Public Works Department, and confirmed that the easement may be released, as the providers' responses indicate there are no existing public facilities or utilities in the easement and there are no objections to releasing the easements because they are not needed for other public services.

FISCAL IMPACT: None

ATTACHMENTS:

[Surveyor Sketches and Field Notes \(Exhibits A, B & C\)](#)
[Resolutions](#)



LOCATION MAP (EXHIBIT A)

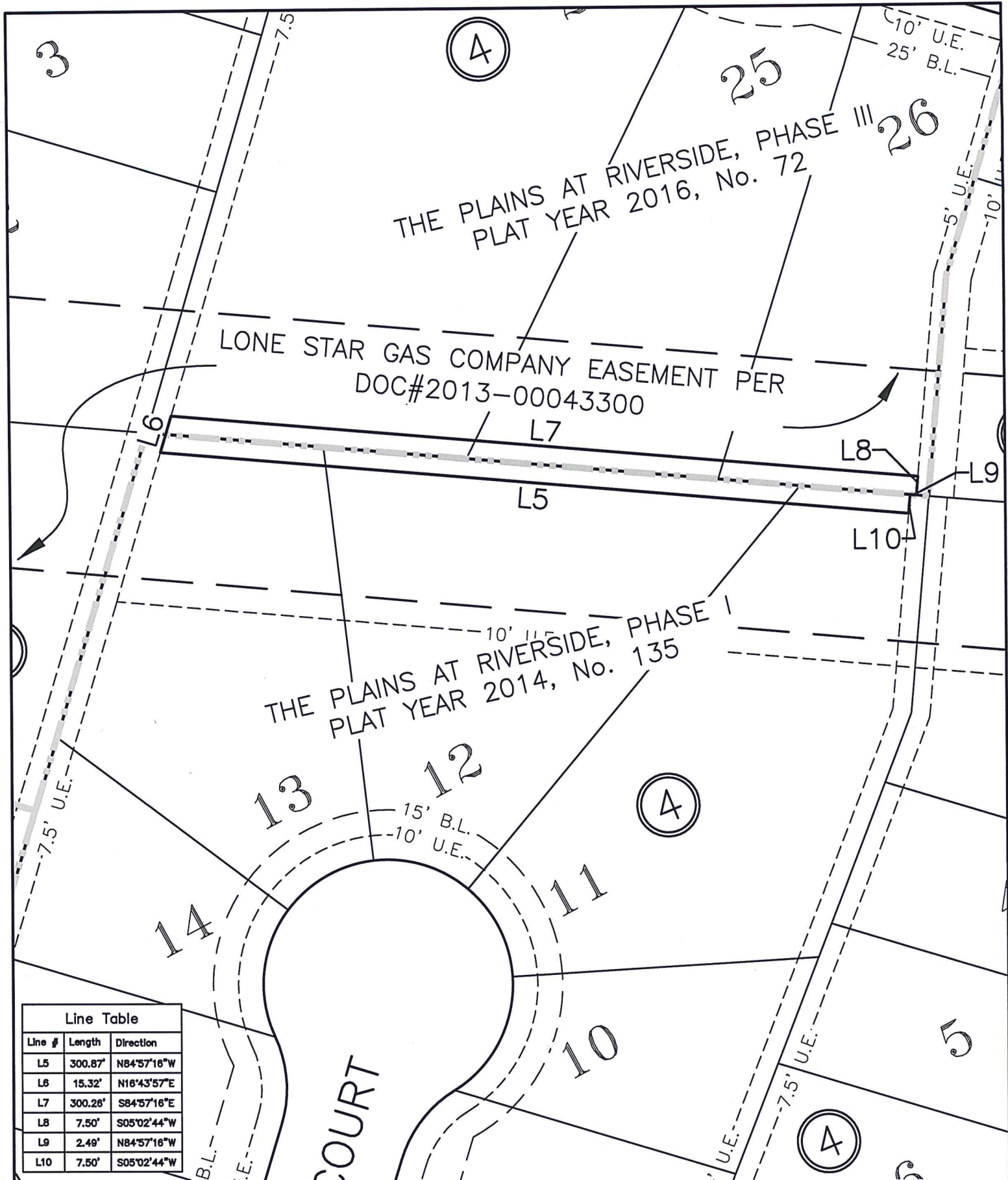


TURLEY ASSOCIATES, INC.
ENGINEERING • PLANNING • SURVEYING
301 N. 3rd St.
Temple, Texas 76500
254.773.2400
www.turley-inc.com

GAS LINE & EASEMENT ABANDONMENTS:
THE PLAINS
AT RIVERSIDE
PHASE I, II, & III
CITY OF TEMPLE, BELL COUNTY, TEXAS

DEVELOPED BY:
3 NEX-GEN DEVEL., LLC.
7348 W. ADAMS AVENUE, SUITE 700
TEMPLE, TX 76502

REVISIONS		
DATE	DESCRIPTION	DFTR
DRAFTSMAN: T. Johns		
DATE: April 20, 2017		
COMPUTER FILE NAME: 13642.ea.v1.dwg		
REFERENCE DRAWING NUMBERS:		
JOB NUMBER: 13-642		
DRAWING NUMBER: 12735-D		
PAGE#		01



BEING a 0.103 acre tract of land situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being a part or portion of that certain 20.640 acre tract of land described as The Plains at Riverside, Phase I according to the map or plat of record in Year No. 2014, Plat No. 135, Plat Records of Bell County, Texas and being a part or portion of that certain 29.339 acre tract of land described as The Plains at Riverside, Phase II, according to the map or plat of record in Year No. 2015, Plat No. 136, Plat Records of Bell County, Texas.



STATE OF TEXAS I KNOW ALL MEN BY THESE PRESENTS, that I
COUNTY OF BELL I 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 ground of the property described
herein and is correct.

IN WITNESS THEREOF, my hand and seal, this the 19th day of April, 2017.

Michael E. Alvis

Michael E. Alvis, R.P.L.S., No. 5402

EXHIBIT A

BEING a 0.103 acre tract of land situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being a part or portion of that certain 20.640 acre tract of land described as The Plains at Riverside, Phase I according to the map or plat of record in Year No. 2014, Plat No. 135, Plat Records of Bell County, Texas and being a part or portion of that certain 29.339 acre tract of land described as The Plains at Riverside, Phase II according to the map or plat of record in Year No. 2015, Plat No. 136, Plat Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a point being an interior point of Lot 11, Block 4, The Plains at Riverside, Phase 1 and which bears S. 50° 38' 09" W., 10.72 feet from the northeast corner of the said Lot 11, Block 4 for corner;

THENCE N. 84° 57' 16" W., 300.87 feet over and across Lots 11, 12 and 13, said Block 4, The Plains at Riverside, Phase I to a point for corner;

THENCE N. 16° 43' 57" E., 15.32 feet over and across the said Lot 13, Block 4 and continuing over and across Lot 46, Block 4, The Plains at Riverside, Phase II to a point for corner;

THENCE S. 84° 57' 16" E., 300.26 feet over and across Lots 46, 47 and 48, said Block 4, The Plains at Riverside, Phase II to a point for corner;

THENCE S. 05° 02' 44" W., 7.50 feet continuing over and across the said Lot 48, Block 4, The Plains at Riverside, Phase II to a point being in the south boundary line of the said Lot 48, Block 4, The Plains at Riverside, Phase II and being in the north boundary line of the aforementioned Lot 11, Block 4, The Plains at Riverside, Phase I for corner;

THENCE N. 84° 57' 16" W., 2.49 feet with the said south boundary line and the said north boundary line to a point for corner;

THENCE S. 05° 02' 44" W., 7.50 feet departing the said Lot 48, Block 4, The Plains at Riverside, Phase II and the said north boundary line and over and across the said Lot 11, Block 4, The Plains at Riverside, Phase I to the Point of BEGINNING and containing 0.103 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.

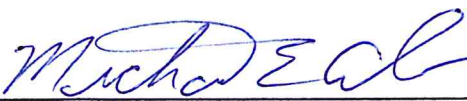

Michael E. Alvis, R.P.L.S. #5402
February 14, 2017



EXHIBIT A

Page 1 of 2



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 COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 255

THE THETA ANGLE AT SAID CITY MONUMENT IS $01^{\circ} 29' 39''$

THE COMBINED CORRECTION FACTOR (CCF) IS 0.999858

PUBLISHED CITY COORDINATES ARE $X = 3,204,661.24$ $Y = 10,367,096.98$

THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS
N. $09^{\circ} 32' 48''$ E., 4506.78 FEET.

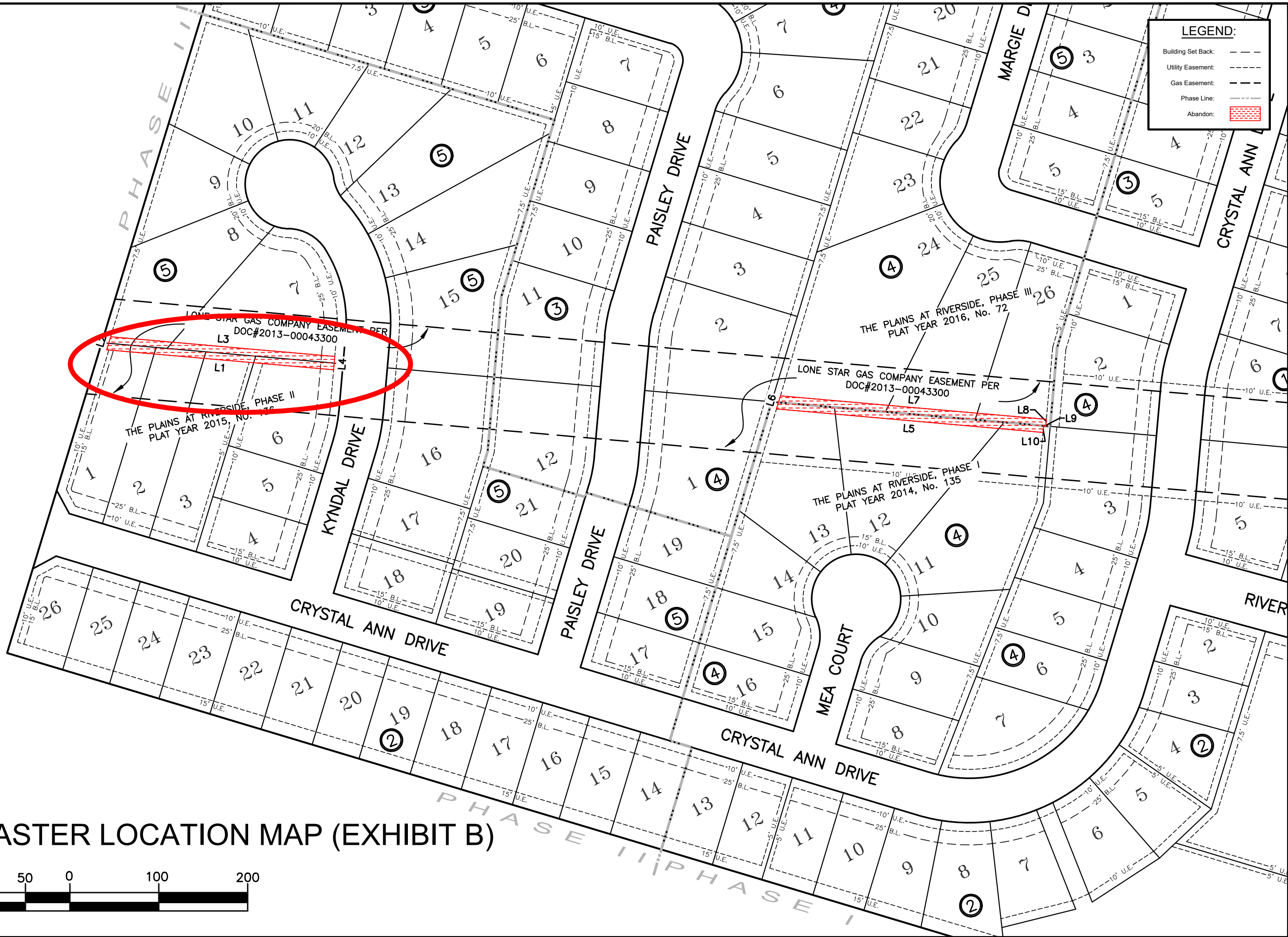
GRID DISTANCE = SURFACE DISTANCE X CCF

GEODETIC NORTH = GRID NORTH + THETA ANGLE

EXHIBIT A

Page 2 of 2





MASTER LOCATION MAP (EXHIBIT B)



TURLEY ASSOCIATES, INC.
ENGINEERING • PLANNING • SURVEYING
301 N. 3rd St.
TEMPLE, TEXAS 76500
254.773.2400
www.turley-inc.com

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GAS LINE & EASEMENT ABANDONMENTS:
THE PLAINS AT RIVERSIDE
PHASE I, II, & III
CITY OF TEMPLE, BELL COUNTY, TEXAS

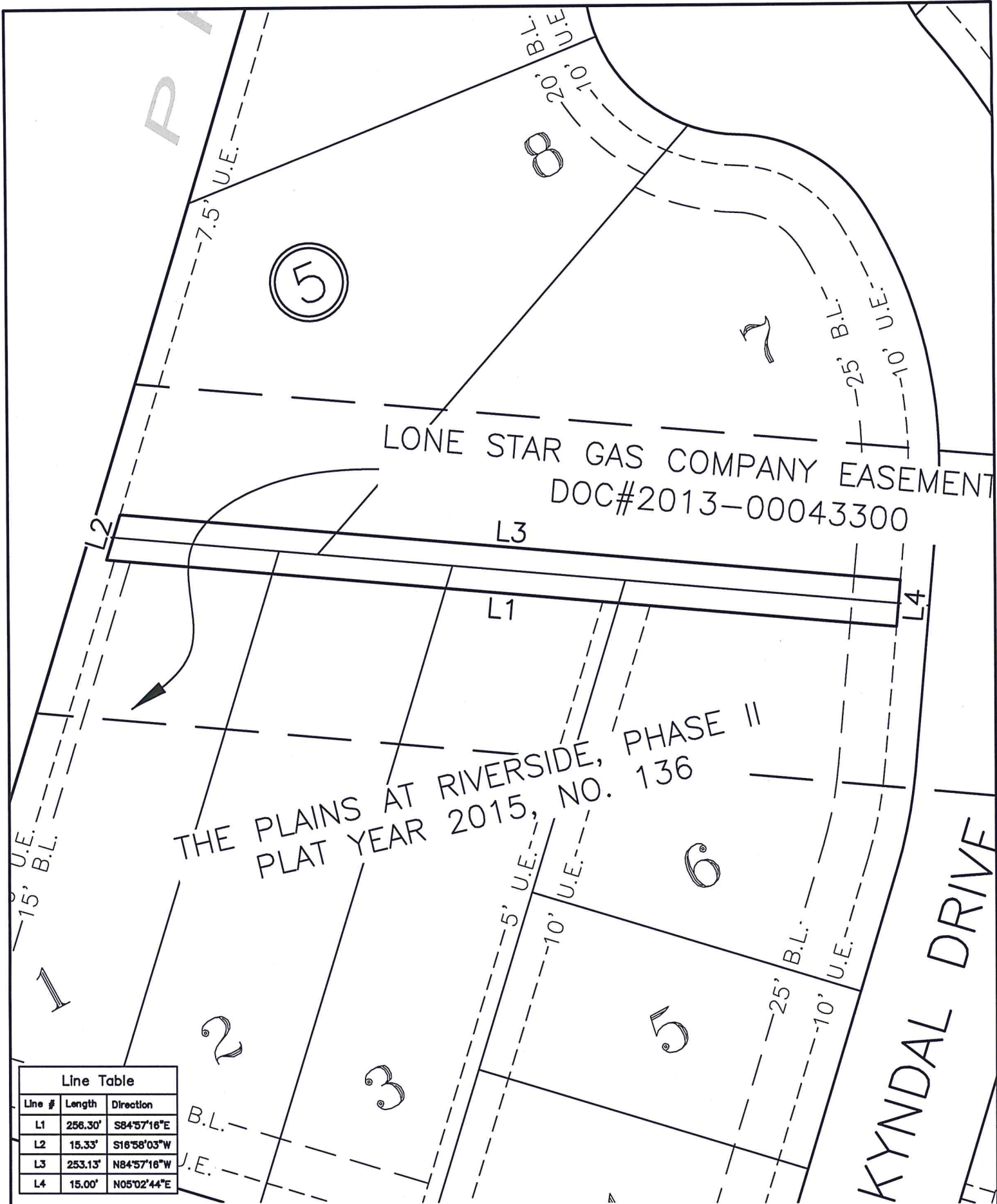
DEVELOPED BY:
3 NEX-GEN DEVEL., LLC.
7348 W. ADAMS AVENUE, SUITE 700
TEMPLE, TX 76502

REVISIONS		
DATE	DESCRIPTION	DFTR

DRAFTSMAN:
T. Johns
DATE:
April 20, 2017
COMPUTER FILE NAME:
13642.ea.v1.dwg
REFERENCE DRAWING NUMBERS:

JOB NUMBER:
13-642
DRAWING NUMBER:
12735-D

PAGE#
01



Line Table		
Line #	Length	Direction
L1	256.30'	S84°57'16"E
L2	15.33'	S18°58'03"W
L3	253.13'	N84°57'16"W
L4	15.00'	N05°02'44"E

BEING a 0.087 acre tract of land situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being a part or portion of that certain 29.339 acre tract of land described as The Plains at Riverside, Phase II according to the map or plat of record in Year No. 2015, Plat No. 136, Plat Records of Bell County, Texas.



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

IN WITNESS THEREOF, my hand and seal, this the 19th day of April, 2017.

Michael E. Alvis

Michael E. Alvis, R.P.L.S., No. 5402

EXHIBIT B

BEING a 0.087 acre tract of land situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being a part or portion of that certain 29.339 acre tract of land described as The Plains at Riverside, Phase II according to the map or plat of record in Year No. 2015, Plat No. 136, Plat Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a point being an interior point of Lot 6, Block 5, The Plains at Riverside, Phase II and which bears S. 58° 10' 33" W., 12.50 feet from the northeast corner of the said Lot 6, Block 5 for corner;

THENCE N. 84° 57' 16" W., 253.74 feet over and across Lots 6, 3, 2 and 1, said Block 5, The Plains at Riverside, Phase II to a point for corner;

THENCE N. 16° 58' 03" E., 15.33 feet over and across the said Lot 1, Block 5 and continuing over and across Lot 8, said Block 4, The Plains at Riverside, Phase II to a point for corner;

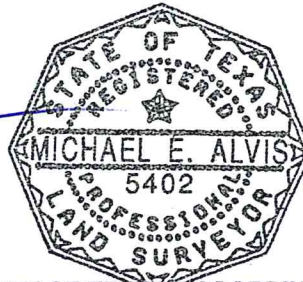
THENCE S. 84° 57' 16" E., 250.57 feet over and across Lots 8 and 7 said Block 5, The Plains at Riverside, Phase II to a point for corner;

THENCE S. 05° 02' 44" W., 15.00 feet over and across the said Lot 7, Block 5, The Plains at Riverside, Phase II and continuing over and across the said Lot 6, Block 5, The Plains at Riverside, Phase II to the Point of BEGINNING and containing 0.087 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
February 14, 2017



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 COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 255

THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 29' 39"

THE COMBINED CORRECTION FACTOR (CCF) IS 0.999858

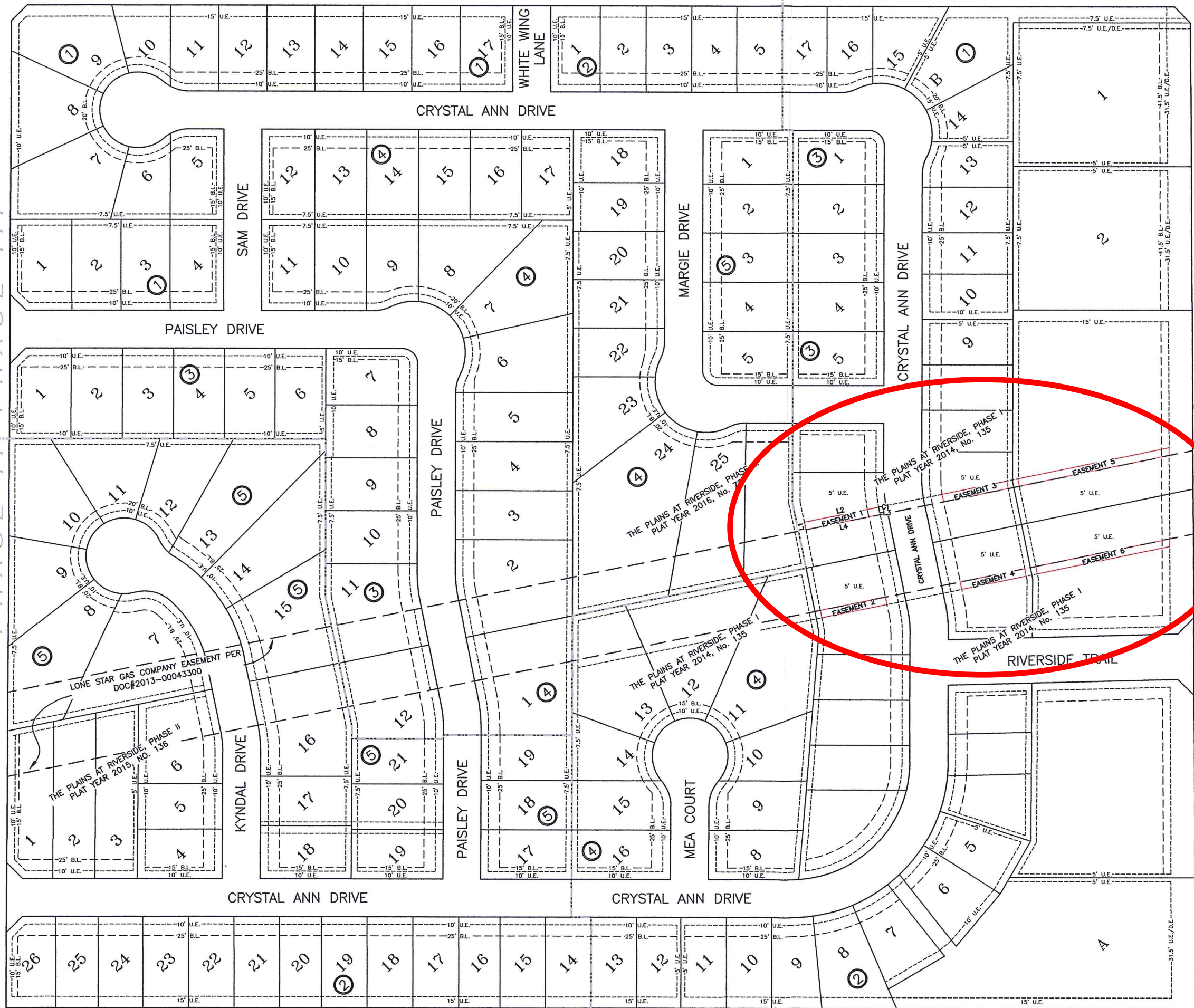
PUBLISHED CITY COORDINATES ARE X = 3,204,661.24 Y = 10,367,096.98

THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS N. 00° 38' 24" W., 4514.98 FEET.

GRID DISTANCE = SURFACE DISTANCE X CCF

GEODETIC NORTH = GRID NORTH + THETA ANGLE

EXHIBIT B



MASTER
VICINITY
MAP
(EXHIBIT C)



TURLEY ASSOCIATES, INC.
ENGINEERING • PLANNING • SURVEYING

301 N. 3rd St.
TEMPLE, TEXAS 76501

254.773.2400
fax 254.773.3998

SURVEY FIRM NO. 10056000 • ENGINEERING FIRM NO. 1658

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ASSOCIATES INC.

GAS LINE & EASEMENTS:
THE PLAINS
AT RIVERSIDE
PHASE I, II & III
CITY OF TEMPLE, BELL COUNTY, TEXAS

DEVELOPED BY:
3 NEX-GEN DEVEL., LLC.
7348 W. ADAMS AVENUE, SUITE 700
TEMPLE, TX 76502

RECEIVED

MAY - 9 2017

City of Temple
Planning & Development

REVISIONS		
DATE	DESCRIPTION	DFTR

DRAFTSMAN
T JAHOS

DATE
OCTOBER 5, 2016

COMPUTER FILE NAME
13642.ea.v1.dwg

REFERENCE DRAWING NUMBERS

DRAFTSMAN:	
T JAHOS	
DATE	
OCTOBER 5, 2016	
COMPUTER FILE NAME	
13642.eo.v1.dwg	
REFERENCE DRAWING NUMBERS	

JOB NUMBER:
13-642
DRAWING NUMBER:
12735-D


BEING a 0.023 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 Lot 2, Block 4, The Plains at Riverside, Phase I according to the map or plat of record in Plat Year 2014, Plat No. 135, Plat Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

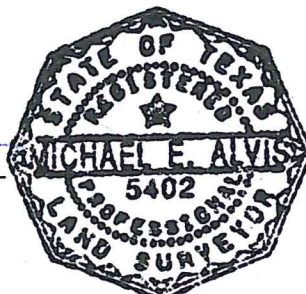
BEGINNING at a point being an internal point of the said Lot 2, Block 4, The Plains at Riverside, Phase I and which bears N. 06° 17' 15" W., 50.99 feet from the southeast corner of the said Lot 2, Block 4 for corner;

THENCE over and across the said Lot 2, Block 4 the following five (5) calls:

- 1) N. 84° 57' 16" W., 100.02 feet to a point for corner;
- 2) N. 05° 02' 44" E., 10.00 feet to a point for corner;
- 3) S. 84° 57' 16" E., 100.07 feet to a point being at the beginning of a curve to the left having a radius equals 215.00 feet, chord bearing equals S. 05° 39' 59" W., 4.84 feet for corner;
- 4) 4.84 feet along the arc of said curve to the left to a point for corner;
- 5) S. 05° 01' 17" W., 5.16 feet to the Point of BEGINNING and containing 0.023 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
 April 26, 2017



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 COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 255
 THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 29' 39"
 THE COMBINED CORRECTION FACTOR (CCF) IS 0.999858
 PUBLISHED CITY COORDINATES ARE X = 3,204,661.24 Y = 10,367,096.98
 THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS
 N. 10° 57' 26" E., 4574.73 FEET.
 GRID DISTANCE = SURFACE DISTANCE X CCF
 GEODETIC NORTH = GRID NORTH + THETA ANGLE

EXHIBIT C

Page 1 of 1



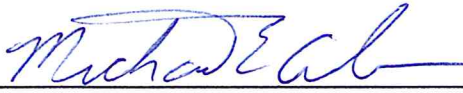
BEING a 0.020 acre tract of land situated in the NANCY CHANCE SURVEY, ABSTRACT No. 5, Bell County, Texas and being a part or portion of that certain Lot 3, Block 4, The Plains at Riverside, Phase I according to the map or plat of record in Plat Year 2014, Plat No. 135, Plat Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a point being an internal point of the said Lot 3, Block 4, The Plains at Riverside, Phase I and which bears N. 07° 52' 02" W., 73.13 feet from the southeast corner of the said Lot 3, Block 4 for corner;

THENCE over and across the said Lot 3, Block 4 the following four (4) calls:

- 1) N. 84° 58' 43" W., 87.50 feet to a point for corner;
- 2) N. 05° 01' 17" E., 10.00 feet to a point for corner;
- 3) S. 84° 58' 43" E., 87.50 feet to a point for corner;
- 4) S. 05° 01' 17" W., 10.00 feet to the Point of BEGINNING and containing 0.020 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
 April 26, 2017



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 COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 255
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 THE COMBINED CORRECTION FACTOR (CCF) IS 0.999858
 PUBLISHED CITY COORDINATES ARE X = 3,204,661.24 Y = 10,367,096.98
 THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS
 N. 10° 55' 22" E., 4455.44 FEET.
 GRID DISTANCE = SURFACE DISTANCE X CCF
 GEODETIC NORTH = GRID NORTH + THETA ANGLE

EXHIBIT C

Curve Table			
Curve #	Radius	Chord	Length
C2	130.17'	N05°58'19"E 4.81'	4.81'

BEING a 0.023 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 Lot 6, Block 1, The Plains at Riverside, Phase I according to the map or plat of record in Plat Year 2014, Plat No. 135, Plat Records of Bell County, Texas.

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

IN WITNESS THEREOF, my hand and seal, this the 25th day of April, 2017.

Michael E. Alvis, R.P.L.S., No. 5402

EXHIBIT C



Michael E. Al

BEING a 0.023 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 Lot 6, Block 1, The Plains at Riverside, Phase I according to the map or plat of record in Plat Year 2014, Plat No. 135, Plat Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

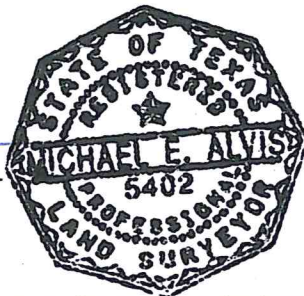
BEGINNING at a point being an internal point of the said Lot 6, Block 1, The Plains at Riverside, Phase I and which bears N. 03° 29' 07" W., 50.56 feet from the southeast corner of the said Lot 6, Block 1 for corner;

THENCE over and across the said Lot 6, Block 1 the following six (6) calls:

- 1) N. 84° 57' 16" W., 102.28 feet to a point for corner;
- 2) N. 05° 01' 17" E., 5.19 feet to a point being at the beginning of a curve to the right having a radius equals 103.17 feet, chord bearing equals N. 05° 58' 19" E., 4.81 feet for corner;
- 3) 4.81 feet along the arc of said curve to the right to a point for corner;
- 4) S. 84° 57' 16" E., 102.50 feet to a point for corner;
- 5) S. 16° 43' 57" W., 1.47 feet to a point for corner;
- 6) S. 05° 02' 44" W., 8.56 feet to the Point of BEGINNING and containing 0.023 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
April 26, 2017



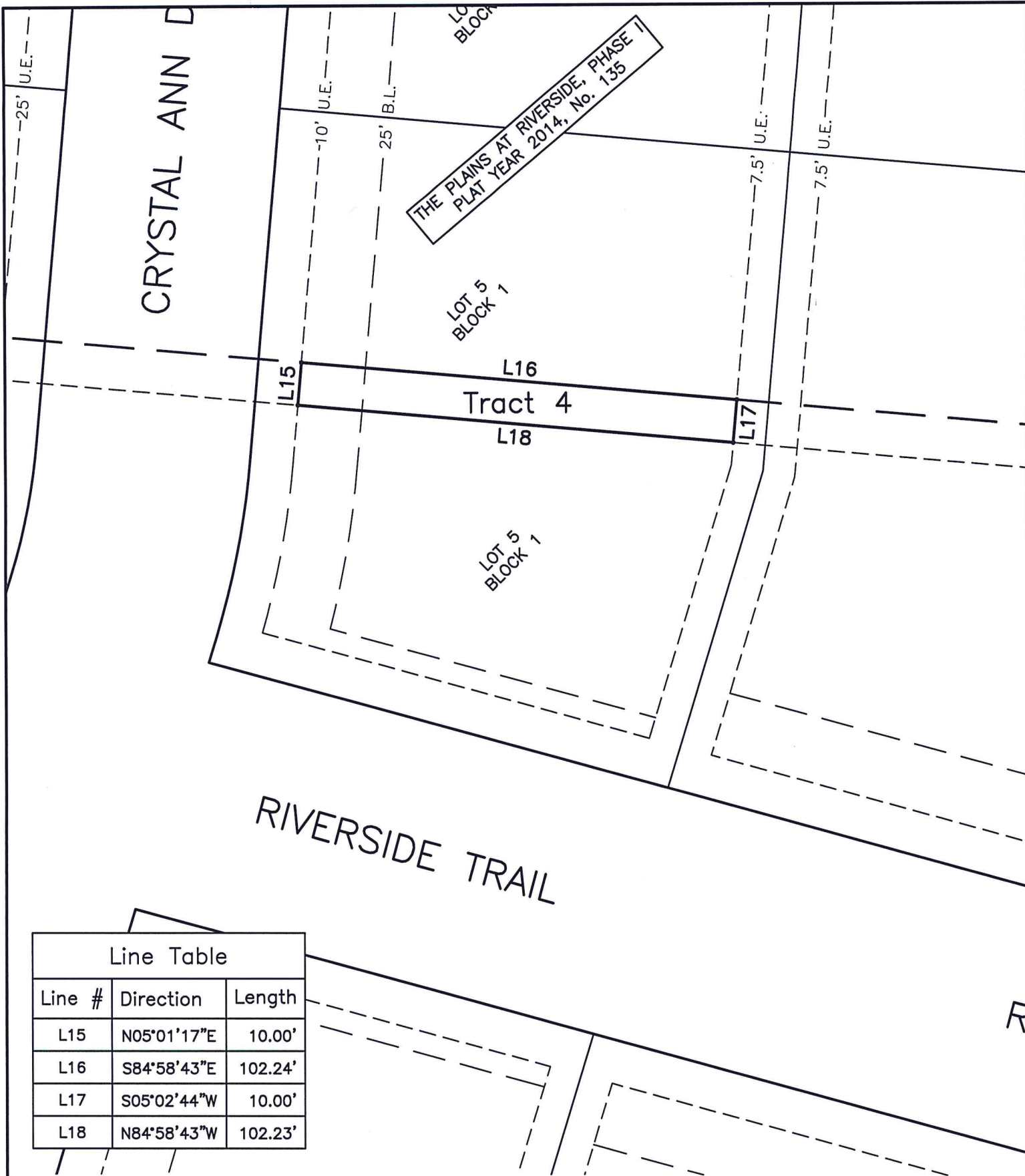
THIS PROJECT IS REFERENCED TO THE CITY OF TEMPLE COORDINATE SYSTEM, AN EXTENSION OF THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS.

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 255
THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 29' 39"
THE COMBINED CORRECTION FACTOR (CCF) IS 0.999858
PUBLISHED CITY COORDINATES ARE X = 3,204,661.24 Y = 10,367,096.98
THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS
N. 13° 05' 39" E., 4595.67 FEET.
GRID DISTANCE = SURFACE DISTANCE X CCF
GEODETIC NORTH = GRID NORTH + THETA ANGLE

EXHIBIT C

Page 1 of 1





BEING a 0.023 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 Lot 5, Block 1, The Plains at Riverside, Phase I according to the map or plat of record in Plat Year 2014, Plat No. 135, Plat Records of Bell County, Texas.



STATE OF TEXAS } 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 ground of the property described
herein and is correct.

IN WITNESS THEREOF, my hand and seal, this the 25th day of April, 2017.

Michael E. Alvis

Michael E. Alvis, R.P.L.S., No. 5402

EXHIBIT C


BEING a 0.023 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 Lot 5, Block 1, The Plains at Riverside, Phase I according to the map or plat of record in Plat Year 2014, Plat No. 135, Plat Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

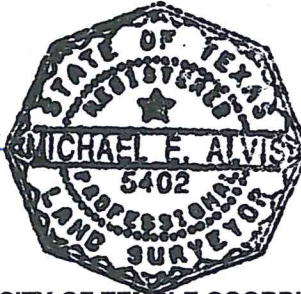
BEGINNING at a point being an internal point of the said Lot 5, Block 1, The Plains at Riverside, Phase I and which bears N. 10° 56' 48" W., 81.74 feet from the southeast corner of the said Lot 5, Block 1 for corner;

THENCE over and across the said Lot 5, Block 1 the following four (4) calls:

- 1) N. 84° 58' 43" W., 102.23 feet to a point for corner;
- 2) N. 05° 01' 17" E., 10.00 feet to a point for corner;
- 3) S. 84° 58' 43" E., 102.24 feet to a point for corner;
- 4) S. 05° 02' 44" W., 10.00 feet to the Point of BEGINNING and containing 0.023 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
 April 26, 2017



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 COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 255
 THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 29' 39"
 THE COMBINED CORRECTION FACTOR (CCF) IS 0.999858
 PUBLISHED CITY COORDINATES ARE X = 3,204,661.24 Y = 10,367,096.98
 THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS
 N. 13° 18' 22" E., 4478.56 FEET. GRID DISTANCE = SURFACE DISTANCE X CCF
 GEODETIC NORTH = GRID NORTH + THETA ANGLE

EXHIBIT C


BEING a 0.047 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 Lot 3, Block 1, The Plains at Riverside, Phase I according to the map or plat of record in Plat Year 2014, Plat No. 135, Plat Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

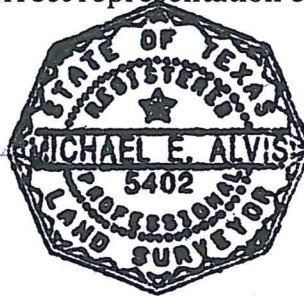
BEGINNING at a point being an internal point of the said Lot 3, Block 1, The Plains at Riverside, Phase I and which bears N. 18° 39' 16" W., 54.91 feet from the southeast corner of the said Lot 3, Block 1 for corner;

THENCE over and across the said Lot 3, Block 1 the following five (5) calls:

- 1) N. 84° 57' 16" W., 202.31 feet to a point for corner;
- 2) N. 05° 02' 44" E., 7.03 feet to a point for corner;
- 3) N. 16° 43' 57" E., 3.03 feet to a point for corner;
- 4) S. 84° 57' 16" E., 203.69 feet to a point for corner;
- 5) S. 16° 19' 15" W., 10.20 feet to the Point of BEGINNING and containing 0.047 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
 April 26, 2017

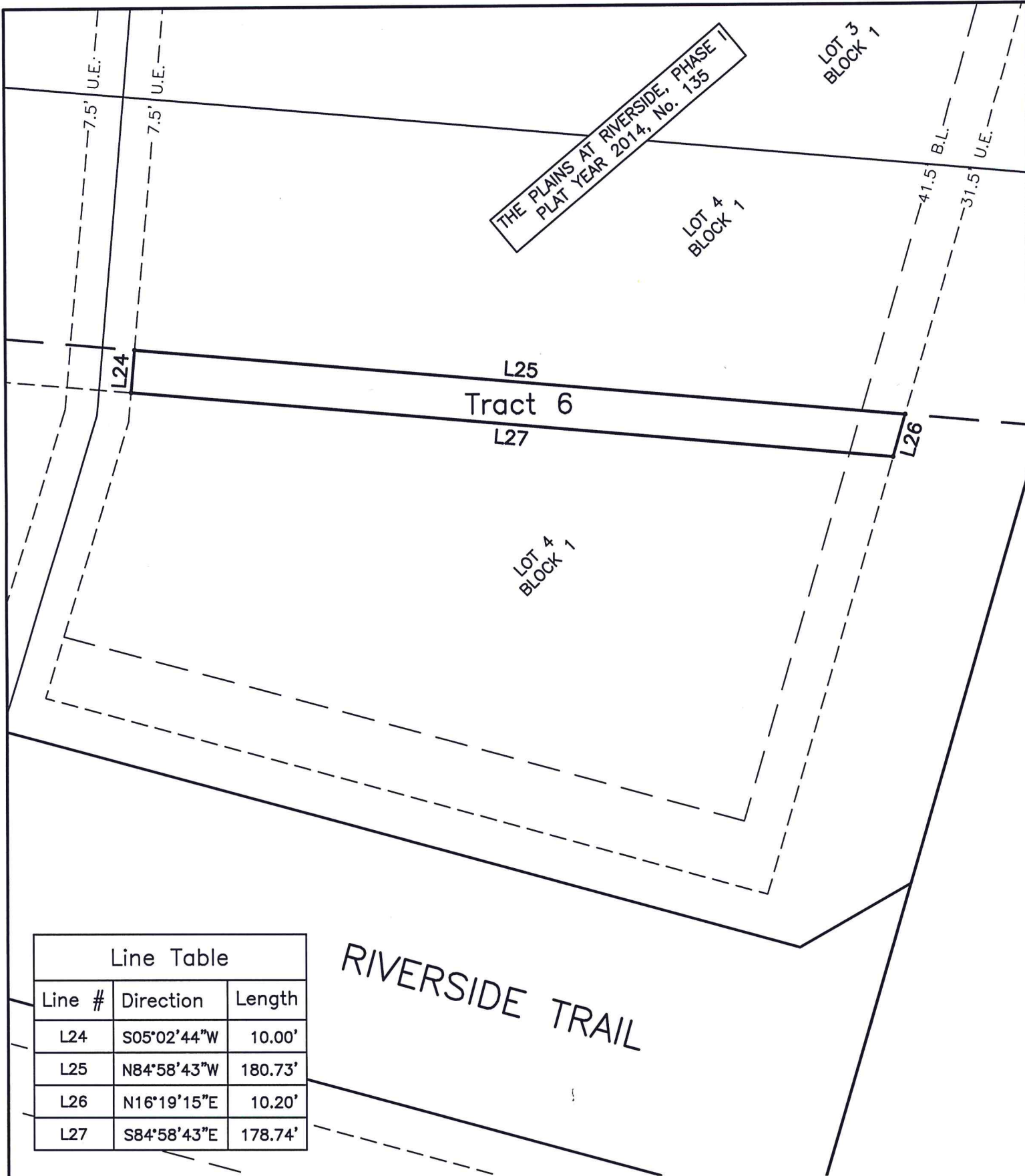


THIS PROJECT IS REFERENCED TO THE CITY OF TEMPLE COORDINATE SYSTEM, AN EXTENSION OF THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS.

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 255
 THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 29' 39"
 THE COMBINED CORRECTION FACTOR (CCF) IS 0.999858
 PUBLISHED CITY COORDINATES ARE X = 3,204,661.24 Y = 10,367,096.98
 THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS
 N. 15° 45' 26" E., 4631.10 FEET. GRID DISTANCE = SURFACE DISTANCE X CCF
 GEODETIC NORTH = GRID NORTH + THETA ANGLE

EXHIBIT C

Page 1 of 1



Line Table		
Line #	Direction	Length
L24	S05°02'44"W	10.00'
L25	N84°58'43"W	180.73'
L26	N16°19'15"E	10.20'
L27	S84°58'43"E	178.74'

RIVERSIDE TRAIL

BEING a 0.041 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 Lot 4, Block 1, The Plains at Riverside, Phase I according to the map or plat of record in Plat Year 2014, Plat No. 135, Plat Records of Bell County, Texas.



STATE OF TEXAS I KNOW ALL MEN BY THESE PRESENTS, that I
COUNTY OF BELL I 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 ground of the property described
herein and is correct.

IN WITNESS THEREOF, my hand and seal, this the 25th day of April, 2017.

Michael E. Alvis

Michael E. Alvis, R.P.L.S., No. 5402

EXHIBIT C


BEING a 0.041 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 Lot 4, Block 1, The Plains at Riverside, Phase I according to the map or plat of record in Plat Year 2014, Plat No. 135, Plat Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a point being an internal point of the said Lot 4, Block 1, The Plains at Riverside, Phase I and which bears N. 02° 12' 54" W., 99.09 feet from the most easterly southeast corner of the said Lot 4, Block 1 for corner;

THENCE over and across the said Lot 4, Block 1 the following four (4) calls:

- 1) N. 84° 58' 43" W., 178.74 feet to a point for corner;
- 2) N. 05° 02' 44" E., 10.00 feet to a point for corner;
- 3) S. 84° 55' 43" E., 180.73 feet to a point for corner;
- 4) S. 16° 19' 15" W., 10.20 feet to the Point of BEGINNING and containing 0.041 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
 April 26, 2017



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 COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 255
 THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 29' 39"
 THE COMBINED CORRECTION FACTOR (CCF) IS 0.999858
 PUBLISHED CITY COORDINATES ARE X = 3,204,661.24 Y = 10,367,096.98
 THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS
 N. 15° 44' 31" E., 4510.56 FEET. GRID DISTANCE = SURFACE DISTANCE X CCF
 GEODETIC NORTH = GRID NORTH + THETA ANGLE

EXHIBIT C



RESOLUTION NO. 2017-8697-R
(A-FY-17-08)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, AUTHORIZING THE RELEASE OF AN APPROXIMATELY 7.5
FOOT WIDE PUBLIC UTILITY EASEMENT WITHIN AN EXISTING
GAS EASEMENT LOCATED ON LOTS 11, 12, 13, 24, 25 & 26, BLOCK 4,
PLAINS AT RIVERSIDE, PHASE II SUBDIVISION; AND PROVIDING
AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, Turley Associates, submitted a request on behalf of the developer, 3 Nex-Gen Development, as well as several individual owners for the release of an approximately 7.5 foot wide public utility easement within an existing gas easement located on Lots 11, 12, 13, 24, 25 & 26, Block 4, Plains at Riverside, Phase II, subdivision, more particularly described in Exhibit A, attached hereto and made a part hereof for all purposes;

Whereas, the public utility easement, located within an existing 110-foot Atmos Gas easement, formally Lone Star Gas, was created by the recordation of the Plains at Riverside, Phases I, II & III final plat subdivisions and is redundant and not needed, since there are other utility easements created by the plat in place;

Whereas, while many of the affected lots have been sold by the developer, 3 Next-Gen Development, the developer as well as the individual property owners are requesting the release;

Whereas, Staff contacted all public and private utility service providers, including the Public Works Department, and confirmed that the easement may be released, as the providers' responses indicated there are no existing public facilities or utilities in the easement and there are no objections to releasing the easement; and

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

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City of Temple, Texas releases an approximately 7.5 foot wide public utility easement within an existing gas easement located on Lots 11, 12, 13, 24, 25 & 26, Block 4, Plains at Riverside, Phase II, subdivision, and more particularly described in Exhibit A.

Part 3: The release of the existing approximately 7.5 foot wide public utility easement shall become effective upon the approval of this Resolution.

Part 4: Upon request, the City of Temple will provide a copy of this Resolution and any other evidence of release of the utility easement, which may be reasonably required.

Part 5: 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 on the 15th day of **June**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney

STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the _____ day of June, 2017, by Daniel A. Dunn, Mayor of the City of Temple, Texas.

Notary Public, State of Texas

Return Recorded Document to:
City Attorney's Office
2 North Main Street, Suite 308
Temple, TX 76501

RESOLUTION NO. 2017-8698-R
(A-FY-17-09)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE RELEASE OF AN APPROXIMATELY 7.5 FOOT WIDE PUBLIC UTILITY EASEMENT WITHIN AN EXISTING GAS EASEMENT LOCATED ON LOTS 1, 2, 3, 6, 7 & 8, PLAINS AT RIVERSIDE, PHASE III SUBDIVISION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, Turley Associates, submitted a request on behalf of the developer, 3 Nex-Gen Development, as well as several individual owners for the release of an approximately 7.5 foot wide public utility easement within an existing gas easement located on Lots 1, 2, 3, 6, 7 & 8, The Plains at Riverside, Phase III subdivision, more particularly described in Exhibit A, attached hereto and made a part hereof for all purposes;

Whereas, the public utility easement, located within an existing 110-foot Atmos Gas easement, formally Lone Star Gas, was created by the recordation of the Plains at Riverside, Phases I, II & III final plat subdivisions and is redundant and not needed, since there are other utility easements created by the plat in place;

Whereas, while many of the affected lots have been sold by the developer, 3 Nex-Gen Development, the developer as well as the individual property owners are requesting the release;

Whereas, Staff contacted all public and private utility service providers, including the Public Works Department, and confirmed that the easement may be released, as the providers' responses indicated there are no existing public facilities or utilities in the easement and there are no objections to releasing the easement; and

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

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City of Temple, Texas releases an approximately 7.5 foot wide public utility easement within an existing gas easement located on Lots 1, 2, 3, 6, 7 & 8, The Plains at Riverside, Phase III subdivision, and more particularly described in Exhibit A.

Part 3: The release of the existing approximately 7.5 foot wide public utility easement shall become effective upon the approval of this Resolution.

Part 4: Upon request, the City of Temple will provide a copy of this Resolution and any other evidence of release of the utility easement, which may be reasonably required.

Part 5: 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 on the 15th day of **June**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney

STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the _____ day of June, 2017, by Daniel A. Dunn, Mayor of the City of Temple, Texas.

Notary Public, State of Texas

Return Recorded Document to:
City Attorney's Office
2 North Main Street, Suite 308
Temple, TX 76501

RESOLUTION NO. 2017-8699-R
(A-FY-17-11)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, AUTHORIZING THE RELEASE OF AN APPROXIMATELY 10
FOOT WIDE PUBLIC UTILITY EASEMENT WITHIN AN EXISTING
GAS EASEMENT LOCATED ON LOTS 3, 4, 5 & 6, BLOCK 1 & LOTS 2 &
3, BLOCK 4, PLAINS AT RIVERSIDE, PHASE I SUBDIVISION; AND
PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, Turley Associates, submitted a request on behalf of the developer, 3 Nex-Gen Development, as well as several individual owners for the release of an approximately 10 foot wide public utility easement within an existing gas easement located on Lots 3, 4, 5 & 6, Block 1 & Lots 2 & 3, Block 4, Plains at Riverside, Phase I subdivision, more particularly described in Exhibit A, attached hereto and made a part hereof for all purposes;

Whereas, the public utility easement, located within an existing 110-foot Atmos Gas easement, formally Lone Star Gas, was created by the recordation of the Plains at Riverside, Phases I, II & III final plat subdivisions and is redundant and not needed, since there are other utility easements created by the plat in place;

Whereas, while many of the affected lots have been sold by the developer, 3 Nex-Gen Development, the developer as well as the individual property owners are requesting the release;

Whereas, Staff contacted all public and private utility service providers, including the Public Works Department, and confirmed that the easement may be released, as the providers' responses indicated there are no existing public facilities or utilities in the easement and there are no objections to releasing the easement; and

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

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City of Temple, Texas releases an approximately 10 foot wide public utility easement within an existing gas easement located on Lots 3, 4, 5 & 6, Block 1 & Lots 2 & 3, Block 4, Plains at Riverside, Phase I subdivision, and more particularly described in Exhibit A.

Part 3: The release of the existing approximately 10 foot wide public utility easement shall become effective upon the approval of this Resolution.

Part 4: Upon request, the City of Temple will provide a copy of this Resolution and any other evidence of release of the utility easement, which may be reasonably required.

Part 5: 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 on the **15th** day of **June**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney

STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the _____ day of June, 2017, by Daniel A. Dunn, Mayor of the City of Temple, Texas.

Notary Public, State of Texas

Return Recorded Document to:

*City Attorney's Office
2 North Main Street, Suite 308
Temple, TX 76501*



CITY COUNCIL AGENDA ITEM MEMORANDUM

06/15/17
Item #4(V)
Consent Agenda
Page 1 of 2

DEPARTMENT / DIVISION SUBMISSION & REVIEW:

Dessie, Planner

ITEM DESCRIPTION: Consider adopting a resolution authorizing approval of a dual street name of South 6th Street/Little Joe Hernandez Drive on a section of South 6th Street between East Central Avenue and East Avenue E. in the City of Temple, Bell County, Texas and more particularly shown as Exhibit A.

STAFF RECOMMENDATION: Based on the following, staff recommends approval for the dual naming of South 6th Street/Little Joe Hernandez Drive on a section of South 6th Street between East Central Avenue and East Avenue E:

1. Resolution 2015-2889-R states that public streets may be named to honor or recognize an individual that has made a significant impact to the advancement of their profession or industry.
2. Joe Hernandez, renowned as Little Joe y La Familia is internationally known as helping pioneer Tejano music with over 50 years of performing, more than 70 albums, and five Grammy awards including Best Tejano Album and Best Mexican American Performances.

ITEM SUMMARY: The City Manager received in writing a formal request to dual name South 6th Street with "Little Joe Hernandez Drive" by the League of United Latin American Citizens (LULAC) Council 4971 in honor of Joe Hernandez, also renowned as Little Joe y La Familia who was born and raised in Temple. Little Joe Hernandez is internationally known as helping pioneer Tejano music with over 50 years of performing, more than 70 albums, and five Grammy awards including Best Tejano Album and Best Mexican American Performances.

If this request is approved by City Council, South 6th Street addresses (between East Central Avenue and East Avenue E.) will remain effective and therefore, should not impact mail delivery or 911 emergency services.

Based on the fact that "Avenue" is defined as an east/west roadway, combined with input from City Council at their May 4, 2017 workshop, staff is recommending "Drive."

PUBLIC NOTICE: If approved, there will be five property owners affected by this change in addition to properties owned by the City. Notification letters were sent out to the property owners on May 23, 2017.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Exhibit A](#)
[Resolution](#)

Map

“Little Joe Hernandez Drive” Dual Street Naming Request



A request for a portion of S. 6th Street (between E. Central Avenue and E. Avenue E) to include a dual name of “Little Joe Hernandez Drive” as shown in red above.

RESOLUTION NO. 2017-8700-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING APPROVAL OF A DUAL STREET NAME OF SOUTH 6TH STREET/LITTLE JOE HERNANDEZ DRIVE ON A SECTION OF SOUTH 6TH STREET BETWEEN EAST CENTRAL AVENUE AND EAST AVENUE E IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City Manager received, in writing, a formal request to dual name a portion of South 6th Street with “Little Joe Hernandez Drive” by the League of United Latin American Citizens (LULAC) Council 4971 in honor of Joe Hernandez, also renowned as Little Joe y La Familia, who was born and raised in Temple;

Whereas, Little Joe Hernandez is internationally known as helping pioneer Tejano music with over 50 years of performing, more than 70 albums, and five Grammy awards including Best Tejano Album and Best Mexican American Performances;

Whereas, South 6th Street addresses (between East Central Avenue and East Avenue E) will remain effective and therefore, approval of a dual street name should not impact mail delivery or 911 emergency services;

Whereas, Staff recommends approval of a dual street naming of South 6th Street/Little Joe Hernandez Drive on a section of South 6th Street between East Central Avenue and East Avenue E based on the following information:

1. Resolution 2015-2889-R states that public streets may be named to honor or recognize an individual that has made a significant impact to the advancement of their profession or industry;
2. Joe Hernandez, renowned as Little Joe y La Familia, is internationally known as helping pioneer Tejano music with over 50 years of performing, more than 70 albums, and five Grammy awards including Best Tejano Album and Best Mexican American Performances; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council dually names South 6th Street/Little Joe Hernandez Drive on a section of South 6th Street between East Central Avenue and East Avenue E in the City of Temple, Bell County, Texas.

Part 3: The City Council authorizes the Acting City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for the dual naming of this street.

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

PASSED AND APPROVED this the **15th** day of **June**, 2017.

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

06/15/17
Item #4(W)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing certain City employees to conduct investment transactions, transfer funds, and represent the City in other financial transactions.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Jonathan Graham's effective retirement date is June 23, 2017. On April 6, 2017, Council passed a resolution appointing Brynn Myers as Acting City Manager through June 23, 2017 and Interim City Manager effective June 24, 2017. This resolution is to remove the authority for Jonathan Graham, City Manager, and to add the authority for Brynn Myers, Interim City Manager, to conduct financial transactions for the City, effective June 24, 2017. This resolution also includes the designation of other City employees as authorized signatories and other City employees as Investment Officers. A new resolution is required any time a change occurs in any of the positions authorized to conduct financial transactions.

The following employees will have authorization to conduct cash management functions and be designated as authorized signatories for the City:

Brynn Myers – Interim City Manager
Lacy Borgeson – City Secretary

The following employees will have authorization to conduct cash management and investment functions, and be designated as authorized signatories and Investment Officers for the City

Traci L. Barnard – Director of Finance
Melissa Przybylski – Assistant Director of Finance
Stacey Reisner – Treasury/Grants Manager
Sherry Pogor – Financial Analyst
Erica Glover – Senior Accountant

FISCAL IMPACT: No fiscal impact.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2017-8701-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CERTAIN CITY EMPLOYEES THE AUTHORITY TO CONDUCT INVESTMENT TRANSACTIONS, TRANSFER FUNDS, AND REPRESENT THE CITY IN OTHER FINANCIAL TRANSACTIONS; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City Council desires to authorize certain employees to have authority to conduct investment transactions, transfer funds and represent the City in other financial transactions, as outlined below;

Whereas, the following employees will have authorization to conduct cash management functions and be designated as authorized signatories for the City:

Brynn Myers – Interim City Manager
Lacy Borgeson – City Secretary

Whereas, the following employees will have authorization to conduct cash management and investment functions, and be designated as authorized signatories and Investment Officers for the City:

Traci L. Barnard – Director of Finance
Melissa Przybylski – Assistant Director of Finance
Stacey Reisner – Treasury/Grants Manager
Sherry Pogor – Financial Analyst
Erica Glover – Senior Accountant

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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes Traci L. Barnard, Director of Finance, Melissa Przybylski, Assistant Director of Finance, Stacey Reisner, Treasury/Grants Manager, Sherry Pogor, Financial Analyst and Erica Glover, Senior Accountant full authority and empowers them to take all actions and execute all documents necessary or incidental to such direct security repurchase agreements, reverse security repurchase agreements, U.S. Treasury Securities, and U.S. Government Agency Securities to the full extent they may exercise that authority consistent with the Texas Depository Act and other applicable state and federal laws and regulations and designates them as Investment Officers for the City of Temple.

Part 3: The City Council authorizes the named individuals in Part 2, Brynn Myers, Interim City Manager, and Lacy Borgeson, City Secretary, on behalf of the City of Temple and as its own act, to sign checks, drafts, notes, bills of exchange, acceptances, or other orders for the payment of money; to endorse any checks, notes, bills, or other instruments owned, held, or endorsed to the City of Temple; to issue instructions regarding deposits, withdrawals, orders for payment or transfer of funds whether oral, by telephone or electronic means; or to do any other convenient or necessary acts to the opening, maintenance, and closing of the accounts in accordance with the Charter and ordinances of the City of Temple. Their true signatures appear below:

Traci L. Barnard
Director of Finance

Brynn Myers
Interim City Manager

Melissa Przybylski
Assistant Director of Finance

Stacey Reisner
Treasury/Grants Manager

Sherry Pogor
Financial Analyst

Erica Glover
Senior Accountant

Lacy Borgeson
City Secretary

Part 4: Controls will remain in place to assure compliance with the City of Temple Fiscal and Budgetary Policies and Investment Policies to assure that assets are safeguarded against loss from unauthorized use or disposition, and that transactions are executed in accordance with management authorization and recorded properly to permit the preparation of general purpose financial statements in accordance with generally accepted accounting principles.

Part 5: This authority shall remain in full force and effect until written notice revoking or modifying same has been given by the City Council and received by all other parties to this transaction.

Part 6: The authorized individuals shall have an official bond in the sum adequate to protect the City, but of not less than Five Hundred Thousand (\$500,000) Dollars, each which fully meets the bonding requirements of Article 4, Section 4.25 of the City Charter.

Part 7: This Resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas.

Part 8: 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 **15th** day of **June**, 2017.

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

06/15/17
Item #4(X)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing budget amendments for fiscal year 2016-2017.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2016-2017 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$49,226.

ATTACHMENTS:

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2017 BUDGET
June 15, 2017

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
110-2011-521-2229		Capital < \$5,000 / OCU Seized Funds - State	\$ 1,729	
110-0000-313-0330		Reserved for Drug Enforcement / Reserve for Seized Funds		\$ 1,729
To appropriate state seized funds for the purchase of a DJI Phantom 4 Pro Drone				
110-2020-521-2533		Other Services / DARE CJD Expenses	\$ 1,000	
110-2033-521-2120		Supplies / Education/Recreation	\$ 100	
110-0000-442-0722		Police Revenue / Police Donations/Gifts		\$ 100
110-0000-442-0723		Police Revenue / DARE Donations - Unrestricted		\$ 1,000
To appropriate donations received for the GREAT Program and National Night Out.				
110-2011-521-2516		Other Services / Judgments & Damages	\$ 1,397	
110-0000-461-0554		Insurance Claims / Insurance Claims		\$ 1,397
To appropriate insurance proceeds received from State Farm Insurance related to damages received to a police vehicle on 02/15/2017.				
110-1100-513-2616	101648	Contracted Services / Professional	\$ 45,000	
110-1100-513-2616		Contracted Services / Professional		\$ 17,100
110-6000-513-2616		Contracted Services / Professional		\$ 20,800
110-1100-513-2514		Other Services / Travel & Training		\$ 7,100
To reallocate funding to a project account for East Temple Revitalization Plan. This will allow funds to be set aside for future use.				
TOTAL AMENDMENTS			\$ 49,226	\$ 49,226
GENERAL FUND				
Beginning Contingency Balance			\$ -	
Added to Contingency Sweep Account				-
Carry forward from Prior Year				-
Taken From Contingency				-
Net Balance of Contingency Account			\$ -	
Beginning Judgments & Damages Contingency			\$ 5,257	
Added to Contingency Judgments & Damages from Council Contingency				-
Taken From Judgments & Damages				-
Net Balance of Judgments & Damages Contingency Account			\$ 5,257	
Beginning Compensation Contingency			\$ 560,000	
Added to Compensation Contingency				-
Taken From Compensation Contingency				-
Net Balance of Compensation Contingency Account			\$ 560,000	
Net Balance Council Contingency			\$ 565,257	
Beginning Balance Budget Sweep Contingency			\$ -	
Added to Budget Sweep Contingency				-
Taken From Budget Sweep				-
Net Balance of Budget Sweep Contingency Account			\$ -	
WATER & SEWER FUND				
Beginning Contingency Balance			\$ 50,000	
Added to Contingency Sweep Account				-
Taken From Contingency				(41,558)
Net Balance of Contingency Account			\$ 8,442	
Beginning Compensation Contingency			\$ 112,500	
Added to Compensation Contingency				-
Taken From Compensation Contingency				-
Net Balance of Compensation Contingency Account			\$ 112,500	
Net Balance Water & Sewer Fund Contingency			\$ 120,942	

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2017 BUDGET
June 15, 2017

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance		\$ -
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account		\$ -
		Beginning Compensation Contingency	\$	28,300
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		-
		Net Balance of Compensation Contingency Account	\$	28,300
		Net Balance Hotel/Motel Tax Fund Contingency		\$ 28,300
		DRAINAGE FUND		
		Beginning Contingency Balance	\$	-
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-
		Beginning Compensation Contingency	\$	24,300
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		-
		Net Balance of Compensation Contingency Account	\$	24,300
		Net Balance Drainage Fund Contingency		\$ 24,300
		FED/STATE GRANT FUND		
		Beginning Contingency Balance	\$	-
		Carry forward from Prior Year		14,947
		Added to Contingency Sweep Account		22,397
		Taken From Contingency		-
		Net Balance Fed/State Grant Fund Contingency		\$ 37,344

RESOLUTION NO. 2017-8702-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2016-2017 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on the 26th day of August, 2016, the City Council approved a budget for the 2016-2017 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2016-2017 City Budget.

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council approves amending the 2016-2017 City Budget by adopting the budget amendments which are more fully described in Exhibit 'A,' attached hereto and made a part hereof for all purposes.

Part 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 15th day of **June**, 2017.

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

06/15/17
Item #5
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: P-FY-16-27: Consider adopting a resolution approving the Preliminary Plat of Circle C Ranch Estates, a 72.49 +/- acres, 80-lot, 5-block, 5 tract, residential subdivision, **with developer-requested exceptions to the Unified Development Code (UDC) to Section 8.3** related to the payment of required park fees **and Section 8.2.D.4b** related to the minimum number of street openings, situated in the Lewis Walker Survey, Abstract 860, Bell County Texas, located in Temple's western ETJ at the southeast corner of Sparta Loop and Sparta Road, west of FM 439.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its May 15, 2017, meeting the Planning and Zoning Commission voted eight to to recommend approval of the Preliminary Plat of Circle C Ranch Estates, with **with developer-requested exceptions to the Unified Development Code (UDC) to Section 8.3** related to the payment of required park fees **and Section 8.2.D.4b** related to the minimum number of street openings.

STAFF RECOMMENDATION: Staff recommends approval of the Preliminary Plat of Circle C Ranch Estates, subdivision and the developer-requested exceptions to the Unified Development Code (UDC) to Section 8.3 related to the payment of required park fees and Section 8.2.D.4b related to the number of street openings occurring a minimum of 1,000 feet from one another.

ITEM SUMMARY: The Development Review Committee (DRC) initially reviewed the Preliminary Plat of Circle C Ranch Estates subdivision on March 24, 2016. A second review was held on September 22, 2016. Delays were the related to parkland dedication within the ETJ as well as other plat comments that required an extended time frame to resolve. The plat was deemed administratively complete on May 11, 2017.

The preliminary plat proposes to create an 80-lot, 5-block, 5-tract residential subdivision within the City of Temple's western ETJ. The five separate tracts comprised of 7.2 +/- acres, will be utilized for private detention facilities and common area. Restrictive covenants with a homeowners association (HOA) are proposed.

The square footage of the lots range in size from:

Smallest: 23,598 square feet (0.55 Acre) Lot 16, Block 1
Lot 4, Block 3
Lot 12, Block 3

Largest: 1.09 Acre Lot 1, Block 1

While both Sparta Road & Sparta Loop are existing streets, only Sparta Road is shown only on the City of Belton's Thoroughfare Plan as collector, it is subject to both Bell County, City of Belton as well as City of Temple improvement standards. Standards have been addressed through the development review process for the preliminary plat. They will be finalized with the review of the final plat. However, a separate plat to Bell County is required.

In addition to the existing Sparta Loop, the plat proposes the creation of seven local streets with a minimum 50-foot right-of-way:

Cowman Drive,
Limousin Drive,
Camargue Drive,
Barzona Drive,
Watusi Drive,
Caldelana Drive, and
Charro Drive

Wastewater will provided by on-site septic. The minimum acreage for on-site septic is 22, 500 square feet. Since the smallest lots are 23,598 square feet in area, the minimum requirement for on-site septic has been met but will require a separate permit through Bell County Health Department. Water will be provided through an eight inch water line looped throughout the subdivision. The water line is being extended from an existing water line in Sparta Road.

The developer is requesting an exception to the City's park fee requirements, UDC Section 8.3, which allows for an administrative exception if; (1) the area proposed for development is more than one mile from the existing City limits; (2) the proposed subdivision will create fewer than nine lots; and (3) the City has not set forth plans to annex the area proposed for development in the City's Municipal Annexation Plan.

As the developer has further described in the attached exception letter date August 30, 2016, the proposed location of this subdivision is outside the existing City limits and is a location unlikely to be annexed by the City of Temple in the near future. The request exceeds the nine lot maximum to meet the administrative exception, therefore, the necessity for a formal exception by the City Council is triggered. Since the subject property is within the ETJ at a distance of approximately 1.02 miles from the City limit line along Sparta Road, Parks and Recreation Department staff is supportive of the proposed exception.

In addition, the developer has requested a second exception to UDC Section 8.2.D.4b related to the number of street openings within a subdivision. While the proposed subdivision provides two access points, triggered for a subdivision with 76 lots or more, the two access points are greater than the minimum 1,000 foot distance requirement. The Fire Department has indicated that since the subject property is within the ETJ, they are supportive of the proposed exception.

The City Council, scheduled for June 15, 2017, is the Preliminary Plat authority for Circle C Ranch Estates subdivision, since the applicant has requested two separate exceptions to the UDC.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Street View & Site Aerial Photos](#)

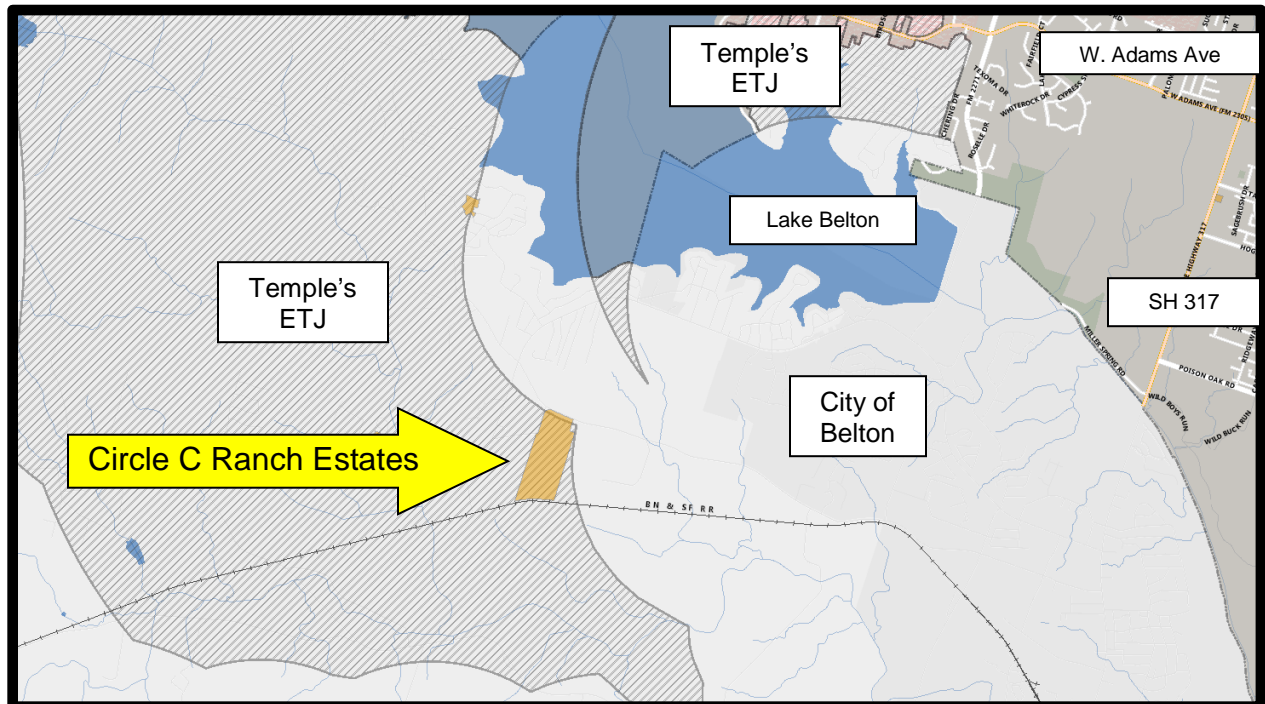
[Final Plat](#)

[Topo / Utility Plan](#)

[Developer Letter Requesting Exceptions to UDC \(Aug 30, 2016\)](#)

[Resolution](#)

Vicinity, Aerial & Street View



Vicinity Map: Temple's GIS (arcgis.com) Image



Aerial Map: Temple GIS (arcgis.com) Image



Street View (Google Earth Image): Site - Looking South from Sparta Road

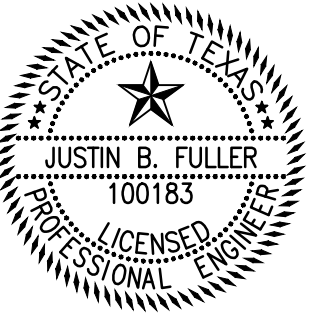


Street View (Google Earth Image): Site - Looking South-East from Sparta Loop

STATE OF TEXAS

COUNTY OF BELL

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT.



Justin B. Fuller
5-9-17

JUSTIN B. FULLER
REGISTRATION NUMBER 100183

RECOMMENDED FOR PREPARATION OF FINAL PLAT

CHAIRMAN, PLANNING AND ZONING COMMISSION DATE:

SECRETARY, PLANNING AND ZONING COMMISSION DATE:

BELL COUNTY HEALTH DISTRICT DATE:

BELL COUNTY COMMISSIONER'S COURT DATE:

DEVELOPER:

CAROTHERS DEVELOPMENT, LLC
50 S. WHEAT ROAD, BELTON, TX 76513
(254) 939-5100

REGISTERED PROFESSIONAL LAND SURVEYOR:

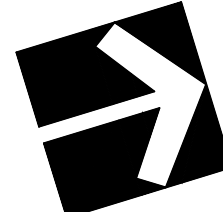
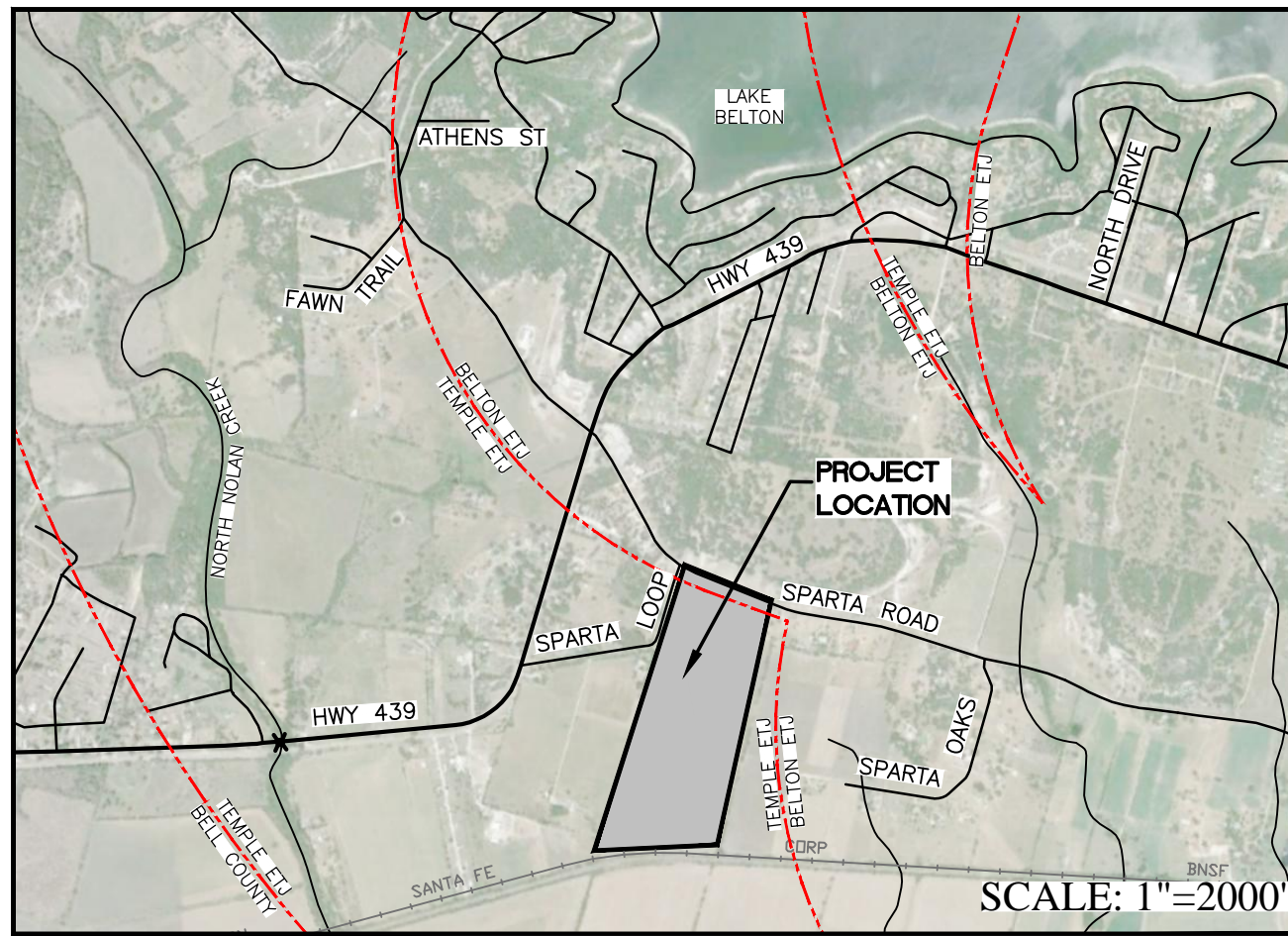
ALL COUNTY SURVEYING, INC
1303 S. 21ST STREET, TEMPLE, TEXAS 76504
(254) 778-2272

REGISTERED PROFESSIONAL ENGINEER:

CLARK & FULLER, PLLC
215 N. MAIN STREET, TEMPLE, TEXAS 76501
(254) 899-0899

OWNER:

JT CAROTHERS HOLDINGS, LLC
50 S. WHEAT ROAD, BELTON, TX 76513
(254) 939-5100



DRAWING STATUS

THESE DRAWINGS WERE PREPARED UNDER THE AUTHORITY OF THE REGISTERED PROFESSIONAL ENGINEER, CLARK & FULLER, PLLC, FIRM NO. E-10384.
☒ FOR REVIEW AND APPROVAL BY THE CITY OF BELTON.
☐ FOR REVIEW AND APPROVAL BY THE CITY OF BELTON.
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 DRAWING

CIRCLE C RANCH
ESTATES

NEW RESIDENTIAL SUBDIVISION
TEMPLE ETJ AND BELTON ETJ, BELL COUNTY, TEXAS



CLARK & FULLER
CIVIL ENGINEERING • DESIGN • PLANNING
215 North Main Street, Temple, TX 76501
254-899-0899 www.clarkfuller.com F-10984

PRELIMINARY PLAT

Project No: 141470.00
Plot Date: 5-9-17
Designed By: JBF
Drawn By: LLW

1

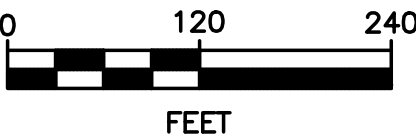


Curve Table: Road Centerline					
Curve #	Radius	Arc Length	Chord Length	Chord Bearing	Delta
C1	300'	257.27'	249.45'	N39° 44' 38.96"E	49.13'
C2	300'	175.64'	173.15'	N47° 32' 18.57"E	33.55'
C3	1000'	596.05'	587.27'	N47° 50' 28.83"E	34.15'
C4	200'	153.00'	149.29'	N43° 00' 06.72"E	43.83'
C5	500'	210.02'	208.48'	N27° 12' 36.59"E	24.07'
C6	200'	322.81'	288.89'	N6° 59' 43.28"W	92.48'
C7	500'	77.82'	77.74'	S66° 22' 17.87"E	8.92'
C8	300'	145.52'	144.10'	S56° 56' 02.93"E	27.79'

Line Table: Road Centerline		
Line	Bearing	Distance
L1	S43° 02' 16"E	220.22'
L2	S61° 54 46"E	86.95'

GENERAL NOTES:
1. STORM DRAINAGE SHALL BE DESIGNED IN ACCORDANCE WITH THE CITY OF BELL COUNTY'S AND TEMPLE'S DRAINAGE ORDINANCES.
2. BASED UPON WHAT CAN BE SCALED FROM THE GRAPHICS SHOWN ON FEDERAL INSURANCE RATE MAP (FIRM), MAP NUMBER 480270325E, DATE SEPTEMBER 26, 2008, THE ABOVE SHOWN PROPERTY DOES NOT APPEAR WITHIN THE "SPECIAL FLOOD HAZARD AREA." 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 ENGINEER, SURVEYOR, OR COMPANY.
3. ALL TRACTS WILL BE OWNED AND MAINTAINED BY AN HOA.

DEVELOPMENT STATISTICS:	
TOTAL ACREAGE	= 72.49 ACRES
TOTAL DEVELOPED RESIDENTIAL LOTS	= 80 LOTS
TOTAL BLOCKS	= 5
TOTAL TRACTS	= 5
TRACT ACREAGE	= 7.2 ACRES
CUL-DE-SAC RADIUS	= 40.5' BOC
RIGHT-OF-WAY WIDTH	= 50'
STREET WIDTH	= 31' BOC TO BOC
LENGTH OF STREETS	= 7,973.36 LF.
AREA CONTAINED IN ROW	= 9.39 ACRES



Revisions

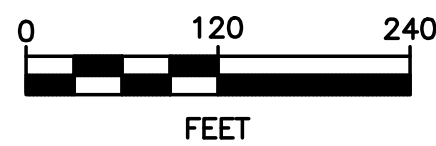
Remarks:

Date:



- LEGEND**
- NEW STANDARD FIRE HYDRANT
 - NEW 8" PVC C900 CLASS 150 WATER MAIN
 - PROPOSED STREET LIGHTS

- GENERAL NOTES:**
- STORM DRAINAGE SHALL BE DESIGNED IN ACCORDANCE WITH THE CITY OF BELTON'S AND TEMPLE'S DRAINAGE ORDINANCES.
 - BASED UPON WHAT CAN BE SCALED FROM THE GRAPHICS SHOWN ON FEDERAL INSURANCE RATE MAP (FIRM), MAP NUMBER 48027C0325E, DATE SEPTEMBER 26, 2008, THE ABOVE SHOWN PROPERTY DOES NOT APPEAR WITHIN THE "SPECIAL FLOOD HAZARD AREA." 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 ENGINEER, SURVEYOR, OR COMPANY.
 - ALL TRACTS WILL BE OWNED AND MAINTAINED BY AN HOA.



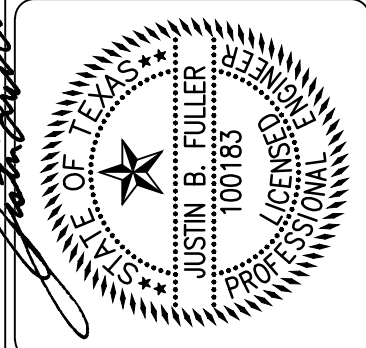
Revisions
Date: _____ Remarks: _____

DRAWING STATUS

THESE DRAWINGS WERE PREPARED UNDER THE AUTHORITY OF JUSTIN B. FULLER, P.E. 100183, CLARK & FULLER, PLLC FIRM NO. 25489910899. THESE DRAWINGS ARE NOT TO BE USED FOR BIDDING OR CONSTRUCTION PURPOSES, ONLY DRAWINGS ISSUED FOR CONSTRUCTION CAN BE CONSIDERED COMPLETE.

☒ FOR REVIEW
☐ FOR CONSTRUCTION
☐ FINAL DRAWINGS

**CIRCLE C RANCH
ESTATES**
NEW RESIDENTIAL SUBDIVISION
BELL COUNTY, TEXAS



Project No: 141470.00
Plot Date: 3-30-17
Drawn By: EOB
Designed By: JBF

2



50 South Wheat Road, Belton, Texas 76513 | 254-939-5100

August 30, 2016

Tammy Lyerly
Senior Planner
City of Temple Planning Department
2 North Main Street
Temple, Texas 76501

Dear Ms. Lyerly:

We would like to ask for exceptions to the City's Park Fees as stated in UDC Section 8.3.2. The UDC Section 8.3.1 allows for an exception if; (1) The area proposed for development is more than one mile from the existing city limits', (2) The proposed subdivision will create fewer than nine lots; and (3) The City has not set forth plans to annex the area proposed for development in the City's Municipal Annexation Plan.

The proposed location of this subdivision is far outside the existing city limits and is a location unlikely to be annexed by the City of Temple in the near future. The exception we do not meet is the number of lots located in the development. However, we do not see the City of Temple building any time of city park within a reasonable distance from the location of this proposed development to be beneficial to this proposed neighborhood.

Additionally we would like to ask for an exception to UDC Section 8.2.D.4b. This property is in the county and again not likely to be annexed by the City of Temple.

Sincerely,



Jared Bryan

RESOLUTION NO. 2017-8703-R

(PLANNING NO. P-FY-16-27)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE PRELIMINARY PLAT OF CIRCLE C RANCH ESTATES, AN APPROXIMATELY 72.49 ACRE, 80 LOT, 5 BLOCK, 5 TRACT, RESIDENTIAL SUBDIVISION WITH DEVELOPER REQUESTED EXCEPTIONS TO THE UNIFIED DEVELOPMENT CODE RELATED TO SECTION 8.3 AND 8.2.D.4.B, SITUATED IN THE LEWIS WALKER SURVEY, ABSTRACT 860, BELL COUNTY, TEXAS, LOCATED IN TEMPLE'S WESTERN EXTRATERRITORIAL JURISDICTION AT THE SOUTHEAST CORNER OF SPARTA LOOP AND SPARTA ROAD, WEST OF FM 439; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on May 15, 2017, the Planning and Zoning Commission recommended approval of the Preliminary Plat of Circle C Ranch Estates, an approximately 72.49 acre, 80 lot, 5 block, 5 tract, residential subdivision, with developer requested exceptions to the Unified Development Code (UDC) to Section 8.3 related to the payment of required park fees and Section 8.2.D.4b related to the minimum number of street openings, situated in the Lewis Walker Survey, Abstract 860, Bell County Texas, located in Temple's western extraterritorial jurisdiction at the southeast corner of Sparta Loop and Sparta Road, west of FM 439;

Whereas, the developer is requesting an exception to the City's park fee requirements, UDC Section 8.3, which allows for an administrative exception if, (1) the area proposed for development is more than one mile from the existing City limits, (2) the proposed subdivision will create fewer than nine lots, and (3) the City has not set forth plans to annex the area proposed for development in the City's Municipal Annexation Plan;

Whereas, the developer is requesting a second exception to UDC Section 8.2.D.4b related to the number of street openings within a subdivision - the proposed subdivision provides two access points triggered for a subdivision with 76 lots or more, the two access points are greater than the minimum 1,000 foot distance requirement;

Whereas, Staff has checked with the Fire Department and they have indicated that since the subject property is within the ~~extraterritorial~~ jurisdiction, they are supportive of this proposed exception;

Whereas, the City Council has considered the matter and deems it in the public interest to approve the Preliminary Plat of Circle C Ranch Estates, with developer requested exceptions to Section 8.3 related to the payment of required park fees and Section 8.2.D.4b related to the minimum number of street openings; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve the Preliminary Plat of Circle C Ranch Estates.

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council approves the Preliminary Plat of Circle C Ranch Estates, an approximately 72.49 acre, 80 lot, 5 block, 5 tract, residential subdivision, with developer requested exceptions to the Unified Development Code (UDC) to Section 8.3 related to the payment of required park fees and Section 8.2.D.4b related to the minimum number of street openings, situated in the Lewis Walker Survey, Abstract 860, Bell County Texas, located in Temple's western extraterritorial jurisdiction at the southeast corner of Sparta Loop and Sparta Road, west of FM 439.

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 **15th** day of **June**, 2017.

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

06/15/17
Item #6
Regular Agenda
Page 1 of 3

DEPARTMENT/DIVISION SUBMISSION & REVIEW:

Brian Chandler, Planning Director

ITEM DESCRIPTION: FIRST READING – Z-FY-17-18: Consider adopting an ordinance authorizing amendments to the City of Temple's Unified Development Code: Article 6 (Sec. 6.7) related to the Interstate 35 Corridor Overlay zoning district to amend the boundary description, applicability, uses allowed and the development standards including landscaping, architecture and signage.

PLANNING & ZONING COMMISSION RECOMMENDATION: At their May 15, 2017 meeting, P&Z unanimously recommended approval per staff recommendation, which included amendments related to uses in the Industrial sub-district.

- After additional analysis, staff is recommending deferring the use amendments in the Industrial sub-district to Phase 2 of the Amendments, in addition to the Freeway Retail/Commercial sub-district.

STAFF RECOMMENDATION: Staff recommends approval as presented:

1. Except for the amendments related to uses within the Freeway Retail/Commercial and Industrial sub-districts, which staff would recommend deferring to Phase 2 of the Overlay amendments; and
2. If a building has been approved to use ACM (Aluminum Composite Material) as the primary exterior or as an accent material, freestanding signs on the site may be clad with ACM to match the building.

BACKGROUND:

Adopted on July 2, 2009, the purpose of the I-35 Corridor Overlay Zoning District according to Sec. 4.3.28 of the UDC is "to exercise greater control over the aesthetic, functional and safety characteristics of development and redevelopment along Interstate 35 within the City where higher development standards can effectively enhance the City's image as a desirable place to live, work and shop. This overlay zoning district is limited to specified areas encompassing land that has already been assigned conventional base zoning district classifications. It supplements the standards of the base zoning districts with new or different standards that are more restrictive."

The standards address:

- Landscaping
- Architecture
- Parking
- Signage
- Lighting
- Land uses

Since adoption, the Planning Department has taken 25 different appeals of the standards cases to City Council (see I-35 Corridor Overlay Appeal Summary). The most frequently appealed standards have been landscaping (16 cases), followed by signs (13), architecture (11) and parking (10).

The Overlay consists of four different sub-districts: City Entry, Freeway Retail/Commercial, Industrial and Civic, which have some variations in the development standards and in the uses allowed.

Based on feedback received by City Council at previous workshop presentations on the topic, staff is proposing to:

- Rename the sub-districts and add zoning prefixes that will attach to the full zoning description for a piece of property (for example, I-35-Convention LI (I-35 Overlay Convention Sub-District Light Industrial District))
- Streamline the submittal process and requirements
- Amend the use table in the Civic and City Entry sub-districts to allow compatible uses in the Convention and to prohibit some inappropriate uses in Gateway
- Clarify the boundary description to alleviate some confusion
- Provide additional flexibility with the development standards
- Make the standards more proportional to the size of the site and to the scope of the project
- Provide additional flexibility for signage design, while also providing a long-range solution to the significant number of non-conforming pole signs in the Corridor

PERMITTED USES:

Planned Development Districts are an additional tool that has been utilized to address exceptions to standards within the Overlay, such as for Buc-ee's and the Gateway Center. While most zoning overlay districts are limited to addressing development standards, such as those listed above, the I-35 Overlay also limits land uses beyond what the base zoning district allows, such as Commercial, General Retail or Light Industrial zoning districts. Since appeals related to land use are not an option, a number of PDs have been approved within the Corridor to allow certain uses that are prohibited by the Overlay Code.

STAKEHOLDER INPUT

- Multiple City Council and P&Z Workshops
- TABA (Temple Area Builders Association)
- Temple Economic Development Corporation (TEDC)
- Neal Architectural Group
- DB Commercial Real Estate
- Aldrich-Thomas Group Realtors
- Cultural Activity Center (CAC)

- Magic Graphics (Belton sign company)
- Temple Reinvestment Zone
- Temple Chamber of Commerce

FUTURE CODE AMENDMENT PHASE

Further evaluate boundary description to:

- Permitted uses in the Freeway Retail/Commercial and Industrial sub-districts
- Clarify what is in
- Work with effected stakeholders
- Clearly map
- Add new maps and other graphics
- Consolidate land use and other tables
- Return to P&Z and City Council

PUBLIC NOTICE: The newspaper printed notice of the Planning and Zoning Commission public hearing on April 6, 2017 in accordance with state law and local ordinance.

FISCAL IMPACT: NA

ATTACHMENTS:

[Proposed Applicability Table \(Sec. 6.7.4\)](#)
[Proposed Land Use Amendments Summary](#)
[I-35 Corridor Overlay Appeal Summary Table](#)
[UDC Draft Code Amendments \(with “tracked changes”\)](#)
[Ordinance](#)

Architecture and Landscaping Applicability for the Renovation of Existing Buildings

		ARCHITECTURE				LANDSCAPING					
		Order of Priority**				Order of Priority**					
		Requirement 1	Requirement 2	Requirement 3		Option 1	Option 2	Option 3	Option 4	Option 5***	Option 6***
		Materials compliance	Primary Entrance compliance	Architectural Elements compliance		Installation of front landscape buffer (including parking screening if applicable)	Installation of side landscape buffers (including parking screening if applicable)	Add parking islands with trees	Foundation planting along front of building	Curbing and landscaping of all parking lot deadspace	Landscaping of right-of-way (requires TXDOT approval if for General Bruce Drive frontage)
Project Scope		New construction must meet all Overlay standards (unless an Appeal is approved by City Council per Sec. 2.3.2)									
Exterior Modifications	Exterior building modifications (excluding painting and other basic repair and maintenance) with a cost equal to 10%-24% of the assessed value of improvements per the current tax roll*	Not Applicable	Not Applicable	Not Applicable		X				Options to be discussed with a planner for small sites that are unable to meet landscaping compliance using Options 1-4	
	Exterior building modifications (excluding painting and other basic repair and maintenance) with a cost equal to 25%-49% of the assessed value of improvements per the current tax roll*	X	Not Applicable	Not Applicable		X	X				
	Exterior building modifications (excluding painting and other basic repair and maintenance) with a cost equal to or greater than 50% of the assessed value of improvements per the current tax roll*	X	Not Applicable	Not Applicable		X	X	X			
	Any other site modifications, such as fencing, signage, parking lot expansion, etc. must comply with the applicable current standards for the relevant categories										
Increase in GFA	Increase in gross floor area (GFA) of 10%-24%	X	Not Applicable	Not Applicable		X	X			Options to be discussed with a planner for small sites that are unable to meet landscaping compliance using Options 1-4	
	Increase in gross floor area (GFA) of 25%-49%	X	X	Not Applicable		X	X	X			
	Increase in gross floor area (GFA) of 50% or more	X	X	X		X	X	X	X		

*Does not apply to interior-only renovation projects

***"Order of Priority" refers to the order of consideration (for example, must start with #1 and then move to #2, etc.; listed as "Requirements" for Architecture and "Options" for Landscaping, since the feasibility based on site constraints is considered)

***Additional landscaping options if site constraints prevent compliance with Landscaping Options 1-4 to be discussed with staff

X = Applicable Standards

Proposed Land Use Amendments Summary

Convention

- Childcare facility
- Hotel
- Restaurant (no drive-through)
- Retail shop, gift, apparel, accessory and similar items
- Multiple-family dwelling (apartments)

Gateway

- Childcare facility
- Sexually oriented business
- Shooting range (outdoor)
- Stable (residential or non-commercial)
- Upholstery shop
- Veterinarian hospital (kennels)
- Wrecking or salvage yard

LEGEND

Would require a CUP

Would allow by right if base zoning allows it

Prohibit

I-35 Corridor Overlay Appeal Summary
(As of 4-17-17)

	Project	Landscaping	Signs	Architecture	Parking	Screening	Lighting	Utilities
1	Mueller			√				
2	Tranum Expansion*		√			√		√
3	Johnson Brothers Ford*	√	√	√				
4	Longhorn International Trucking*	√		√	√	√		
5	Starbucks*	√	√	√	√			
6	Mac Haik	√		√	√			
7	Old Albertsons*	√			√			
8	Texas Roadhouse*	√			√			
9	Gateway Center*	√	√					
10	Garlyn Shelton	√		√	√			
11	Golden Corral	√		√	√	√	√	
12	Mattress Firm	√		√			√	
13	Tem-Tex Solvents*	√		√				
14	Ashley Furniture*		√					
15	Hampton Inn*		√					
16	McDonald's	√	√			√		√
17	Garlyn Shelton*		√					
18	Goodyear*		√					
19	Caliber Collision*		√					
20	Ringler Chevrolet and Toyota*	√			√	√		
21	Automax Hyundai	√	√	√	√		√	
22	BS&W Distribution Center	√						
23	BS&W Distribution Center*		√					
24	Best Quality Meats*		√					
25	Garlyn Shelton BMW	√		√			√	
Total		16	13	11	10	5	4	2

* = Appeals related to renovations or to a specific element of the project (such as a new sign only)

Sec. 1.1.6.7. I-35, Interstate 35 Corridor Overlay

6.7.1 Purpose Statement (see Sec. 4.3.28)

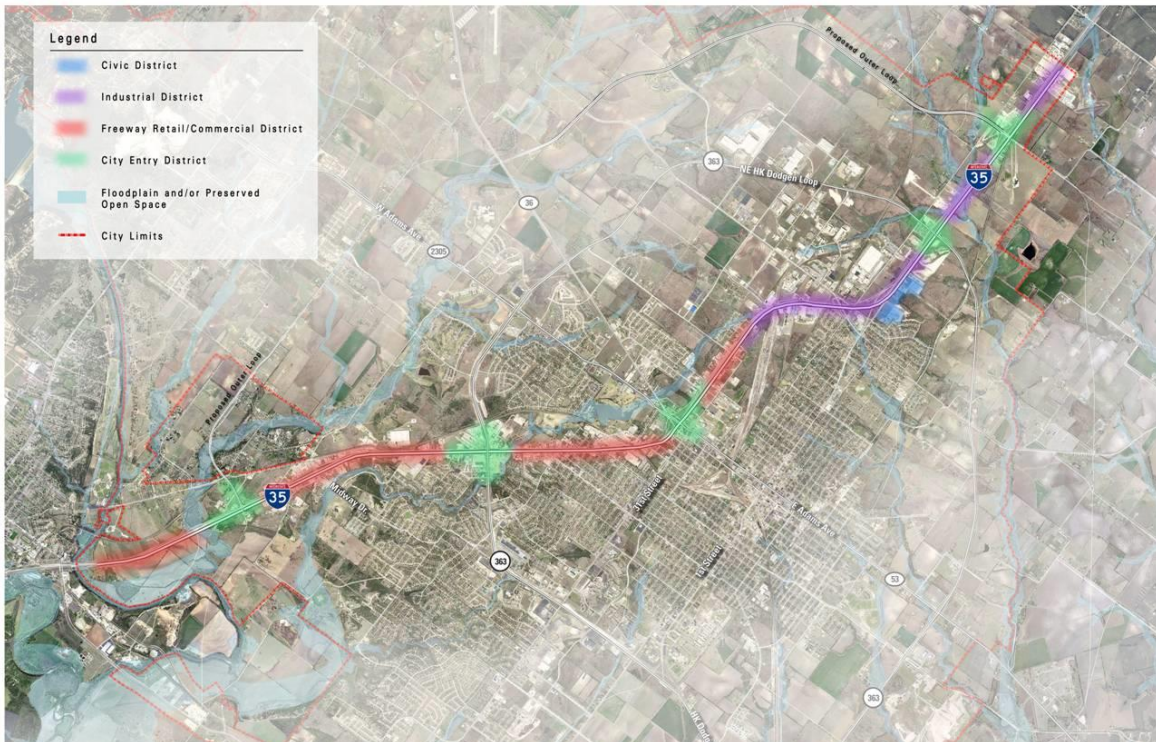
1.1.16.7.2 Boundary

The I-35 Corridor Overlay zoning district applies to the entire length of the Interstate within the City limits. The I-35 Corridor Overlay zoning district is defined as the land including:

- A. Tracts of land that abut ~~or adjoin a public street or an intersection with~~ I-35;
- B. Tracts of land that are developed used, managed, or marketed as a group that includes a tract of land that abuts ~~or adjoins a public or private access street or an intersection with~~ I-35; or

COMMENTARY: The interior portion of a shopping center with pad sites is an example of land that lies within I-35 without abutting the highway.

- C. Tracts of land that shares parking space with a tract of land that abuts ~~or adjoins a public or private access street or an intersection with I-35.~~ I-35.



1.1.26.7.3 Sub-Districts

The I-35 Corridor Overlay zoning district is divided into four sub-districts: Convention, Retail, Industrial and Gateway, which are denoted by a separate zoning prefix, for example I-35-Gateway GR (General Retail) or I-35-Industrial LI (Light Industrial). If a property falls within more than one sub-district, the

more restrictive sub-district standards apply, regardless of how much land area is in the less restrictive sub-district. Each sub-district must comply with the general requirements listed in this Section and the sub-district requirements. Where the Overlay zoning district requirements conflict with the base zoning requirements, the I-35 Overlay District standards apply. See the I-35 Corridor Overlay zoning district map. Those sub-districts are:

A. Civic-Convention Sub-District (prefix of "I-35-Convention")

The boundary extends from the south side of Bellaire North Drive and



approximately 1,000 south to the north side of Bellaire North 2nd Addition.

B. Industrial Sub-District (prefix of "I-35-Industrial")

The boundary extends from the northern city limits, approximately 1,100 feet south of Enterprise Road on the west of I-35 and 560 feet north of



Nugent Avenue on the east. It is interrupted by city entry sub-districts, with stricter standards, at the north outer loop and NE H.K. Dodgen Loop.

C. Freeway-Retail/Commercial Sub-District (prefix of "I-35-Retail")

The boundary extends from south of Enterprise Avenue to the Leon River, the south City limits. It is interrupted by City Entry sub-districts at Adams Avenue, H.K. Dodgen Loop and the proposed South ~~outer~~ Outer Loop.

D. City-EntryGateway Sub-District (prefix of "I-35-Gateway")

There are five City-EntryGateway sub-districts located at major street locations that access industrial areas, the Central Area, the hospital areas, shopping centers and future retail nodes.



1.1.36.7.4 Applicability

The provisions of I-35 Corridor Overlay zoning district apply to development types in the table below. The table provides a menu of architecture and landscaping requirements that are proportional to the project scope for exterior building renovations or building expansions. If landscaping requirements are

triggered, the applicant must comply with the applicable standards but may utilize other Options in the table (the next column to the right) if compliance with the applicable standards is not feasible. For example, if “exterior building renovations with a cost equal to or greater than 50% of the assessed value of improvements per the current tax roll” are proposed, the following applicable landscaping standards are triggered: front landscape buffer, side landscape buffers and parking islands with trees. If the site lacks sufficient room to meet any of those requirements, then the applicant has an opportunity to meet the landscaping requirements by utilizing Option 4 (foundation planting), followed by Option 5 (landscaping parking lot deadspace) and Option 6 (landscaping right-of-way). Improvements to existing buildings are cumulative within a 15-year period when determining which of the following provisions apply. A development type not shown in the table below is not subject to the requirements of the I-35 Corridor Overlay zoning district.

Architecture and Landscaping Applicability for the Renovation of Existing Buildings

		ARCHITECTURE			LANDSCAPING						
		Order of Priority**			Order of Priority**						
		Requirement 1	Requirement 2	Requirement 3	Option 1	Option 2	Option 3	Option 4	Option 5***	Option 6***	
		Materials compliance	Primary Entrance compliance	Architectural Elements compliance	Installation of front landscape buffer (including parking screening if applicable)	Installation of side landscape buffers (including parking screening if applicable)	Add parking islands with trees	Foundation planting along front of building	Curbing and landscaping of all parking lot deadspace	Landscaping of right-of-way (requires TXDOT approval if for General Bruce Drive frontage)	
		New construction must meet all Overlay standards (unless an Appeal is approved by City Council per Sec. 2.3.2)									
Exterior Modifications	Project Scope	Not Applicable	Not Applicable	Not Applicable	X					Options to be discussed with a planner for small sites that are unable to meet landscaping compliance using Options 1-4	
	Exterior building modifications (excluding painting and other basic repair and maintenance) with a cost equal to 10%-24% of the assessed value of improvements per the current tax roll*	Not Applicable	Not Applicable	Not Applicable	X						
	Exterior building modifications (excluding painting and other basic repair and maintenance) with a cost equal to 25%-49% of the assessed value of improvements per the current tax roll*	X	Not Applicable	Not Applicable	X	X					
	Exterior building modifications (excluding painting and other basic repair and maintenance) with a cost equal to or greater than 50% of the assessed value of improvements per the current tax roll*	X	Not Applicable	Not Applicable	X	X	X				
		Any other site modifications, such as fencing, signage, parking lot expansion, etc. must comply with the applicable current standards for the relevant categories									
Increase in GFA	Increase in gross floor area (GFA) of 10%-24%	X	Not Applicable	Not Applicable	X	X				Options to be discussed with a planner for small sites that are unable to meet landscaping compliance using Options 1-4	
	Increase in gross floor area (GFA) of 25%-49%	X	X	Not Applicable	X	X	X				
	Increase in gross floor area (GFA) of 50% or more	X	X	X	X	X	X	X			

* Does not apply to interior-only renovation projects

**"Order of Priority" refers to the order of consideration (for example, must start with #1 and then move to #2, etc.; listed as "Requirements" for Architecture and "Options" for Landscaping, since the feasibility based on site constraints is considered)

***Additional landscaping options if site constraints prevent compliance with Landscaping Options 1-4 to be discussed with staff

X = Applicable Standards

6.7.5 Appeal Process

An appeal to any of the development standards requires Planning and Zoning Commission review and City Council approval per Sec. 3.1.3.

1.1.46.7.6 Design Review

The City must review and approve a site development plan prior to construction for all developments within the I-35 Corridor Overlay zoning district as required by this Section.

A. Design Review Process

1. This Section establishes a design review process to ensure that all development within the I-35 Corridor Overlay District meets requirements set forth in these design standards. The review covers site planning, architecture, landscaping, exterior lighting and exterior signage, as well as any changes, additions or renovations to any development on the site.
2. The design review process is divided into ~~four~~ three steps:
 - a. Design Orientation;
 - b. ~~Conceptual~~ Preliminary Design Review;
 - c. ~~Preliminary Design Review~~; and
 - d. ~~Construction Documents Review~~ Permitting.
- ~~3. Formal submittals for design review must be provided at each of the steps in the design review process listed above. Official approvals must be obtained in writing for each of these steps.~~
- ~~4. All requests for design review approvals must be submitted in writing to the City.~~
- ~~5. The applicant must provide all required submittals to the City in a single package that includes the following information:~~
 - ~~a. Property owner's name, mailing address, business telephone and home telephone numbers;~~
 - ~~b. Lot number (location of proposed construction);~~
 - ~~c. Name, address and phone number of architect or owner's representative;~~

~~d. Scale, north arrow, preferably at a scale of 1"=100' or smaller; and~~

~~e. Architectural plans at a scale 1/4" = 1' or smaller.~~

3. It is preferred that the applicant meet with relevant staff at the design orientation step of the process, while the subsequent steps of the process can potentially be addressed via electronic submittals.

6.4. Questions, meetings and informal and partial submittals are encouraged to promote early communication and resolution of issues. Verbal responses are unofficial and are subject to change in written response. Only written approvals from the City are official.

B. Submittal Requirements

Any and all of the information on the plans required below may be combined to reduce the number of sheet submittals, as long as all sheet detail is provided.

1. Design Orientation

Before any design begins, an optional design orientation session is recommended between a representative of the City and the property owner, design architect, landscape architect, engineer and/or contractor. This session includes a discussion of the design concept and design standards for the I-35 Corridor Overlay zoning district, the specific design standards for the particular site and the design review process. This orientation provides valuable information to assist the owner and designers in expediting design review.

2. Conceptual Preliminary Design

a. When the initial design for the project is prepared, ~~two conceptual drawings must be submitted to the~~ a minimum of one electronic set of plans should be submitted to the City Planning Department for formal review. This review covers conceptual site planning, architecture, landscape areas, and sign location.

b. The purpose of this conceptual design review is to provide the owner and designer with written assurance that the fundamental designs are acceptable, before requiring plans suitable for City permitting. It also provides a clear list of any issues to be resolved in the Construction Documents Submittal step.

~~b-c.~~ These plans must include, but are not limited to the following:

~~3.~~ **Preliminary Design**

~~a. Two sets of preliminary design plans must be submitted for this review. These plans must include, but are not limited to the following:~~

i. Preliminary Site Plan

- (A) All property lines, easements, setbacks and buildable area limits;
- (B) Location of water, sewer and electrical connections and conceptual distribution layout;
- (C) All buildings, walls, driveways, parking, walks, pools, patios, terraces, signs and any other above grade development;
- (D) Dimensions between existing and proposed construction and between proposed construction and nearest property lines;
- (E) Building height reference elevation; and
- (F) Vicinity map showing relationships of this site to the rest of the I-35 Corridor Overlay zoning district.

ii. Preliminary Grading

- (A) Existing and proposed ground level contour concepts; and
- (B) Slope treatment and drainage concepts.

iii. Preliminary Roof Plan

- (A) Any unusual conditions or construction requirements; and
- (B) All roof mounted equipment and required screening.

iv. Preliminary Building Elevations

- (A) ~~At least two~~ Principal exterior elevations of all proposed buildings (in color);
 - (B) Maximum building heights on each elevation drawing; and
 - (C) Conceptual finish materials, colors and textures under consideration.
- v. Preliminary Building Sections
- Grade and building height elevations for slopes greater than seven and one-half percent.
- vi. Preliminary Landscape Plan
- (A) Planting concept, including locations and types of all plant materials; and
 - (B) Demonstration that plant and wall design along the street frontage meets the streetscape design guideline requirements for the I-35 Corridor Overlay District.
- vii. Fence and Wall Plan (if applicable)
- (A) Locations, materials, colors and heights in relation to on-site grades; and
 - (B) Relationships to walls, fences and grades on adjacent parcels.
- viii. Sign Plan (if applicable)
- (A) Locations in relation to on-site grades; and
 - (B) Elevations and details of sign graphics with data table of permitted and proposed.
- ix. Tree Survey (if applicable)
- Location of ~~hardwood~~ trees identified in Sec. 7.4.5.B of the Unified Development Code (approved tree list) measuring six inches or greater in diameter, measured at breast height, ~~not including Bois D' Arc, Ashe Junipers, Hackberry, Willow, Cottonwood and Mesquite trees.~~

4.3. Construction Documents Permitting

- a. When the preliminary design is further refined and the final construction drawings and specifications for the project have been prepared, they must be submitted to the Chief Building Official-Planning Department for review and final decision-permitting. This review covers all design necessary for construction, including site development, architecture, signage, grading, driveways, parking, walkways, terraces, patios, walls, fences, planter beds, fountains, trellises, utilities, architecture, landscaping, walls, pools, mechanical equipment, plumbing, electrical, exterior lighting and exterior signs.
- ~~b. The purpose of construction documents design review is to provide the owner and designers with written assurance that the final design is acceptable for construction and that any conditions placed on the previous review have been addressed.~~
- ~~c. Two sets of final construction plans must be submitted for this review. They must contain, but are not limited to a Final Site Plan showing:
 - ~~i. Final locations of all structures, terraces, patios, driveways, parking and walk ways;~~
 - ~~ii. Dimensions from buildings and paved areas to setbacks and property lines;~~
 - ~~iii. Water, sewer and electrical connection points and distribution lines;~~
 - ~~iv. Locations of all above-ground mechanical equipment, including electrical transformers, fuel tanks, water tanks, filtration equipment, backflow prevention devices, air-conditioning units and irrigation controllers; and~~
 - ~~v.i. Any other drawings required by the City for construction permitting.~~~~
- ~~d. After the Final Site Plan is approved, an approval letter must be submitted to the owner within 12 working days, giving written assurance the Final Site Plan drawings have been found~~

~~acceptable for construction. At this time the building plans may be submitted to the City for construction permitting.~~

1.1.56.7.7 General Design Requirements

This Section establishes the ~~site plan review procedure and~~ general design requirements for tree preservation, parking, screening, landscaping, signs, lighting and utilities. All development within the I-35 Corridor Overlay zoning district must comply with these regulations, which supersede all other regulations. Additional standards and requirements apply for each of the sub-districts.

A. Final Site Plan Review

- ~~1. A Final Site Plan must be submitted, reviewed and approved prior to construction for all developments proposed on a tract of land within the I-35 Corridor Overlay zoning district.~~
- ~~2. The Final Site Plan must contain sufficient information demonstrating compliance with all of the applicable requirements of this overlay zoning district and any additional information required by the Director of Planning.~~
- ~~3. In reviewing the Final Site Plan, the City may consider other factors that may be relevant to a particular application, which may include the following:~~
 - ~~a. The relationship to neighboring properties;~~
 - ~~b. The zoning and the uses of nearby properties;~~
 - ~~c. The extent to which the proposed use would substantially harm the value of nearby properties;~~
 - ~~d. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influence by the use, or present parking problems in the vicinity of the property;~~
 - ~~e. The extent to which utilities and services, including, but not limited to, sewer, water service, police and fire protection and are available and adequate to serve the proposed use;~~
 - ~~f. The conformance of the proposed use to the I-35 Corridor Overlay zoning district, the Comprehensive Plan and other adopted planning policies; and~~

~~g. The recommendation of the professional staff.~~

B.A. Tree Preservation

The purpose for these tree preservation standards is to protect the natural beauty of the city, decrease soil erosion, prevent clear cutting and preserve many existing hardwood and canopy trees. Efforts should be made to protect trees on site. All trees over ~~six~~ eight inches in diameter at breast height (DBH) located within the floodplain plus the area within 300 feet of the floodplain must be protected. A \$100 per caliper-inch fee payable to the Parks Department may be made for trees that cannot be accommodated on-site after the required landscape elements are added. Tree mitigation requirements and fees ~~do not apply to Bois D' Arc, Ashe Junipers, Hackberry, Willow, Cottonwood and Mesquite trees on the site~~ only apply to trees listed in Sec. 7.4.5.B. The tree mitigation requirements within the floodplain do not count toward required landscaping ~~in Sec. DE below~~. However, tree preservation in areas outside the floodplain can count towards landscaping requirements. Tree mitigation requirements are as follows:

1. A tree survey and preservation plan is required with the preliminary site plan submittal. The tree survey must be signed and sealed by a licensed landscape architect, arborist, engineer or land surveyor.
2. The location, diameter, height and common name of all trees with more than a ~~six~~ eight-inch DBH must be shown on the plan.
3. The removal of protected trees must be replaced on the property by planting new trees, found in the Plant List in subsection ~~EEF~~ below, that are equal to the total caliper-inches of the removed trees.
- ~~4. The City has taken inventory of existing vegetation along the IH 35 Corridor to ensure compliance with this Section.~~

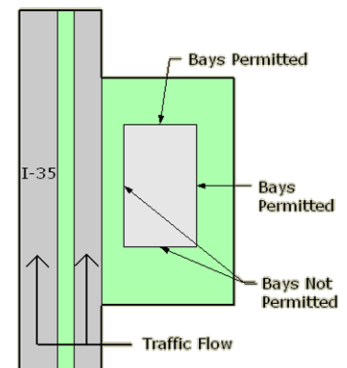
C.B. Parking

Parking presents one of the greatest challenges in creating an appealing image for public and private property. Parking may be provided in surface lots, parking structures, beneath buildings or below grade, ~~in whatever by any~~ any combination that meets the needs for spaces required in ~~Sec. 7.5 and the limits on impervious surface areas set forth in this Section.~~

1. Curb and gutter six inches in height ~~is~~ are required around the perimeter of the parking area and all landscaped parking islands.
- ~~2. Parking aisles must be designed to be perpendicular to the front of the principal building.~~
- ~~3.2.~~ Parking to the side and rear of buildings is encouraged and preferred.
- ~~4.3.~~ Parking areas must be planned so that vehicles are not required to back out of parking spaces directly into a public or private street.
- ~~5.4.~~ Parking lots must be designed to preserve the maximum amount of existing trees on site as possible.
- ~~6.5.~~ Parking spaces that face and are adjacent to a building must utilize wheel stops.
- ~~7.6.~~ Wheel stops are required adjacent to all landscaped areas.
- ~~8.7.~~ Wheel stops are required adjacent to all sidewalks, except for raised sidewalks at least 6 feet in width (8 feet if parking spaces front both sides).
- ~~9.8.~~ All parking must be landscaped and screened per the standards set forth in subsection ~~D.12D.11E.12~~ below.
- ~~10.9.~~ No parking is allowed in the landscape buffer.

~~D.C.~~ Screening and Wall Standards

- ~~1. Storage in connexes, shipping containers and semi-trailers is not permitted. Portable buildings may not be made into permanent structures in any form.~~
- ~~2.1.~~ All garage and service bays, including but not limited to off-street loading bays and service bays used for vehicle repair and servicing, must be located to the rear of the principal building or on the side of the building that is not visible to the traffic flow on the abutting side of I-35. Such bays may be located on the on-coming traffic flow side of the building at the approval of the Director of Planning, but must be screened by a masonry ~~wing~~ wall matching the architectural style and color of the building or an opaque landscape screen containing ~~three~~ two-inch DBH caliper hardwood canopy trees, and five-gallon shrubs, as described in the Plant List in subsection ~~EEF~~ below.



~~3-2.~~ No outside storage and display, sales, leasing or operation of merchandise ~~outside of sales areas for dealerships~~ with the exception of sales or rentals for ~~new~~ trucks, cars, recreational vehicles, boats and motorcycles are permitted unless such activity is visually screened with ~~one of the following~~ a continuous solid screening devices from all streets and adjacent property lines of residentially zoned properties or areas shown as a residential use on the Future Land Use and Character Map or meets the standards referenced in Sec. 5.6 related to Temporary Uses:- 1) a 6-foot tall (minimum) ornamental fence made of metal, such as wrought-iron or tubular metal, with regularly-spaced masonry columns at least every 100 feet, combined with a planting screen of evergreen shrubs (minimum of 36 inches in height) or qualifying trees or a combination of the two; or 2) a masonry wall at least one foot taller than the inventory being screened to match the architectural style and color of the building.

~~4.3.~~ Any public utility stations, such as lift stations and electric sub-stations, must be screened from public view with a masonry wall matching the architectural style and color of the building.

~~5.4.~~ A masonry wall matching the architectural style and color of the building must be located between properties when a multiple-family or nonresidential use abuts a residential use or zoning district. Such wall must not be less than six feet or more than eight feet in height, and constructed at grade along the abutting property line. The screening wall is not required if a comparable screening wall in satisfactory condition already exists on the abutting property.

~~6.5.~~ Except as provided below, the following site elements must not be clearly visible at eye level from any public street right-of-way or any adjoining residential use or located within 100 feet of any public street right-of-way, unless adequately screened by either a masonry ~~screening~~ wall matching the architectural style and color of the building ~~is used~~ or a combination of a 6-foot privacy wooden fence and vegetative screening (shrubs, trees or a combination of the two).

a. **Vehicle Loading and Unloading Zones and Service Areas**

Screening for vehicle loading and unloading zones must consist of a continuous solid masonry wall to match the color and style of

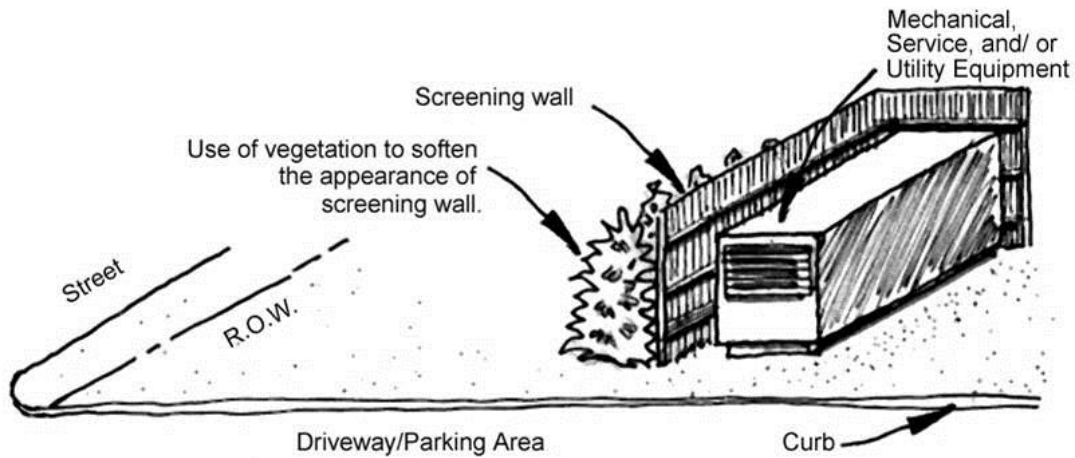
the building, earthen berms or evergreen opaque landscaping a minimum of six feet in height. Landscape screening must be solid and reach a minimum height of six feet within two years of the issue date of the Certificate of Occupancy for the building or change of use.

b. Refuse Storage and Compactors

Refuse storage and compactors must be enclosed on three sides by a solid masonry wall ~~of wood or masonry~~ to match the color and style of the building and be a minimum of one foot taller than the equipment being screened. The enclosure must have a minimum eight-foot self-closing gate. The enclosure must be designed to contain all refuse generated on-site between solid waste collections. The refuse storage and compactors ~~must~~may not be located in required setbacks.

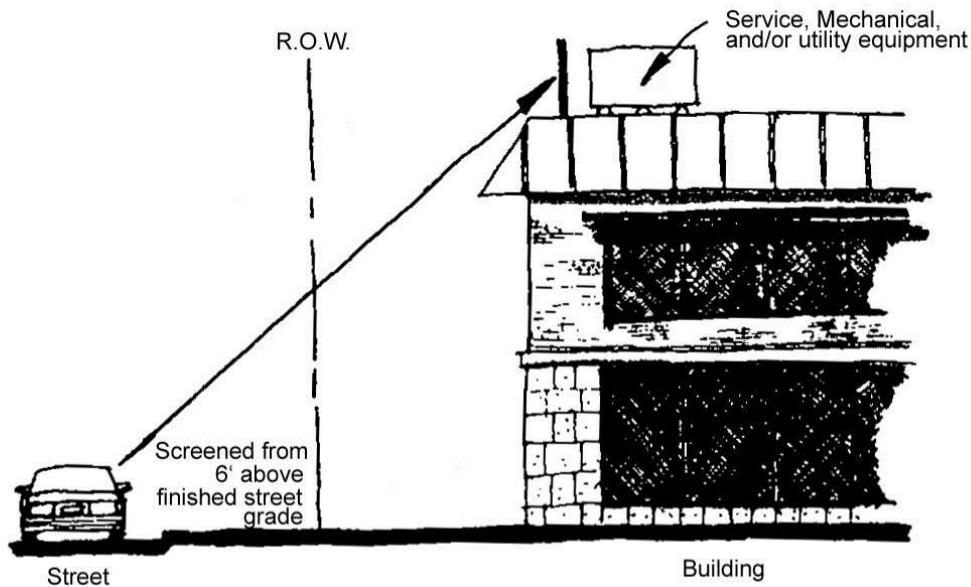
c. Mechanical and Utility Equipment

- i. All ground mounted service equipment such as air conditioners, transformers, trash collection equipment, and other service functions must be located at the rear of buildings, and integrated into the building envelope or enclosed service areas, unless the rear of the building faces I-35, in which case such equipment must be located on the side least visible from a public street right-of-way. Reduce pressure zones are allowed in front of the building if properly landscaped.
- ii. If such equipment is visible from a public street right-of-way, the screening materials must be 100 percent opaque. Screens must incorporate shrubbery with year-round foliage, or a wall, fence, or architectural element of the adjacent building, and be a minimum of one foot taller than the equipment being screened.



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- iii. All roof-mounted equipment must be screened from a vantage point that is six feet above finished street grade with materials that are 100 percent opaque. In all cases, screening must be compatible with building color and materials.



E.D. Landscape

Each site, ~~outside of a City Entry Sub-District, within the I-35 Corridor Overlay~~ must provide a minimum of the following landscape elements per the Applicability Table in Sec. 6.7.4. All required trees, shrubs and groundcovers must be of a species permitted in the Plant List in subsection

~~EEF~~ below unless approved by the Planning Director or City Arborist. Landscape plans must be developed by a landscape contractor, designer or a landscape architect.

1. A total of 15 percent of the total site area must be landscaped with living approved trees, shrubs and groundcovers (except for the Industrial sub-district, which requires 10 percent). Such landscape areas must ~~consist of approved plants and include~~ irrigation covering 100 percent of the required landscaped area for new construction or confirmation of the existence of a hose bib located within 200 feet for projects associated with the renovation of existing buildings.
- ~~1-2.~~ All required landscaping must be maintained in good-living condition after installation. The owner must replace any plant material that becomes diseased, deteriorated or dies ~~within 30 days.~~ The replacement of landscaping must be done within 30 days unless approved by the Planning Director to allow deferral of planting to a more optimal planting season.
- ~~2-3.~~ Areas not covered by building or pavement must be landscaped.
- ~~3-4.~~ Drainage facilities are ~~not~~ allowed within the landscape area ~~except those that are necessary to convey drainage in the shortest possible route to or from the public street right-of-way.~~ Drainage facilities include detention ponds, water quality ponds, rain gardens, bioswales, outlet structures, drainage berms or other improvements associated with the drainage improvements. Such drainage facilities must have a natural look with minimum slopes and landscaping.
- ~~4.~~ ~~Vegetation must be used to soften the appearance of walls, including those used for screening. This may include either vines trained up the wall or minimum five-gallon shrubs planted a minimum of thirty inches on center.~~
5. Foundation plantings are required within a planting area a minimum of six feet in width along 70-50 percent of the length of any façade visible to the public with the exception of restaurant facades containing a drive-through, garage and service bays and exterior walls adjacent to outdoor patios, which should include perimeter planting. Foundation planting may count toward the required minimum site landscape area required in paragraph 1 above.

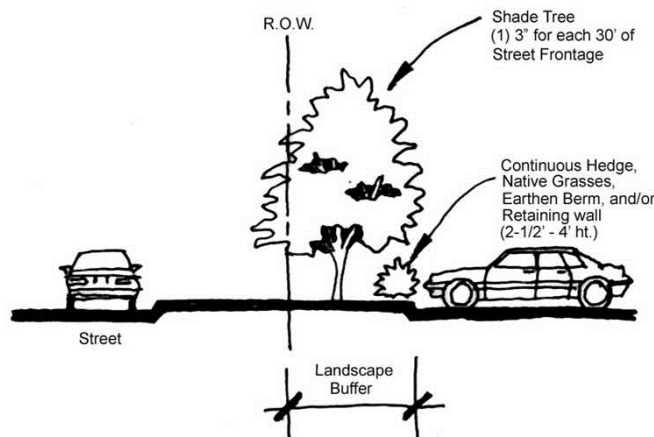
6. All landscape and turf areas must be ~~irrigated and~~ maintained on a regularly scheduled basis.
- 6.7. The preservation of existing trees referenced in the City's Approved Tree List Sec. 7.4.5.B can count towards tree planting requirements at a one-to-one ratio of caliper inches preserved to caliper inches required for planting (for example, the preservation of an existing 6-inch DBH (diameter-at-breast-height or measured at 4 feet 5 inches above the ground) live oak tree can be substituted for three two-inch DBH canopy trees).
- 7.8. A landscape buffer is required adjacent to any public street right-of-way based on the sub-district's Area Regulations and as follows.
- a. One minimum ~~threetwo~~-inch ~~caliper-DBH~~ canopy tree, as set forth in the City's Approved Tree List found in the City's Plan List Sec. 7.4.5.B., must be planted for each 30 feet of frontage along public street rights-of-way as measured along the lot lines.
 - b. Required trees ~~must not be planted in a regular interval, but in clusters~~can be clustered.
 - c. Up to 1/3 of total required landscaping may consist of any of the following as long as it abuts grass (in buffers) or includes trees (such as in parking islands):
 - i. A minimum of two-inch river rock
 - (A) Non-irrigated trees require slow release watering bags for 1st year
 - ii. Decomposed granite
 - iii. Stone pavers
 - iv. Stone blocks or boulders
 - v. Mulch
 - ~~c.d.~~ Substituting four ornamental trees per one canopy tree is allowed under power lines.
 - ~~d.e.~~ A minimum 60 percent of required trees must be mix of evergreen with year around foliage and deciduous trees are encouraged.

~~e. A minimum 20 percent of the required landscape buffer must have native grass beds or wildflowers.~~

f. Berms not less than 24 inches nor more than 48 inches in height at no more than a four to one slope are ~~required~~ encouraged in the landscape buffer, covering a minimum of 50 percent of the buffer area, and shall result in exemption from parking island requirements adjacent to the berm.

~~8.9.~~ Any of the following must be screened by a continuous hedge or shrubs, earthen berms, or retaining walls that are two and one-half to four feet in height:

- a. Parking lot or vehicle use area;
- b. Fuel pumps visible from the direction of traffic flow; or
- c. Vehicle drive-through window facing the street or traffic flow.



~~9.10. Meandering sidewalks~~ Sidewalks a minimum of five feet in width are required in accordance with City standards within the landscape buffer the entire length of the street frontage in the following locations.

- a. Along any street in the Civic-Convention Sub-District; ~~and~~
- b. Along any street that intersects or runs immediately parallel with I-35, if the Trails Master Plan recommends a sidewalk adjacent to the property;
- c. Connecting pad retail or office sites to other adjacent retail or office sites; and

- d. All retail centers that are developed, used, managed or marketed as a group must provide sidewalk connections between retail or office pad sites and adjacent multi-family.
- e. Crosswalks from internal sidewalks should be delineated by paint, texture, stain or by a change of material.

~~10.11.~~ The width and composition of a sidewalk required in subsection 10 above must be in accordance with the following standards.

- a. A sidewalk that is a minimum of 10 feet in width is required where the Trails Master Plan shows a Citywide Spine Trail adjacent to the property.
- b. A sidewalk that is a minimum of eight feet in width is required where the Trails Master Plan shows a Community-Wide Connector Trail adjacent to the property.
- c. A sidewalk that is a minimum of six feet in width is required where the Trails Master Plan shows a Local Connector Trail adjacent to the property.

[Ord. 2012-4505]

~~11.12.~~ Landscaped parking islands are required as follows in all parking lots, but are not required adjacent to industrial truck docks. Parking islands may count toward the required minimum landscape area set forth in the sub-district Area Regulations.

a. **Interior Islands**

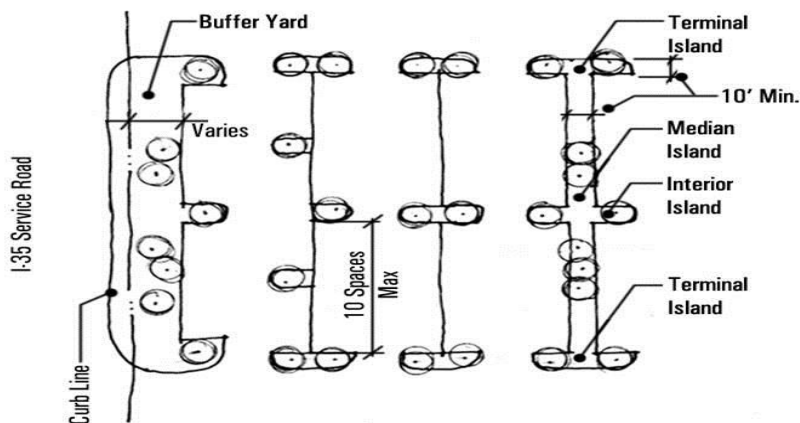
A curbed landscape island must be provided for every 10 parking spaces. Each island must be a minimum of 170 square feet in area and 10 feet in width back-of-curb to back-of-curb and may include a 2 foot wide strip of additional concrete, stone or pavers adjacent to parking spaces for safely stepping out of a vehicle. A minimum three-inch caliper tree is required in each island.

b. Terminal Islands

All parking rows must terminate in a curbed landscape island. Each terminal island must be a minimum of 360 square feet in area and contain two minimum ~~three~~two-inch caliper trees.

c. Median Islands

A curbed median island a minimum of 10 feet in width back-of-curb to back-of-curb must be located after every third parking bay and along primary internal access drives. Each median island ~~contain one minimum three inch caliper tree a minimum of every 30 feet on center~~requires a 4-foot sidewalk that connects to the business (trees only required on the Terminal and Interior Islands).



~~12. All landscape areas must accent building features, entryways and driveways.~~

13. Native plants and drought tolerant species from Sec. 7.4 are preferable to reduce water requirements. Other drought-tolerant or native grass, shrubs and trees can be approved by the Planning Director or by the City Arborist.

F.E. Approved Tree List – See Article 7; General Development Standards; Section 7.4 Landscaping; Subsection 7.4.5. General Planting Criteria; B Approved Tree List.

G.F. Approved Groundcover List – See Article 7; General Development Standards; Section 7.4 Landscaping; Subsection 7.4.5. General Planting Criteria; C Approved Shrub List.

H.G. Approved Shrubs – See Article 7; General Development Standards; Section 7.4 Landscaping; Subsection 7.4.5. General Planting Criteria; D Approved Groundcover List.

I.H. Approved Lawn Grass – See Article 7; General Development Standards; Section 7.4 Landscaping; Subsection 7.4.5. General Planting Criteria; E Approved Lawn Grass.

[Ord. No. 2013-4580]

J.I. Signs

The sign standards in this Section apply to all Sub-Districts in the I-35 Corridor Overlay.

1. **Permitted Sign Types**

The table below establishes the sign types and standards that are permitted.

Use	Sign Type	Max. Number of Signs Faces	Max. Height	Max. Area (per sign face)	Min. Setback (from property line)	Min. Spacing Between Signs
All Permitted Uses	Wall Sign	1 per public street- facing façade for facades up to 300 feet in length (max. 2) per business; maximum of 2 for facades exceeding 300 feet in length	NA (no projection above building)	10% of façade face or 300 sq ft max (whichever is greater)	NA	NA

Use	Sign Type	Max. Number of Signs Faces	Max. Height	Max. Area (per sign face)	Min. Setback (from property line)	Min. Spacing Between Signs
All Permitted Uses	Window Sign	NA	NA	20% of window area	NA	NA
All Permitted Uses	Monument Sign	<u>21 per private or public access driveway</u>	8'	50 sq ft	0'	25'
All Permitted Uses	Pylon Sign	<u>21 per public access driveway</u>	25' to 35'*	200 sq ft	<u>+0'0' (*1 foot height increase for each foot of setback-max of 35' tall)</u>	50'
<u>Travel Related Uses (Fuel Sales, Overnight Accommodations, and Restaurant Uses)</u>	<u>Pylon Sign</u>	<u>2</u>	<u>40'</u>	<u>300 sq ft</u>	<u>+5'</u>	<u>+100'</u>
Multi-Tenant Site	Monument Sign	<u>21 per private or public access driveway</u>	10'	65 sq ft	0'	25'
Multi-Tenant Site	Pylon Sign	<u>21 per public access driveway</u>	<u>40'35' to 45'*</u>	400 sq ft	<u>0' (*1 foot height increase for each foot of setback-max of 45' tall)+5'</u>	300'

2. Maximum Signs per Site

All sites are permitted one freestanding sign (monument or pylon, single-tenant or multi-tenant) per site- private or public access driveway ~~unless they are part of a development requiring multi-tenant signs.~~

3. Multi-Tenant Sign Provisions

- Developments containing three or more businesses, whether in single or multiple buildings, must share freestanding sign structures for advertisement of multiple businesses within the development. This provision applies to businesses located on the same lot upon which the sign is located as well as to businesses located on different lots within the development.

- b. Multi-tenant sites are permitted ~~a to have maximum of one freestanding sign (monument or pylon) per 300 feet of frontage on the I-35 Frontage Road. Both individual business freestanding signs and multi-tenant signs count towards the total for the entire development. one multi-tenant freestanding sign (monument or pylon) per access driveway (or one single-tenant freestanding sign per access driveway, not both).~~ Signs must also comply with the following ~~standards~~:
- ~~i. Multi-tenant pylon signs must be oriented to the I-35 Frontage Roads, not to side streets.~~
 - ~~ii. Multi-tenant monument signs may be used at primary entranceways (spacing permitting) on streets not directly fronting I-35.~~
 - ~~iii. Businesses may not advertise on both multi-tenant pylon signs and individual single-site pylon signs;~~
 - ~~iv.i.~~ One monument sign is permitted per individual business advertised on multi-tenant signs.

4. **Freestanding Sign Materials**

Freestanding ~~signs-sign bases~~ must be ~~finished-clad in the either the same masonry material found on the primary building exterior masonry building material, brick or stone.~~ If a building has been approved to use ACM (Aluminum Composite Material) as the primary exterior or as an accent material, freestanding signs on the site may be clad with ACM to match the building.

5. **Sign Illumination**

~~Monument signs may be externally lit. All other illuminated signs must be internally lit.~~

6. **Pylon Sign Provisions**

All pylon signs in the I-35 Overlay Corridor must have either 1) a minimum height to width ratio of 1 to 0.15 for the masonry or ACM support structure or base or 2) consist of a 2-legged sign clad with masonry that incorporates the following standards:

I

- a. Brick or stone must extend at least 1/3 of the way up a metal pole
 - i. Stucco or ACM to match the building can be used where applicable and
- b. The metal pole must consist of either:
 - i. A minimum of an 8-inch x 8-inch square pole with a minimum of an ½-inch wall or
 - ii. A round metal pole with a minimum of a 10-inch diameter or
 - iii. Architectural metal approval by the Planning Director
- c. Planter boxes incorporated into the base of the pylon sign with drought-tolerant landscaping are encouraged and:
 - i. Count towards overall landscaping requirements and
 - ii. Do not require permanent irrigation
- a.d. Existing pole signs can remain, but the pole(s) must be clad in stone, stucco or brick either a minimum of 20 feet in height or the entire pole height when a sign face is replaced

7. Banner

- a. Must be affixed flush to a façade or attached flush to a fence or wall
- b. Maximum Size: 100 square feet
- c. A sign permit is required in the I-35 Corridor Overlay
- d. Temporary sign limited to 30 days to advertise grand openings, sales or special events
- e. Limited to two per year

8. Pole Banner

- a. Permitted at car dealerships

9. Roof Sign

- a. Permitted only on sites that are 15,000 sf or less to provide needed visibility for smaller businesses
- b. No freestanding sign is permitted on sites with a roof sign
- c. No wall sign is permitted on wall closest to roof sign

7.10. Prohibited Sign Types

The following sign types are prohibited in the I-35 Corridor Overlay.

- ~~a. —Roof Sign;~~
- ~~b.a. Banner or Pole Banner;~~
- ~~c.b. Fence Sign;~~
- ~~d.c. Inflatable Device (excluding standard helium balloons but does include hotair balloons used for advertising);~~
- ~~e.d. Message Board; and~~
- ~~f.e. Pole Sign (excludes light pole gas station signs).~~

[Ord. 2012-4507]

~~K.J.~~ On Premises Lighting

The purpose of these lighting regulations is to permit reasonable uses of outdoor lighting for nighttime safety, utility, security and enjoyment while preserving the ambiance of the night. By minimizing glare and obtrusive light that is misdirected, excessive or unnecessary, energy and resources are conserved and the natural environment is protected from the damaging effects of night lighting.

1. Directional Control

- a. All luminaires ~~of 1,800 or more lumens~~ must be full-cutoff as installed. ~~For luminaires under 1,800 the bulb must be frosted glass or installed behind a translucent cover.~~ Floodlights must be aimed no higher than 45 degrees below horizontal. This can be accomplished by the use of full-cutoff fixture design, shielding, visors, louvers or other devices.
- b. Exterior lighting must have soft, indirect illumination concealed behind landscaping or placed in outdoor lighting fixtures that do not produce direct glare. Lighting must be focused and provide the minimum amount of illumination required for safety.
- c. On-site lighting design must be used to identify and illuminate entries, walks and parking areas. Site lighting used for building illumination must be down wall washing only. ~~No flood lighting or up-lighting is permitted.~~

- d. Security lighting must be designed to avoid glare, and must direct light toward the building or storage area instead of away.

2. **Reasonableness of Intensity**

~~a. The maximum allowable total lumens generated on each parcel are 80,000 lumens per net acre with full cutoff lighting. Parcels less than one net acre are allowed full cutoff lumens in a portion equal to the parcel's portion of a net acre.~~

~~b.a. Lights mounted on the underside of a roof 15 or more feet from any edge of the roof count one quarter toward the limit. Lights on the underside of a roof less than 15 feet from the edge of the roof count one half toward total lumens.~~

~~c.b.~~ Exterior lighting must have soft, indirect illumination concealed behind landscaping or placed in outdoor lighting fixtures that do not produce direct glare.

~~d.c.~~ Lighting must be focused and provide the minimum amount of illumination required for safety.

~~e.d.~~ Outdoor lighting fixtures must be a maximum of 30 feet in height. All light fixtures located within 50 feet of any residential use must not exceed 15 feet in height.

~~f.e.~~ Lighting that flashes, blinks or moves in any way is not allowed.

~~g.f.~~ Mercury vapor lighting is not allowed.

3. **Light Trespass**

~~a. The maximum illumination at five feet inside an adjacent residential parcel or public street right-of-way, or beyond, from light emitted from an artificial light source is 0.1 horizontal foot-candles and 0.1 vertical foot-candles. Such illumination at 10 feet inside an adjacent nonresidential parcel or on a public roadway, or beyond, must not exceed 0.1 horizontal foot-candles or 0.1 vertical foot-candles.~~

b. No line of sight to a bulb is permitted five feet or more beyond a residential property line or public street right-of-way by an observer viewing from a position that is level with or higher than the ground below the fixture. Compliance is achieved with full cutoff fixtures, fixture shielding, directional control designed into

the fixture, fixture location, fixture height, fixture aim or a combination of these factors.

4. **Sign Lighting**

All illuminated signs must be lighted internally or lighted by top-mounted lights pointed downward. A sign may not be illuminated with fixtures that are unshielded from upward transmission of light. ~~On-site signs must be turned off upon closing if closing occurs after 10:30p.m.~~ Lights that flash, pulse, rotate, move or simulate motion are not permitted.

5. **Temporary Lighting**

The temporary use of low wattage or low voltage lighting for public festivals, celebrations and the observance of holidays are exempt from regulation except where they create a hazard or nuisance from glare. Light trespass requirements remain in effect. Permits are required for commercial activities such as carnivals and are valid for up to seven consecutive days. Where possible lighting should be full-cutoff.

~~6.~~ **All-Night Lighting**

~~Lighting at places of business or public venues, except for security, must be turned off no later than one hour after closing. The lights of vacant parking lots must not remain lighted except for illuminating entryways by the fixtures closest to building entrances.~~

7.6. **Lighting Exemptions**

The following uses or features are exempt from the standards of this Section unless otherwise noted:

- a. Swimming pools and other water features, monuments, historic structures, or flags;
- b. Stairs and ramps, as required by the Building Code;
- c. Signs must meet the requirements in Sec. ~~7.6.3~~7.6.3 of this UDC, but all signs are recommended to be fully shielded;
- ~~d.~~ Holiday and temporary lighting must meet the requirements in Sec. ~~7.6.8~~7.6.8 of this UDC;

~~e.d. Sports lighting is exempt from the lumens per net acre limitations as to the playing field only, but full cutoff fixture design is required and light trespass requirements apply; and~~

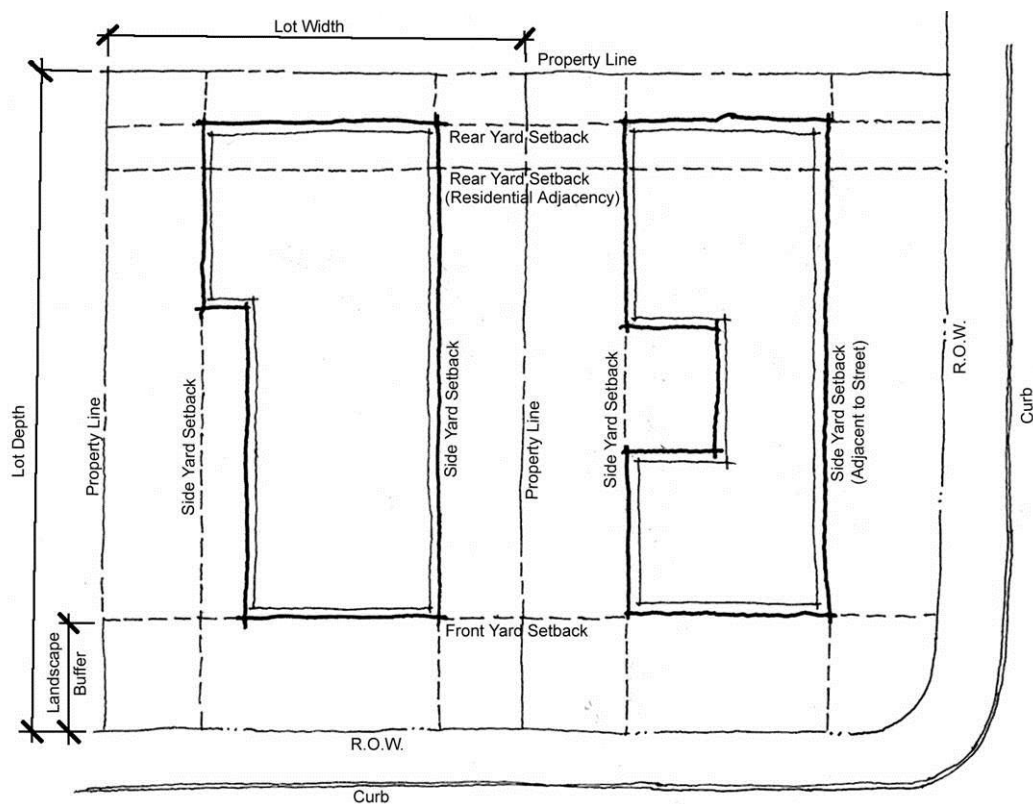
~~f.e. Low voltage landscape lighting, but such lighting should be shielded in such a way as to eliminate glare and light trespass.~~

L.K. Utilities

For new construction, All electric, telephone and cable television wires and cables from the property line to all structures being served on the site must be located underground.

1.1.66.7.8 Dimensional Illustration

The following illustration depicts the typical setbacks, landscape buffer, lot depth and lot width that each sub-district requires in this overlay zoning district.



1.1.76.7.9 Civic-Convention Sub-District

The Civic-Convention Sub-District provides a location for important buildings and services that are essentially noncommercial or non-profit in nature and that often serve as community landmarks, gathering places and settings for social

interaction. This sub-district is meant to be a destination for events, performances, festivals and other activities related to civic and cultural arts.

A. Permitted and Conditional Uses

The following use table establishes uses allowed by right or by Conditional Use Permit in accordance with [Sec. 3.5](#) in the [Civic-Convention](#) Sub-District. Unless otherwise regulated in the standards for this overlay zoning district, permitted uses are governed by the standards of this UDC for the underlying base zoning district. Uses not listed are prohibited.

Use	Permitted by Right or Permitted Subject to Limitations	Conditional Use	Standards
Residential			
Convent or monastery	✓		
Single-family attached dwelling		✓	5.3.5
Single-family detached dwelling		✓	
Multiple-family dwelling (apartment)		<u>✓</u>	
Nonresidential			
Art gallery or museum	✓		
Accessory building	✓		
Child care facility	<u>✓</u>		
Day camp for children		✓	
Community center	✓		
Hotel	<u>✓</u>		
Mortuary or funeral home		✓	
Park or playground	✓		
Place of worship	✓		
Personal Wireless Service Facilities-Freestanding Facilities	<u>✓</u>		5.4.3
Pre-school	✓		5.3.11
Restaurant (not drive-in)	<u>✓</u>		
Retail shop, gift, apparel, accessory and similar items	<u>✓</u>		
School, elementary or secondary (public or private)		✓	
Swimming pool (private)	✓		

B. Dimensional Standards

Dimensional standards for the base zoning districts as found in [Sec. 4.5](#) ~~Sec. 4.5~~ of this UDC apply except that the following regulations supersede such requirements for properties in the [Civic-Convention](#) Sub-District. Nonconforming lots of record that are smaller than the minimum required lot area may be developed but all requirements of the I-35 Corridor Overlay District apply.

Regulation	Measurement
Min. Lot Area	12,500 sf.
Min. Lot Width	80 ft.
Min. Lot Depth	80 ft.
Min. Front Yard Setback	25 ft.
Min. Side Yard Setback	10 ft.
Min. Side Yard Setback at Street	25 ft.
Min. Rear Yard Setback	10 ft. (20 ft. adjacent to residential)
Min. Landscape	15% of lot area (for new construction...see Table 6.7.4 for existing buildings)
Min. Landscape Buffer Front	<ol style="list-style-type: none"> 1. 5 feet average (for 15,000 sf sites or less) 2. 10 feet average (15,001-1 acre sites) 3. 15 feet average (1.01-2 acres) 4. 20 feet average (2.01-3 acres) 5. 25 feet average (3+ acres) 25 ft. front and adjacent to public street
Sides and Rear	<ol style="list-style-type: none"> 1. 5 feet average (2 acres or less) 2. 10 feet average (2+ acres) 10 ft. rear (20 ft. adjacent to residential)
Maxi. FAR	10 ft. side
Max. Building Coverage Max. Building Height	60%

C. Landscape

The following landscape requirements are required in addition to those requirements described in Sec. [6.7.7D1.1-6D6.7.5E](#), Landscape, above.

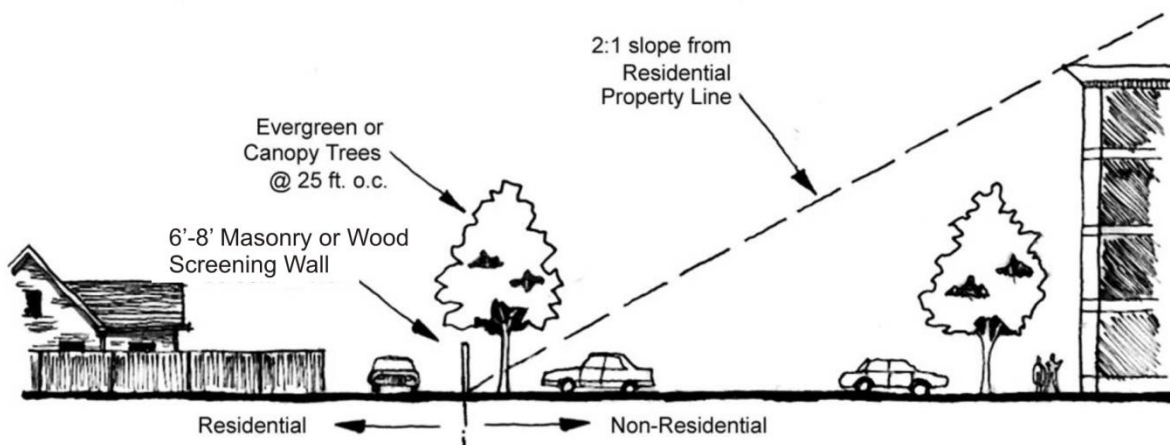
~~1. An additional 10 percent of vegetation is required above the general landscaping requirements in landscape buffer areas.~~

~~2.1.~~ In addition to those trees already required ornamental trees must be used in the landscape buffer. One, minimum two-inch caliper, ornamental tree must be planted for each 30 feet of frontage along public street rights-of-way as measured along the lot lines.

A. Architectural Design

1. Site Development

- a. Development must be sited as to maximize street presence.
- b. The location and placement of buildings on individual sites must reflect consideration for roadway access, the preservation of major existing natural vegetation, visual impact and the relationship to surrounding developments.
- c. In order to preserve privacy of residential properties when located adjacent to nonresidential uses in a non-mixed use setting, the building must fit within a 2:1 slope from the residential property line, regardless if distance is greater than that listed in the Dimensions Standards table above.



2. Exterior Appearance of Buildings and Structures

- a. All buildings in the Industrial sub-district must be architecturally finished on the front and side facades with same materials, detailing and features. As long as the rear façade is not visible

from a public street or residential property and is painted to match the rest of the building, it is exempt from these architectural requirements.

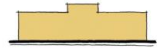
- a. As an alternative for facades that are not visible from a public street, a single row of trees may be planted along the building or in the landscape buffer on offset 30-foot centers in a minimum 10-foot

landscape edge, where 50 percent of the trees are canopy evergreen trees. In this case, the architectural finish must match the remainder of the building in color only.

Possible Building Plans



Possible Building Elevations



- b. Primary building (excluding accessory building) entrances must be articulated and defined to present a strong entry presence. Such entries must include either 1.) an inset or offset from the front building plane by at least four feet; or 2.) a parapet or vertical architectural element at least 3-feet taller than the roof line or display/storefront windows and a metal window canopy or awning.

- c. All buildings must be designed to incorporate no less than three of the following architectural elements. Buildings over 50,000 square feet must include a minimum of five of the following elements. Buildings over 100,000 square feet must include a minimum of seven of the following elements:

- i. Window canopies, window awnings, balconies, porches, stoops or porticos;
- ii. Minimum of 23-foot roof overhangs;
- iii. Building wall plane recesses or projections (minimum of 2-feet deep and 10-feet long);
- iv. Arcades;
- v. Peaked roof forms;
- vi. Arches;

- vii. Outdoor patios;
- viii. Display/storefront or transom windows;
- ix. Architectural details (such as tile work or moldings) integrated into building facade;
- x. Articulated ground floor levels or base, such as a masonry wainscot;
- xi. Articulated cornice line;
- xii. Integrated planters or wing walls that incorporate landscape and sitting areas;
- xiii. Accent materials (minimum 10 percent of exterior façade).
- xiv. Dormer windows
- xv. Projecting bay or box windows
- xvi. Parapets

All buildings must be designed and constructed in tri-partite architecture to express a base, midsection and top. The heaviest building material must be used as the base. All facades must include:

- xvii. Articulated ground floor levels, such as with a masonry wainscot;
- xviii. A midsection that can be defined by storefront/display windows and window canopies or awnings; and
- xix. A top that can be defined by articulated cornice lines, a change in material, parapet, etc.



- Two-story tripartite example
- No more than 3 exterior wall materials
- Use of deep roof overhangs and eaves, articulated cornice lines, a masonry wainscot, a metal canopy and storefront windows

- d. No uninterrupted length of facade may exceed 50 feet in length without a design element listed in Sec. 2.d.
- e. Windows must comprise a minimum of 15 percent of the front and side elevations. Vegetative screening can be substituted for side elevation window requirements.
- f. All drive-through restaurants must have an outdoor seating area with a 150 sf minimum.

3. **Building Materials and Colors**

- a. Conceptual facade elevations and color palette must be submitted to staff for preliminary review.
- b. The color of all structures must be generally earth-tone in hue. The Director of Planning may approve accent colors that are not earth tone, but may not approve a façade that displays more than 10 percent of non-earth tone colors. No façade may display neon or florescent colors.
- c. The designer may select a variety of exterior materials for use as the dominant material on the facades of a building, but the number of materials on a single building must be limited to no more than three materials in order to achieve a clean design style.

- d. Windows must not be glazed or re-glazed with mirrored or reflective glass.
- e. Maintenance and durability of materials must be considered as important qualities for every element of the design. Special care must be taken to specify the use of vandal resistant building components.
- f. The following is a list of approved building materials and accent materials per façade (not to exceed 20 percent of materials used). The Director of Planning may approve materials not listed below.
- g.

Primary Materials: Max. 80%, Min. 60% <u>(excluding window %)</u>	Accent Materials: Max. 40%, Min. 20% <u>(excluding window %)</u>
Architectural metal Brick Cast stone Color integrated split face block Stone Stucco <u>(EIFS with a minimum of a 3-foot stone or brick wainscot)</u> Smooth insulated wall panel Textured painted tilt wall	Cast Stone Cementitious siding Glass block Granite Marble Textured or patterned concrete Tile Wood All primary materials (other than material used to achieve the min. 80%)

1.1.86.7.10 Industrial Sub-District

The industry component of Temple's economy has been and should continue to be a major factor in the City's growth and employment. These Industrial Sub-District standards will keep the City's industrial base strong and growing while protecting the City's image and enhancing the I-35 Corridor.

A. Permitted Uses

Permitted uses are governed by the uses permitted in the use table in Sec. 5.1 ~~Sec. 5.1~~ of this UDC for the underlying zoning district. Unless otherwise regulated in the standards for this overlay district, permitted uses are governed by the standards of this Zoning Ordinance for the underlying base zoning district.

B. Prohibited and Conditional Uses

Notwithstanding such uses being permitted in the underlying base zoning district according to the use table in [Error! Reference source not found.](#)~~Sec. 5.1~~, the following uses are prohibited or require a Conditional Use Permit in accordance with Sec. 3.5.

Use	Prohibited Use	Conditional Use	Standards
Residential			
All Residential Uses listed in the use table in Sec. 5.1 except as follows:		✓	5.3.1 through 5.3.7
Multiple-family dwelling (apartment)		✓	5.3.3
Recreational vehicle park	✓		
Nonresidential			
Animal feed lot	✓		
Animal shelter (public or private)		✓	
Auto storage or auto auction	✓		
Boat sales or repair		✓	
Body Piercing Studio	✓		5.3.27
Bottling works		✓	
Building material sales		✓	
Car wash		✓	
Child care facility	✓		
Contractor storage and equipment yard		✓	
Correctional facility	✓		
Day camp for children	✓		
Drag strip or commercial racing	✓		
Flea market (outdoors)	✓		
Greenhouse or nursery (retail)		✓	
Hatchery, fish or shrimp, fish farm	✓		
Hatchery, poultry	✓		
Heavy machinery sales, storage and repair		✓	
Industrial Uses listed in the use table in Sec. 5.1		✓	
Kennel		✓	
Livestock auction	✓		
Major vehicle repair		✓	Error! Reference source not found. 5.3.22
Milk depot, dairy or ice cream plant		✓	

Use	Prohibited Use	Conditional Use	Standards
Minor vehicle servicing		✓	Error! Reference source not found. 5.3.23
Motorcycle or scooter sales and repair		✓	
Open storage of furniture, appliances or machinery	✓		
Paint shop		✓	
Sexually oriented business	✓		
Shooting range (outdoor)	✓		
Stable, residential or noncommercial	✓		
Tattoo Studio	✓		5.3.27
Trailer, recreational vehicle, portable building or HUD-Code manufactured home sales or rental		✓	
Transitional or emergency shelter	✓		
Upholstery shop		✓	
Veterinarian hospital (kennels)		✓	
Wrecking or salvage yard	✓		5.3.24

[Ord. 2012-4505]

C. Dimensional Standards

Dimensional standards for the base zoning districts as found in Sec. 4.5 of this UDC apply except that the following regulations supersede such requirements for properties in the Industrial Sub-District. Nonconforming lots of record that are smaller than the minimum required lot area may be developed but all requirements of the I-35 Corridor Overlay District apply.

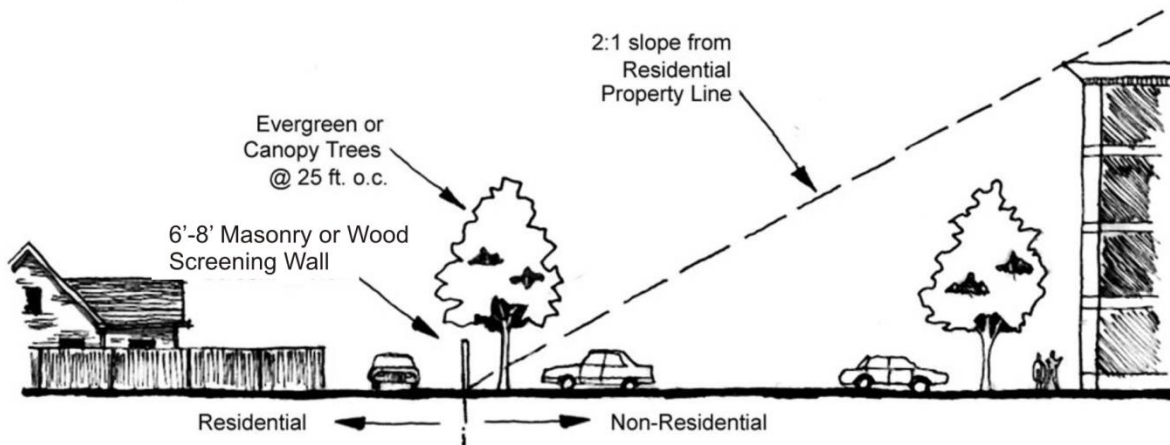
Regulation	Measurement
Min. Lot Area	1 acre
Min. Lot Width	160 ft.
Min. Lot Depth	160 ft.
Min. Front Yard Setback	50 ft.
Min. Side Yard Setback	20 ft.
Min. Side Yard Setback at Street	50 ft.
Min. Rear Yard Setback	20 ft. (30 ft. adjacent to residential)
Min. Landscape	10% of lot area (for new construction...see Table 6.7.4 for existing buildings)
Min. Landscape Buffer	Front

Regulation	Measurement
	<ol style="list-style-type: none"> 1. <u>5 feet average (for 15,000 sf sites or less)</u> 2. <u>10 feet average (15,001-1 acre sites)</u> 3. <u>15 feet average (1.01-2 acres)</u> 4. <u>20 feet average (2.01-3 acres)</u> 5. <u>25 feet average (3.01+ acres)</u> <p><u>Sides and Rear</u></p> <ol style="list-style-type: none"> 1. <u>5 feet average (2 acres or less)</u> 2. <u>10 feet average (2+ acres)</u> <p>10 ft. rear (20 ft. adjacent to residential) 10 ft. side</p>
Max. Building Coverage	50%
Max. FAR	1 to 1
Max. Building Height	42-50 ft. including mechanical and roof structure <u>(does not apply to a hotel or multi-family use)</u>

D. Architectural Design

1. Site Development

- a. The location and placement of buildings on individual sites must reflect consideration for roadway access, the preservation of major existing natural vegetation, visual impact and the relationship to surrounding developments.
- b. In order to preserve privacy of residential properties when located adjacent to nonresidential uses in a non-mixed use setting, the building must fit within a 2:1 slope from the residential property line, regardless if distance is greater than that listed in the Dimensions Standards table above.



2. Exterior Appearance of Buildings and Structures

- a. All buildings in the Industrial sub-district must be architecturally finished on all the front and sides facades with same materials, detailing and features, with a higher level of finish on the primary facades. As long as the rear façade is not visible from a public street or residential property and is painted to match the rest of the building, it is exempt from these architectural requirements.
- b. Primary building (excluding accessory building) entrances must be articulated and defined to present a strong entry presence. Such entries must include either 1.) an inset or offset from the front building plane by at least four feet; or 2.) a parapet, vertical architectural element at least 3-feet taller than the roof line or display/storefront windows and a metal window canopy or awning.
- c. All buildings must be designed to incorporate no less than three of the following architectural elements. Buildings over 50,000 square feet must include a minimum of five of the following elements. Buildings over 100,000 square feet must include a minimum of seven of the following elements:
 - i. Window canopies, window awnings, balconies, porches, stoops or porticos;
 - ii. Minimum of 3-foot roof overhangs;
 - iii. Building wall plane recesses or projections (minimum of 2-feet deep and 10-feet long);

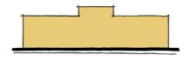
- iv. Arcades;
 - v. Peaked roof forms;
 - vi. Arches;
 - vii. Outdoor patios;
 - viii. Display/storefront or transom windows;
 - ix. Architectural details (such as tile work or moldings) integrated into building facade;
 - x. Articulated ground floor levels or base, such as a masonry wainscot;
 - xi. Articulated cornice line;
 - xii. Integrated planters or wing walls that incorporate landscape and sitting areas;
 - xiii. Accent materials (minimum 10 percent of exterior façade).
 - xiv. Dormer windows
 - xv. Projecting bay or box windows
 - xvi. Parapets
- ~~b. Building entrances must be articulated six feet and defined to present a strong entry presence. All buildings must be designed to incorporate no less than one of the following architectural elements. Buildings over 50,000 square feet must include a minimum of two of the following elements. Buildings over 100,000 square feet must include a minimum of three of the following elements.~~

~~i. Canopies, awnings or porticos;~~

Possible Building
Plans

Possible Building
Elevations

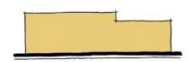
~~ii. Overhangs;~~



~~iii. Recesses or projections;~~



~~iv. Arcades;~~



~~v. Peaked roof forms;~~

~~vi. Arches;~~



~~vii. Outdoor patios;~~

~~viii. Display windows;~~



~~ix. Architectural details (such as
tile work or moldings)
integrated into building façade;~~

~~x. Articulated ground floor levels or base;~~

~~xi. Articulated cornice line;~~

~~xii. Integrated planters or wing walls that incorporate landscape
and sitting areas;~~

~~xiii. Offsets, reveals or projecting rib used to express
architectural or structural bay; or~~

~~xiv. Accent materials.~~

d. No uninterrupted length of facade may exceed 100 feet in length
without a design element listed in Sec. 2.c.

e. **Building design must incorporate a basic level of architectural
variety. All industrial buildings with facades greater than 250
feet in length, visible from a public street right-of-way, must
have wall plane projections or recesses that are a minimum of
six feet deep. Projections and recesses must be at least 25
percent of the length of the façade on those sides facing a
public street. No uninterrupted length of facade may exceed
200 feet in length.** All drive-through restaurants must have an outdoor
seating area with a 150 sf minimum. Shared common areas are
encouraged.

e.f.

3. **Building Materials and Colors**

a. Conceptual facade elevations and color palette must be submitted to staff for preliminary review.

~~a. Conceptual facade plans, color palette and sample boards must be submitted with the Preliminary Site Plan application. Final facade plan and sample boards must be submitted with final site plan application for all nonresidential uses.~~

b. The color of all structures must be generally earth-tone in hue. The Director of Planning may approve accent colors that are not earth tone, but may not approve a façade that displays more than 10 percent of non-earth tone colors. No façade may display neon or florescent colors.

c. The designer may select a variety of exterior materials for use as the dominant material on the facades of a building, but the number of materials on a single building must be limited to no more than three materials in order to achieve a clean design style.

d. Windows must not be glazed or re-glazed with mirrored or reflective glass.

e. Maintenance and durability of materials must be considered as important qualities for every element of the design. Special care must be taken to specify the use of vandal resistant building components.

f. The following is a list of approved building materials and accent materials per façade (not to exceed 20 percent of materials used). The Director of Planning may approve materials not listed below.

f.g.

Primary Materials: Max. 100%, Min. 80% <u>(excluding window %)</u>	Accent Materials: Max. 20% <u>(excluding window %)</u>
Architectural metal Stone Brick <u>Cast stone</u> <u>Stucco (EIFS with a 3-foot stone or brick wainscot)</u> Color integrated split face block Painted tilt wall	Cast stone Wood Glass block Tile Granite Marble Textured or patterned concrete <u>Cementitious siding</u>

Primary Materials: Max. 100%, Min. 80% <u>(excluding window %)</u>	Accent Materials: Max. 20% <u>(excluding window %)</u>
Smooth insulated -wall panel	All primary materials (other than material used to achieve the min. 80%)

1.1.96.7.11 Freeway-Retail ~~/Commercial~~ Sub-District

The ~~freeway~~ retail ~~and commercial~~ locations in Temple have been and should continue to be a major factor in the City's growth and employment efforts. These standards will continue to attract new ~~commercial~~ retail activity to the City and enhance the City's image as a desirable place to live, work and shop on the I-35 Corridor.

A. Permitted Uses

Permitted uses are governed by the uses permitted in the use table in Sec. 5.1 ~~Sec. 5.1~~ of this UDC for the underlying zoning district. Unless otherwise regulated in the standards for this overlay district, permitted uses are governed by the standards of this Zoning Ordinance for the underlying base zoning district.

B. Prohibited and Conditional Uses

Notwithstanding such uses being permitted in the underlying base zoning district according to the use table in Sec. 5.1 ~~Sec. 5.1~~, the following uses are prohibited or require a Conditional Use Permit in accordance with Sec. 3.5 ~~Sec. 3.5~~.

Use	Prohibited Use	Conditional Use	Standards
Residential			
All Residential Uses listed in the use table in Error! Reference source not found. Sec. 5.1 except as follows:	✓		
Multiple-family dwelling (apartment)	✓		5.3.3
Recreational vehicle park	✓		
Nonresidential			
Animal feed lot	✓		
Animal shelter (public or private)		✓	
Auto storage or auto auction	✓		
Boat sales or repair		✓	
Body Piercing Studio	✓		5.3.27
Bottling works	✓		
Building material sales (either indoors or to the rear with screening)		✓	
Car wash		✓	
Child care facility	✓		5.3.9 and 5.3.10
Contractor storage and equipment yard	✓		
Correctional facility	✓		
Credit Access Business	✓		5.3.26
Day camp for children	✓		
Drag strip or commercial racing	✓		
Flea market (outdoors)	✓		
Greenhouse or nursery (retail)		✓	
Hatchery, fish or shrimp, fish farm	✓		
Hatchery, poultry	✓		
Heavy machinery sales, storage and repair		✓	
Industrial Uses listed in the use table in Sec. 5.1	✓		
Kennel	✓		
Livestock auction	✓		
Major vehicle repair		✓	5.3.22
Milk depot, dairy or ice cream plant	✓		
Minor vehicle servicing		✓	
Open storage of furniture, appliances or machinery	✓		
Paint shop		✓	
Sexually oriented business	✓		
Shooting range (outdoor)	✓		
Stable, residential or noncommercial	✓		

Use	Prohibited Use	Conditional Use	Standards
Trailer, recreational vehicle sales or rental		✓	
Transitional or emergency shelter	✓		
Upholstery shop		✓	
Veterinarian hospital (kennels)		✓	
Wrecking or salvage yard	✓		5.3.24

[Ord. 2012-4505]

C. Dimensional Standards

Dimensional standards for the base zoning districts as found in ~~4.5~~[Sec. 4.5](#) of this UDC apply except that the following regulations supersede such requirements for properties in the ~~Freeway-Retail~~ ~~Commercial~~ Sub-District. Nonconforming lots of record that are smaller than the minimum required lot area may be developed but all requirements of the I-35 Corridor Overlay District apply.

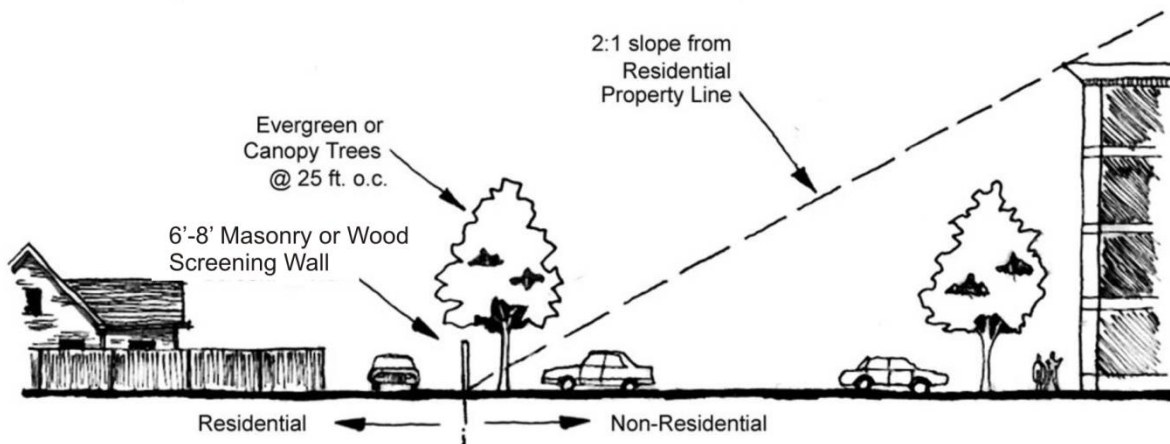
Regulation	Measurement
Min. Lot Area	12,500 sf.
Min. Lot Width	80 ft.
Min. Lot Depth	80 ft.
Min. Front Yard Setback	25 ft.
Min. Side Yard Setback	20 ft.
Min. Side Yard Setback at Street	25 ft.
Min. Rear Yard Setback	10 ft. (20 ft. adjacent to residential)
Min. Landscape	15% of lot area (for new construction...see Table X for existing buildings) .
Min. Landscape Buffer	<p>Front</p> <ul style="list-style-type: none"> ○ 5 feet average (for 15,000 sf sites or less) ○ 10 feet average (15,001-1 acre sites) ○ 15 feet average (1.01-2 acres) ○ 20 feet average (2-3 acres) ○ 25 feet average (3+ acres) <p>Sides and Rear</p> <ul style="list-style-type: none"> ○ 5 feet average (2 acres or less) ○ 10 feet average (2+ acres) (20 feet adjacent to

Regulation	Measurement
	residential
Max. Building Coverage	50%
Max. FAR	4 to 1
Max. Building Height	6 stories or 100 ft. including mechanical and roof structure, except for hotels and apartments

D. Architectural Design

1. Site Development

- Development must be sited as to maximize street presence.
- The location and placement of buildings on individual sites must reflect consideration for roadway access, the preservation of major existing natural vegetation, visual impact and the relationship to surrounding developments.
- In order to preserve privacy of residential properties when located adjacent to nonresidential uses in a non-mixed use setting, the building must fit within a 2:1 slope from the residential property line, regardless if distance is greater than that listed in the Dimensional Standards table above.

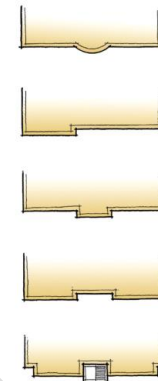


2. Exterior Appearance of Buildings and Structures

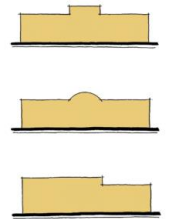
- All buildings, including accessory buildings, must be architecturally finished on all sides with the same materials, detailing and features, with a higher level of finish on the primary facades.

- b. As an alternative for facades that are not visible from a public street, a single row of trees may be planted along the building or in the landscape buffer on offset 30-foot centers in a minimum 10-foot landscape edge, where 50 percent of the trees are canopy evergreen trees. In this case, the architectural finish must match the remainder of the building in color only.

Possible Building Plans



Possible Building Elevations



- c. Primary Building (excluding accessory building) entrances must be articulated and defined to present a strong entry presence. Such entries must include either 1.) be an inset or offset from the front building plane by at least six feet; or 2.) a parapet, vertical architectural element at least 3-feet taller than the roof line or display/storefront windows and a metal window canopy or awning.

- d. All buildings must be designed to incorporate no less than three of the following architectural elements. Buildings over 50,000 square feet must include a minimum of five of the following elements. Buildings over 100,000 square feet must include a minimum of seven of the following elements:

- i. Window Canopies, window awnings, balconies, porches, stoops or porticos;
- ii. Minimum of 3-foot roof Overhangs;
- iii. Building wall plane Recesses-recesses or projections (minimum of 2-feet deep and 10-feet long);
- iv. Arcades;
- v. Peaked roof forms;
- vi. Arches;
- vii. Outdoor patios;
- viii. Display /storefront windows or transom windows;

- ix. Architectural details (such as tile work or moldings) integrated into building facade;
- x. Articulated ground floor levels or base, [such as a masonry wainscot](#);
- xi. Articulated cornice line;
- xii. Integrated planters or wing walls that incorporate landscape and sitting areas;
- ~~xiii. Offsets, reveals or projecting rib used to express architectural or structural bay; or~~
- [xiii. Accent materials \(minimum 10 percent of exterior façade\).](#)
- [xiv. Dormer windows](#)
- [xv. Projecting bay or box windows](#)
- ~~xiv.~~[xvi. Parapets](#)

~~d.e.~~ All buildings must be designed and constructed in tri-partite architecture to express a base, midsection and top. The ~~base and tops of buildings must vary in material, and the~~ heaviest building material must be used as the base. All facades must include:

- i. Articulated ground floor levels, [such as with a masonry wainscot](#);
- ii. ~~Minimum three-foot overhangs at eaves~~[A midsection that can be defined by storefront/display windows and window canopies or awnings](#); and
- iii. [A top that can be defined by A](#)articulated cornice lines, [a change in material, parapet, etc.](#)



- Two-story tripartite example
- No more than 3 exterior wall materials
- Use of deep roof overhangs and eaves, articulated cornice lines, a masonry wainscot, a metal canopy and storefront windows

e.f. All buildings must be designed to be consistent with the purpose of the I-35 Corridor Overlay zoning district. Building design must incorporate a basic level of architectural variety. All retail and commercial buildings with facades greater than 200 feet in length, visible from a public street right-of-way, must incorporate wall plane projections or recesses that are at least six feet deep. Projections and recesses must be at least 25 percent of the length of the facade. No uninterrupted length of facade may exceed 100 50 feet in length without a design element listed in Sec. 2.d.

g. Buildings must contain Windows must comprise a minimum of 40 15 percent and up to a maximum of 80 percent of windows on each building elevation, excluding the rear elevation of the front and side elevations. Vegetative screening can be substituted for side elevation window requirements.

h. All drive-through restaurants must have an outdoor seating area with a 150 sf minimum.

f.i. Shared common areas are encouraged.

3. **Building Materials and Colors**

- a. Conceptual facade ~~plans, elevations and~~ color palette ~~and sample boards~~ must be submitted ~~with the Preliminary Site Plan application to staff for preliminary review. Final facade plan and sample boards must be submitted with final site plan application for all nonresidential uses.~~
- b. The color of all structures must be generally earth-tone in hue. The Director of Planning may approve accent colors that are not earth tone, but may not approve a façade that displays more than 10 percent of non-earth tone colors. No façade may display neon or florescent colors.
- c. The designer may select a variety of exterior materials for use as the dominant material on the facades of a building, but the number of materials on a single building must be limited to no more than three materials in order to achieve a clean design style.
- d. No single building material may cover more than 80 percent of the front of any building, with the exception of on-site utility or service structures.
- e. Windows must not be glazed or re-glazed with mirrored or reflective glass.
- f. Maintenance and durability of materials must be considered as important qualities for every element of the design. Special care must be taken to specify the use of vandal resistant building components.
- g. The following is a list of approved building materials and accent materials per façade (not to exceed 20 percent of materials used). The Director of Planning may approve materials not listed below.

Primary Materials: Max. 90%, Min. 70% (excluding window %)	Accent Materials: Max. 30%, Min. 10% (excluding window %)
Stone Architectural metal Cast stone Brick Stucco Granite Marble Painted Tilt Wall	Cast stone Wood Glass block Tile Granite Marble Textured or patterned concrete Cementitious siding All primary materials (other than material used to achieve the min. 80%)

E. Vehicle Sales

Where sales inventory aisles exist for an automobile, truck, motorcycle, recreational vehicle or boat sales, [heavy machinery sales](#), leasing or rental establishment, the following standards apply as exceptions to the general landscape provisions in Sec. ~~6.7.7D-1.1.6D~~[6.7.5E](#).

1. Parking lot islands must be located at the end of the inventory aisle, span the width of such aisle and have a minimum depth of 10 feet; and
2. ~~Evergreen-Drought-tolerant~~ shrubs [per Sec. 7.4.C.](#) a minimum of five gallons in size must completely fill the island area.
- ~~2.3.~~ [Four ornamental trees can be substituted for one canopy tree in landscape buffers abutting vehicle or boat inventory at strategic locations to allow for greater visibility and protection of the inventory from falling leaves and branches.](#)

F. Vehicle Sales in Portion of Sub-district

Where an automobile, [motorcycle](#) or truck sales, leasing or rental establishment is located between North General Bruce Drive and North 31st Street, north of Jack White Boulevard up to 265 feet north of the northern boundary of the public street right-of-way of Bray Street, the following standards apply, as exceptions to the corresponding general and freeway retail commercial standards:

1. **Inventory Parking Lot Islands**

- a. Parking lot islands must be located at the end of the inventory aisle, span the width of such aisle and have a minimum depth of 10 feet.
- b. Evergreen shrubs a minimum of five gallons in size must completely fill the island area.

2. **Landscape Buffer**

- a. A landscape buffer a minimum of 10 feet wide is required adjacent to Jack White Boulevard.
- b. A landscape buffer a minimum of five feet wide is required adjacent to North 31st Street.

3. **Garage and Service Bays**

- a. Garage and service bays, including but not limited to off-street loading bays and service bays used for vehicle repair and servicing, must face Jack White Boulevard and Bray Street.
- b. A wing wall or opaque landscaping is not required to screen garage and service bays as required in ~~Sec. 6.7.7C-1.1.6C6.7.5D~~, if landscaping along north General Bruce Drive and Jack White Boulevard is designed to screen such garages and bays.

~~1.1.106.7.12~~ **City Entry Gateway Sub-District**

This sub-district is the gateway into the city core, hospitals, neighborhoods, shopping, airport and industrial parks. Development should enhance the image of the City and entice people to stop, shop and visit the City. These entries need to create attractive portals to the City.

A. Permitted Uses

Permitted uses are governed by the uses permitted in the use table in ~~Sec. 5.1~~ Sec. 5.1 of this UDC for the underlying zoning district. Unless otherwise regulated in the standards for this overlay district, permitted uses are governed by the standards of this Zoning Ordinance for the underlying base zoning district.

B. Prohibited and Conditional Uses

Notwithstanding such uses being permitted in the underlying base zoning district according to ~~Sec. 5.1~~ Sec. 5.1, the following uses are prohibited or require a Conditional Use Permit in accordance with ~~Sec. 3.5~~ Sec. 3.5.

June 15, 2017 DRAFT

Use	Prohibited Use	Conditional Use	Standards
Residential			
All Residential Uses listed in the use table in Sec. 5.1 Sec. 5.1 except as follows:	✓		
Multiple-family dwelling (apartment)		✓	5.3.3 5.3.3
Recreational vehicle park	✓		
Nonresidential			
Animal feed lot	✓		
Animal shelter (public or private)	✓		
Auto storage or auto auction	✓		
Boat sales or repair	✓		
<u>Body Piercing Studio</u>	✓		<u>5.3.27</u>
Bottling works	✓		
Building material sales	✓		
Car wash		✓	
Child care facility	✓	✓	<u>5.3.9</u> and <u>5.3.10</u>
Contractor storage and equipment yard	✓		
Correctional facility	✓		
<u>Credit Access Business</u>	✓		<u>5.3.26</u>
Day camp for children	✓		
Drag strip or commercial racing	✓		
Flea market (outdoors)	✓		
Greenhouse or nursery (retail)		✓	
Hatchery, fish or shrimp, fish farm	✓		
Hatchery, poultry	✓		
Heavy machinery sales, storage and repair	✓		
Industrial Uses listed in the use table in Sec. 5.1 Sec. 5.1	✓		
Kennel	✓		
Livestock auction	✓		
Major vehicle repair	✓		
Milk depot, dairy or ice cream plant	✓		
Minor vehicle servicing		✓	<u>5.3.23</u> 5.3.23
Motorcycle or scooter sales and repair		✓	
Open storage of furniture, appliances or machinery	✓		
Paint shop		✓	
<u>Sexually oriented business</u>	✓		
<u>Shooting range (outdoor)</u>	✓		
<u>Stable, residential or</u>	✓		

Use	Prohibited Use	Conditional Use	Standards
noncommercial			
Tattoo Studio	✓		5.3.27
Trailer, recreational vehicle, portable building or HUD-Code manufactured home sales or rental sales or rental	✓		
Transitional or emergency shelter	✓		
Upholstery shop	✓		
Veterinarian hospital (kennels)	✓		
Wrecking or salvage yard	✓		

[Ord. 2012-4505]

C. Dimensional Standards

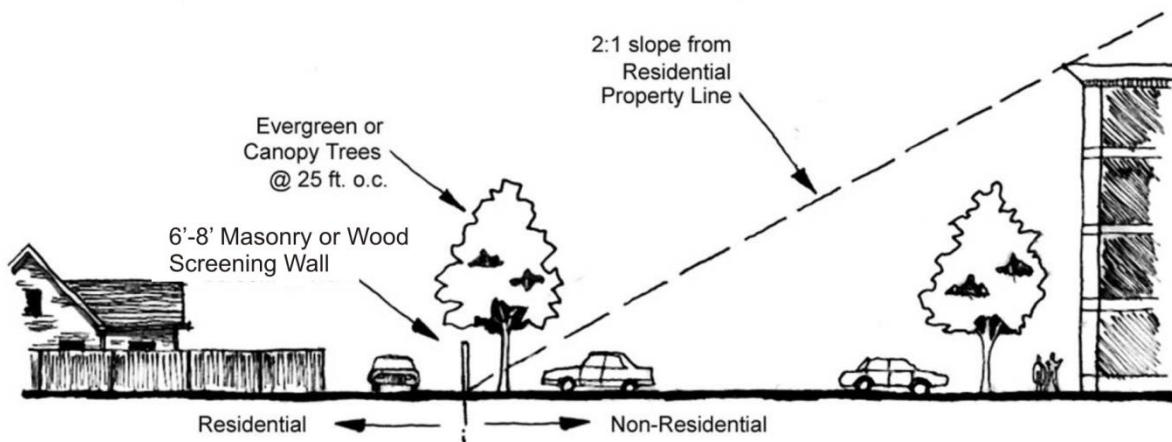
Dimensional standards for the base zoning districts as found in [Sec. 4.5](#) ~~Error! Reference source not found.~~ [Sec. 4.5](#) of this UDC apply except that the following regulations supersede such requirements for properties in the [City Entry Gateway](#) Sub-District. Nonconforming lots of record that are smaller than the minimum required lot area may be developed but all requirements of the I-35 Corridor Overlay District apply.

Regulation	Measurement
Min. Lot Area	12,500 sf.
Min. Lot Width	80 ft.
Min. Lot Depth	80 ft.
Min. Front Yard Setback	25 ft.
Min. Side Yard Setback	20 ft.
Min. Side Yard Setback at Street	25 ft.
Min. Rear Yard Setback	10 ft. (20 ft. adjacent to residential)
Min. Landscape	15% of lot area (for new construction...see Table 6.7.4 for existing buildings)
Min. Landscape Buffer	Front <ul style="list-style-type: none"> ○ 5 feet average (for 15,000 sf sites or less) ○ 10 feet average (15,001-1 acre sites) ○ 15 feet average (1.01-2 acre sites) ○ 20 feet average (2.01-3 acres) ○ 25 feet average (3+ acres) Sides and Rear <ul style="list-style-type: none"> ○ 5 feet average (2 acres or less) ○ 10 feet average (2+ acres) (20 feet adjacent to residential)
Max. Building Coverage	60%
Max. FAR	4 to 1
Max. Building Height	6 stories or 100 ft. including mechanical and roof structure except for hotels and multi-family

D. Architectural Design

1. Site Development

- a. Development must be sited as to maximize street presence.
- b. The location and placement of buildings on individual sites must reflect consideration for roadway access, the preservation of major existing natural vegetation, visual impact and the relationship to surrounding developments.
- c. In order to preserve privacy of residential properties when located adjacent to nonresidential uses in a non-mixed use setting, the building must fit within a 2:1 slope from the residential property line, regardless if distance is greater than that listed in the Dimensional Standards table above.



2. Exterior Appearance of Buildings and Structures

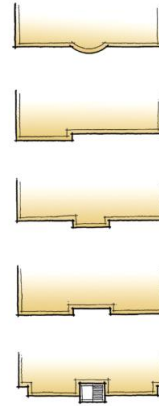
- a. All buildings, including ~~“out”~~ accessory buildings, must be architecturally finished on all sides with same materials, detailing and features, with a higher level of finish on the primary facades.
- b. For facades that are not visible from the public streets, a single row of trees can be planted along the building or in the landscape buffer on offset 25-foot centers in a minimum 10-foot landscape edge, where 50 percent of the trees are canopy evergreen trees. In this case, the architectural finish must match the remainder of the building in color only.

~~c. The principal building wall is to be setback a minimum of 18 and a maximum of 24 feet from the back of the drive curb.~~

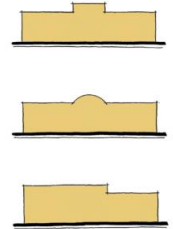
c. Principal Building entrances (excluding accessory buildings)

must be articulated and defined to present a strong entry presence. Such entries must be inset or offset from the front building plane by at least four feet and must include a parapet, a vertical architectural element that is at least 3 feet taller than the roof line, or display/storefront windows and a metal window canopy or awning.

Possible Building Plans



Possible Building Elevations



d. All buildings must be designed to incorporate no less than three of the following architectural elements. Buildings over 50,000 square feet must include a minimum of five of the following elements. Buildings over 100,000 square feet must include a minimum of seven of the following elements.

i. Window canopies, window awnings, balconies, porches, stoops or porticos;

ii. Minimum of 3-foot roof overhangs;

iii. Building wall plane recesses or projections (minimum of 2-feet deep and 10-feet long);

iv. Arcades;

v. Peaked roof forms;

vi. Arches;

vii. Outdoor patios;

viii. Display/storefront or transom windows;

ix. Architectural details (such as tile work or moldings) integrated into building facade;

x. Articulated ground floor levels or base, such as a masonry wainscot;

- xi. Articulated cornice line;
- xii. Integrated planters or wing walls that incorporate landscape and sitting areas;
- xiii. Accent materials (minimum 10 percent of exterior façade).
- xiv. Dormer windows
- xv. Projecting bay or box windows
- xvi. Parapets
 - i. Canopies, awnings or porticos;
 - ii. Overhangs;
 - iii. Recesses or projections;
 - iv. Arcades;
 - v. Peaked roof forms;
 - vi. Arches;
 - vii. Outdoor patios;
 - viii. Display windows;
 - ix. Architectural details (such as tile work or moldings) integrated into building façade;
 - x. Articulated ground floor levels or base;
 - xi. Articulated cornice line;
 - xii. Integrated planters or wing walls that incorporate landscape and sitting areas;
 - xiii. Offsets, reveals or projecting rib used to express architectural or structural bay; and
 - xiv. Accent materials (minimum 10 percent of exterior façade).

- e. All buildings must be designed and constructed in tri-partite architecture to express a base, midsection and top ~~(see Exhibit D)~~. The ~~base and tops of buildings must vary in material, and the~~ heaviest building material must be used as the base. All facades must include:

- i. Articulated ground floor levels, such as with a masonry wainscot;
- ii. A mid-section that can be defined by storefront/display windows and window canopies or awnings; and
- iii. A top that can be defined by articulated cornice lines, a change in material, parapet, etc.



- Two-story tripartite example
- No more than 3 exterior wall materials
- Use of deep roof overhangs and eaves, articulated cornice lines, a masonry wainscot, a metal canopy and storefront windows

- f. No uninterrupted length of facade may exceed 50 feet in length without a design element listed in Sec. 2.d.
- ~~f. All buildings must be designed to be consistent with the purpose of the I-35 Corridor Overlay zoning district. Building design must incorporate a basic level of architectural variety. All retail and commercial buildings with facades greater than 150 feet in length, visible from a public street right-of-way, must incorporate wall plane projections or recesses that are at least six feet deep. Projections and recesses must be at least 25 percent of the length of the facade. No uninterrupted length of facade may exceed 100 feet in length.~~

- g. Windows must comprise a minimum of 15 percent of the front and side elevations. Vegetative screening can be substituted for side elevation window requirements.
- h. All drive-through restaurants must have an outdoor seating area with a 150 sf minimum.
- a. Shared common areas are encouraged.

- ~~g. Buildings must contain a minimum of 40 percent and up to a maximum of 80 percent of windows on each building elevation, excluding the rear elevation.~~

[Ord. No. 2014-4631]

3. **Building Materials and Colors**

- a. Conceptual facade ~~plan~~elevations and, color palettes and sample boards must be submitted ~~with the Preliminary Site Plan application to staff for preliminary review. Final facade plan and sample boards must be submitted with final site plan application for all nonresidential uses.~~
- b. The color of all structures must be generally earth-tone in hue. The Director of Planning may approve accent colors that are not earth tone, but may not approve a façade that displays more than 10 percent of non-earth tone colors. No façade may display neon or florescent colors.
- c. The designer may select a variety of exterior materials for use as the dominant material on the facades of a building, but the number of materials on a single building must be limited to no more than three materials in order to achieve a clean design style.
- d. No single building material may cover more than 80 percent of the front of any building, with the exception of on-site utility or service structures.
- e. Windows must not be glazed or re-glazed with mirrored or reflective glass.

- f. Maintenance and durability of materials must be considered as important qualities for every element of the design. Special care must be taken to specify the use of vandal resistant building components.
- g. The following is a list of approved building materials and accent materials per façade (not to exceed 20 percent of materials used).
The Director of Planning may approve materials not listed below.

Primary Materials: Max. 90%, Min. 70% <u>(excluding window %)</u>	Accent Materials: Max. 30%, Min. 10% <u>(excluding window %)</u>
Stone Brick Painted Tilt Wall	<ul style="list-style-type: none"> • Wood • Cast Stone • Glass Block • Architectural Metal • Tile • Granite • Marble • Textured or Patterned Concrete • <u>Cementitious siding</u> <p>All Primary Materials (other than material used to achieve the min. 70%)</p>

E. Landscape

The following landscape requirements are required in addition to those requirements described in Sec. ~~6.7.7D-1.1.6D~~6.7.5E, Landscape.

1. A minimum of 15 percent of the total site area must be landscaped.
2. All driveways into the site must have enhanced paving of stone, brick or patterned and stained concrete for a minimum of 50 percent of the driveway throat.
- ~~3. An additional 10 percent of vegetation is required above the general landscaping requirements in landscaped buffer areas.~~
- ~~4.3.~~ In addition to those trees already required, small canopy trees must be used in the landscape buffer. One minimum two-inch caliper small canopy tree must be planted for each 30 feet of frontage along public street rights-of-way as measured along the lot lines.
- ~~5.4.~~ One minimum three-inch caliper large or medium canopy tree must be planted for each 25 feet of frontage along public street rights-of-way as measured along the lot lines.

June 15, 2017 DRAFT

F. ~~Lighting~~

~~All on-premises outdoor lighting fixtures in the City Entry Sub-District must be ornamental or decorative where appropriate.~~

G. ~~Utilities~~

~~All electric, telephone and cable television wires along the public street right-of-way must be located underground in the City Entry Sub-District.~~

ORDINANCE NO. 2017-4849

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING TEMPLE UNIFIED DEVELOPMENT CODE ARTICLE 6, SECTION 6.7, RELATED TO THE INTERSTATE 35 CORRIDOR OVERLAY ZONING DISTRICT TO AMEND BOUNDARY DESCRIPTIONS, APPLICABILITY, USES ALLOWED, AND THE DEVELOPMENT STANDARDS INCLUDING LANDSCAPING, ARCHITECTURE AND SIGNAGE; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 2, 2009, the I-35 Corridor Overlay Zoning District was adopted and its purpose, according to Section 4.3.28 of the Unified Development Code is to exercise greater control over the aesthetic, functional and safety characteristics of development and redevelopment along I35 within the City where higher development standards can effectively enhance the City's image as a desirable place to live, work and shop;

Whereas, this overlay zoning district is limited to specified areas encompassing land that has already been assigned conventional base zoning district classifications and it supplements the standards of the base zoning districts with new or different standards that are more restrictive;

Whereas, since adoption, the Planning Department has taken approximately 25 different appeals of the standards cases to City Council with the most frequently appealed standards being landscaping (16 cases), followed by signs (13), architecture (11) and parking (10);

Whereas, the standards are intended to be calibrated to provide additional design flexibility and to make some adjustments to land uses allowed in the Convention and Gateway sub-districts;

Whereas, based on feedback received by Council at previous Council workshop presentations, Staff recommends Council authorize the following amendments to the Unified Development Code:

- Rename sub-districts and add zoning prefixes that will attach to the full zoning description for a piece of property;
- Streamline the submittal process and requirements;
- Amend the use table in the Civic and City Entry sub-districts to allow compatible uses in the Convention and to prohibit some inappropriate uses in Gateway;
- Clarify the boundary description to alleviate some confusion;
- Provide additional flexibility with the development standards;
- Make the standards more proportional to the size of the site and to the scope of the project; and

- Provide additional flexibility for signage design, while also providing a long-range solution to the significant number of non-conforming pole signs in the Corridor; and

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

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Part 2: The City Council amends the City of Temple's Unified Development Code Article 6 (Sec. 6.7) related to the Interstate 35 Corridor Overlay zoning district to amend the boundary description, applicability, uses allowed and the development standards including landscaping, architecture and signage, as set forth more fully in Exhibit A, attached hereto and incorporated herein for all purposes.

Part 3: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

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

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

Part 7: The City Council directs the Planning Director to prepare a report for the Planning and Zoning Commission and City Council, approximately one year from the effective date of this Ordinance, for the purpose of evaluating the effectiveness of the Ordinance and making recommendations about retaining or revising its provisions.

PASSED AND APPROVED on First Reading on the **15th** day of **June**, 2017.

PASSED AND APPROVED on Second Reading and Public Hearing on the **6th** day of **July**, 2017.

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

06/15/17
Item #7
Regular Agenda
Page 1 of 6

DEPARTMENT/DIVISION SUBMISSION & REVIEW:

Brian Chandler, Planning Director

ITEM DESCRIPTION: FIRST READING – Z-FY-17-21: Consider authorizing a rezoning from Single Family One zoning district to Planned development-General Retail zoning district of 27.876 ± acres located on the southeast corner of South 5th Street and Loop 363 to incorporate certain development and frontage standards from the Temple Medical and Educational zoning district, allow approval of site/development plans in phases and to allow multi-family dwellings and mini-storage warehouses only as approved by the site/development plan.

PLANNING & ZONING COMMISSION RECOMMENDATION: At their May 15, 2017 meeting, P&Z unanimously recommended approval per staff recommendation.

STAFF RECOMMENDATION: Staff recommends approval of the Planned Development, including the Phase 1 site/development plan, with the following conditions and development standards:

1. Substantial compliance with the Phase 1 site/development plan and elevations
2. A site/development plan will be required to return to P&Z and City Council for the subsequent phases of development
3. The minimum front yard setback of 15 feet for non-residential uses in a GR District does not apply
4. For future phases:
 - a. Min. front yard setback: 0 feet
 - b. Max. front yard setback: 42 feet
 - c. Min. rear yard setback: 10 feet
 - d. Side yard setback determined by compliance with visibility triangle requirements
5. Landscaping
 - a. 20% minimum landscape area if parking is in the front
 - b. 15% minimum landscape area if parking is completely to the side or rear
 - c. 10% minimum landscape area if parking is completely to the rear
 - d. One landscaped island for every 10 parking spaces (170 square foot minimum with a 2" diameter-at-breast-height (dbh) or 65-gallon tree per Sec. 7.4.5 of Unified Development Code or UDC "Landscaping")
 - e. Foundation planting along at least 50% of facades visible from a street and parking lot screening (if abutting a street) is required
6. Multiple-family dwelling uses are allowed
7. A mini-storage warehouse use is allowed on the eastern-most section of the property abutting the railroad and not fronting on South 1st Street
8. Drive-throughs are prohibited

9. Architecture

- a. A minimum of two distinct materials on all facades limited to brick, stone, stucco or cementitious siding for primary materials (max. of 80%) and limited to brick, stone, cementitious siding, architecturally finished concrete block or architectural metal for secondary materials (max. of 30%)
- b. 15% of any visible façade must consist of windows
- c. Every 50' of the front or side facades must include one of the following architectural elements:
 - i. Window canopies or window awnings, balconies, porches, stoops or porticos;
 - ii. Building wall plane recesses or projections (minimum of two feet deep and 10-feet long);
 - iii. Arcades;
 - iv. Peaked roof forms;
 - v. Arches;
 - vi. Outdoor patios;
 - vii. Display/storefront or transom windows;
 - viii. Integrated planters or wing walls that incorporate landscape and sitting areas;
 - ix. Dormer windows
 - x. Projecting bay or box windows
 - xi. Parapets

10. Common Areas

- a. A minimum of 5% of the gross floor area of buildings is required for common area for medical, office, hotel and retail uses and must include:
 - i. A water feature;
 - ii. A stone, brick or decoratively paved patio with a seating area (four seat minimum);
 - iii. A pavilion, gazebo or other covered outdoor space; or
 - iv. Tree-lined trails/sidewalks surrounding an irrigated open green/park space
- b. 50% of required irrigated landscaping can count towards the common area requirements
- c. Multiple-family dwellings (one for every 50 units)
 - i. Resident Clubhouse
 - ii. Community Garden Area
 - iii. Swimming Pool
 - iv. Tennis Court
 - v. Basketball Court
 - vi. Volleyball Court
 - vii. Billiards Room
 - viii. Amphitheatre
 - ix. Gazebo or other covered shelter
 - x. Exercise Facility
 - xi. Office Center
 - xii. Media Room – Theatre
 - xiii. Sauna
 - xiv. Irrigated park with trees and trails (minimum of ¼ acre)
 - xv. Racquetball Court
 - xvi. Other amenity as approved by Director of Planning

- d. To encourage shared common areas among multiple buildings, the required common area would be a minimum of 4% of the gross floor area of buildings if shared by multiple buildings.

11. Compliance with the following public frontage requirements:

- a. One 2" dbh canopy tree (large or medium) per 25' linear street frontage (and per Sec. 7.4.5 of the UDC) within the planting strip
- b. Benches must be provided at all intersections within the public ROW surrounding the development per the TMED Design Criteria Manual.
- c. Trash receptacles must be placed next to required seating areas per the TMED Design Criteria Manual.
- d. Pedestrian-scale lighting must be provided at all intersections and at 100' intervals along all public and private roadways within the development per the TMED Design Criteria Manual.
- e. Planting strip:
 - i. 6' minimum between the curb and sidewalk
- f. Sidewalks:
 - i. 10' wide minimum along South 1st Street
 - ii. 6' wide minimum along other streets
 - iii. Sidewalks must connect to parking within the lot and to the primary entrance of each nonresidential building
 - iv. Sidewalks must be constructed before the Chief Building Official issues a Certificate of Occupancy.
 - v. Sidewalks must connect to existing adjacent sidewalks, or be designed and placed to allow connection to future adjacent sidewalks.
 - vi. Pedestrian walkways must also connect the principal building entrances to all associated outdoor amenities, such as courtyards and other outdoor gathering places.

12. Signage

- a. Freestanding signs
 - i. Single-tenant signs
 - 1. Maximum height of 10 feet
 - 2. Limited to a masonry clad two-legged base or
 - 3. A monument sign with masonry as the primary material
 - 4. Limited to one per front and one per driveway access if driveways are to the side or rear (choice between a single-tenant or multi-tenant freestanding sign at each location, not both)
 - ii. Multi-tenant signs
 - 1. Maximum height of 20 feet
 - 2. Limited to a masonry clad two-legged base or
 - 3. A monument sign with masonry as the primary material
 - 4. Limited to one per front and one per driveway access if driveways are to the side or rear (choice between a single-tenant or multi-tenant freestanding sign at each location, not both)
- b. Wall signs
 - i. Maximum of 50 percent of each tenant's façade, excluding doors, canopies/awning, windows and vertical architectural elements above the roofline, may be utilized for a wall sign

1. May not exceed 100 square feet
- ii. Projecting signs are permitted as long as they have a:
 1. Minimum clearance of eight feet above the ground
 2. Maximum square footage of 100 square feet
- c. Banners
 - i. Must be affixed flush to a façade or attached flush to a fence or wall
 - ii. Maximum Size: 100 square feet
 - iii. A sign permit is required in the I-35 Corridor Overlay
 - iv. Temporary sign limited to 30 days to advertise grand openings, sales or special events
 - v. Limited to two per year
- d. Window signs
 - i. Limited to 25% of window area
 - ii. Two per tenant or building
 - iii. Requires a permit
- e. Prohibited signs
 - i. Handheld signs
 - ii. Inflatable devices
 - iii. Message board
 - iv. Pole banners
 - v. Streamers
 - vi. Searchlight
- f. All other signage regulated per Sec. 7.6 of the UDC

ITEM SUMMARY: This 27.876 acre tract was included in the TMED South master planning process funded by the Reinvestment Zone and adopted by City Council in January. The main purpose of the plan was to develop a clear development vision for the area bounded by South 5th Street on the west, Loop 363 on the north, the railroad on the east and the south by working closely with effected property owners and other stakeholders. Phase 1 of the proposed development at the southwest corner of Loop 363 and South 1st Street, which is reflected in the site/development plan, would consist of a rehabilitation hospital called Everest. All other future phases of development would have to return to P&Z and City Council for site/development plan approval. Considering that this is the first rezoning case within the TMED South area, staff's intent is to establish a set of development standards through this PD process that is 1) consistent with TMED, while also 2) creating a template that the City can use for a future TMED South City-initiated rezoning for the entire master plan area.

While the hospital front yard setback is not consistent with the TMED standards of a four foot minimum and a 12-foot maximum, the hospital has agreed to move the building as close to South 1st Street as is feasible for them by eliminating a row of parking facing South 1st Street. The hospital has indicated that they need to have pick up/drop off areas along both South 1st and Loop 363. However, the applicant has agreed to move the buildings close to the street for future phases of development.

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

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

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

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

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

Design Review Committee: The Design Review Committee (DRC) reviewed the proposed Development Plan at their May 3, 2017 meeting. All questions by DRC members were adequately addressed by the applicant.

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

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character (FLUP)	Yes
CP	Map 5.2 - Thoroughfare Plan	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Yes
TMP	Temple Trails Master Plan Map and Sidewalks Ordinance	Yes

CP = Comprehensive Plan TMP = Trails Master Plan

Zoning Compatibility

The applicant has requested the ability to allow for the following uses:

1. Multi-family
2. Hotel
3. Rehabilitation hospital

4. Assisted living
5. Office
6. Retail
7. Mini-storage on section abutting the railroad

To be consistent with the TMED standards and with the increased walkability concept, staff is recommending that drive-through restaurants would be prohibited, as well. All other General Retail uses would be allowed.

Availability of Public Infrastructure

Sewer and water are available on the other side of South 5th Street and, therefore, would have to be extended to accommodate proposed development.

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

The site is designated as TMED (Temple Medical Education District); therefore, the proposed development and staff recommended standards would comply with the Plan.

Thoroughfare Plan (CP Map 5.2)

- Loop 363 (Expressway) – Approximate right-of-way width is 300 feet; South 1st Street will extend across Loop 363 and will include sidewalk connectivity
- South 1st Street (Major Arterial) – Approximate right-of-way width is 150 feet; TXDOT is in the process of extending South 1st Street approximately 400 feet to the south to accommodate the proposed future development; this arterial is proposed to be the “front door” of TMED South and will include wide sidewalks and street trees to be consistent with the existing section of roadway to the north in front of Temple College and to encourage walkability
- South 5th Street (Minor Arterial) – Approximate right-of-way width is 110 feet

Temple Trails Master Plan Map and Sidewalks Ordinance

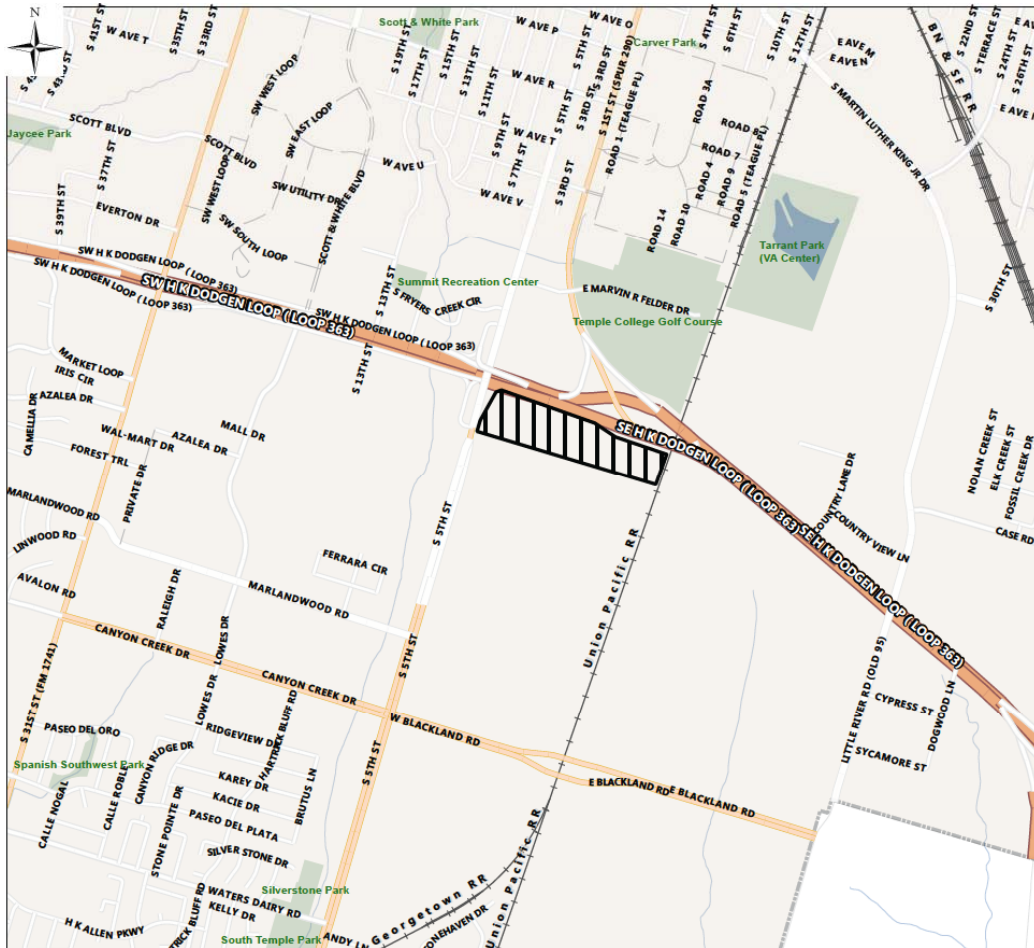
According to the Trails Master Plan, a City-Wide Spine Trail is proposed along South 1st Street that would ultimately connect to the Friar’s Creek Trail across South 5th Street.

PUBLIC NOTICE: Four notices for the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property. As of Thursday May 11, 2017 no comments had been received.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Staff Maps](#)
[Site and Surrounding Photos](#)
[Proposed Site/Development Plan \(Phase 1\)](#)
[South 1st Street Plan](#)
[TMED South Master Plan](#)
[Ordinance](#)



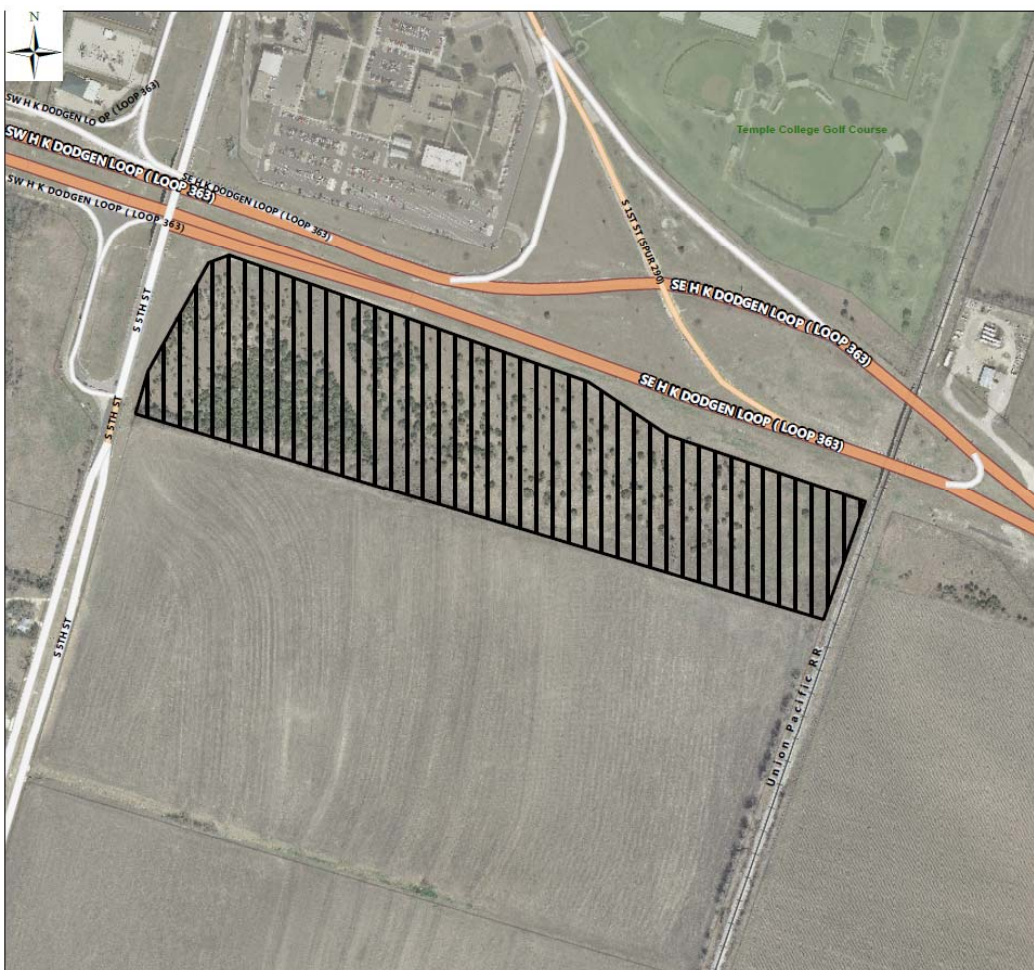
SF-1 to PD-GR

LOCATION MAP

Zoning Case :
Z-FY-17-21

Address:
3001 S. 5th Street

dredmond
Date: 4/28/2017



SF-1 to PD-GR

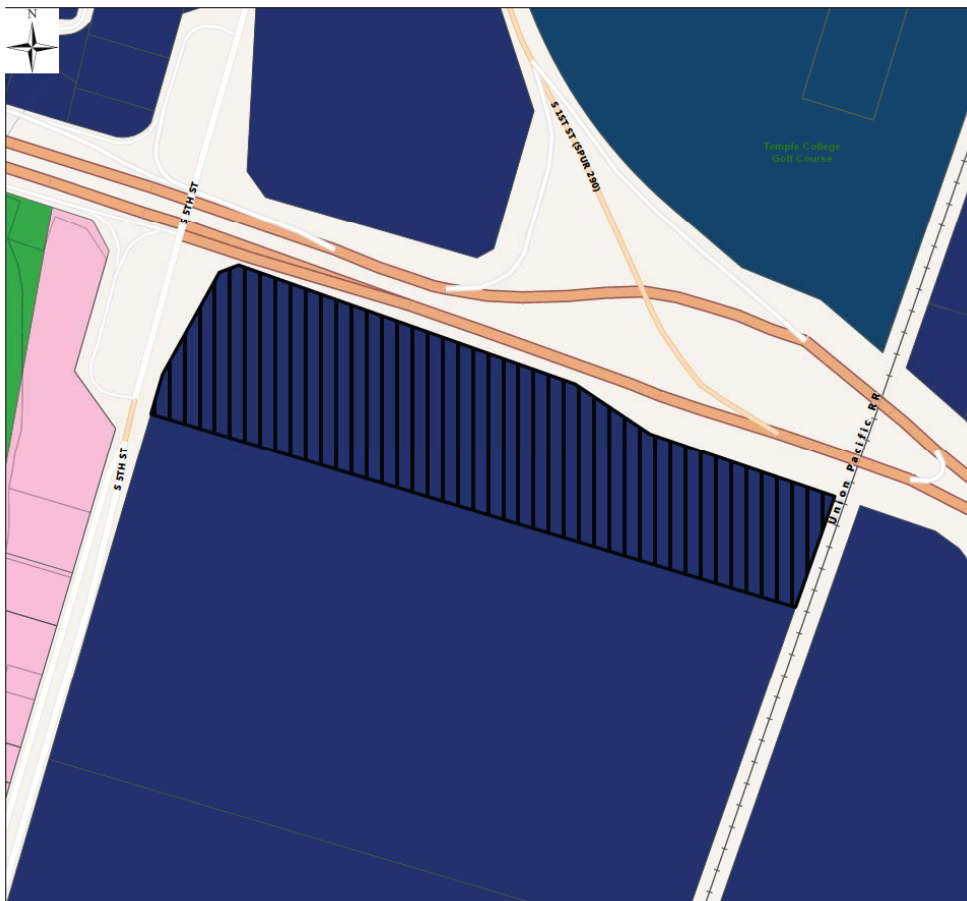
AERIAL MAP

Zoning Case :
Z-FY-17-21

Address:
3001 S. 5th Street

dredmond
Date: 4/28/2017





SF-1 to PD-GR FUTURE LAND USE MAP

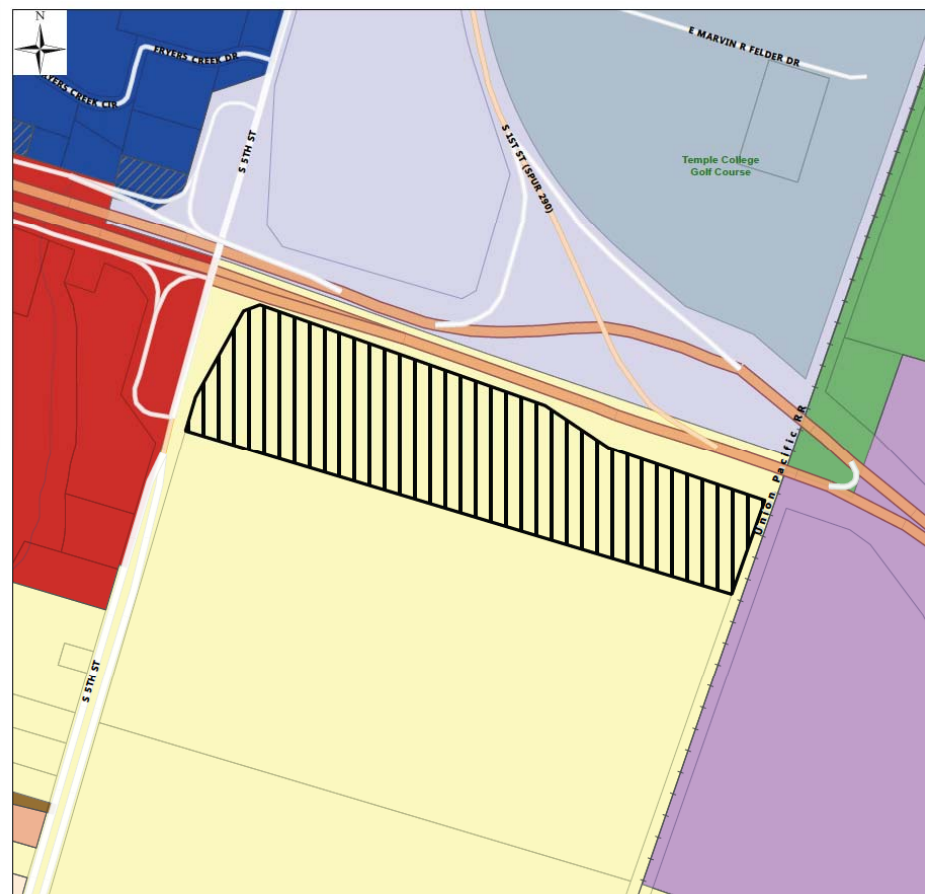
Zoning Case:
Z-FY-17-21

Address:
3001 S. 5th Street

- 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
- Case/Area

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dredmond
Date: 4/28/2017



SF-1 to PD-GR ZONING MAP

Zoning Case:
Z-FY-17-21

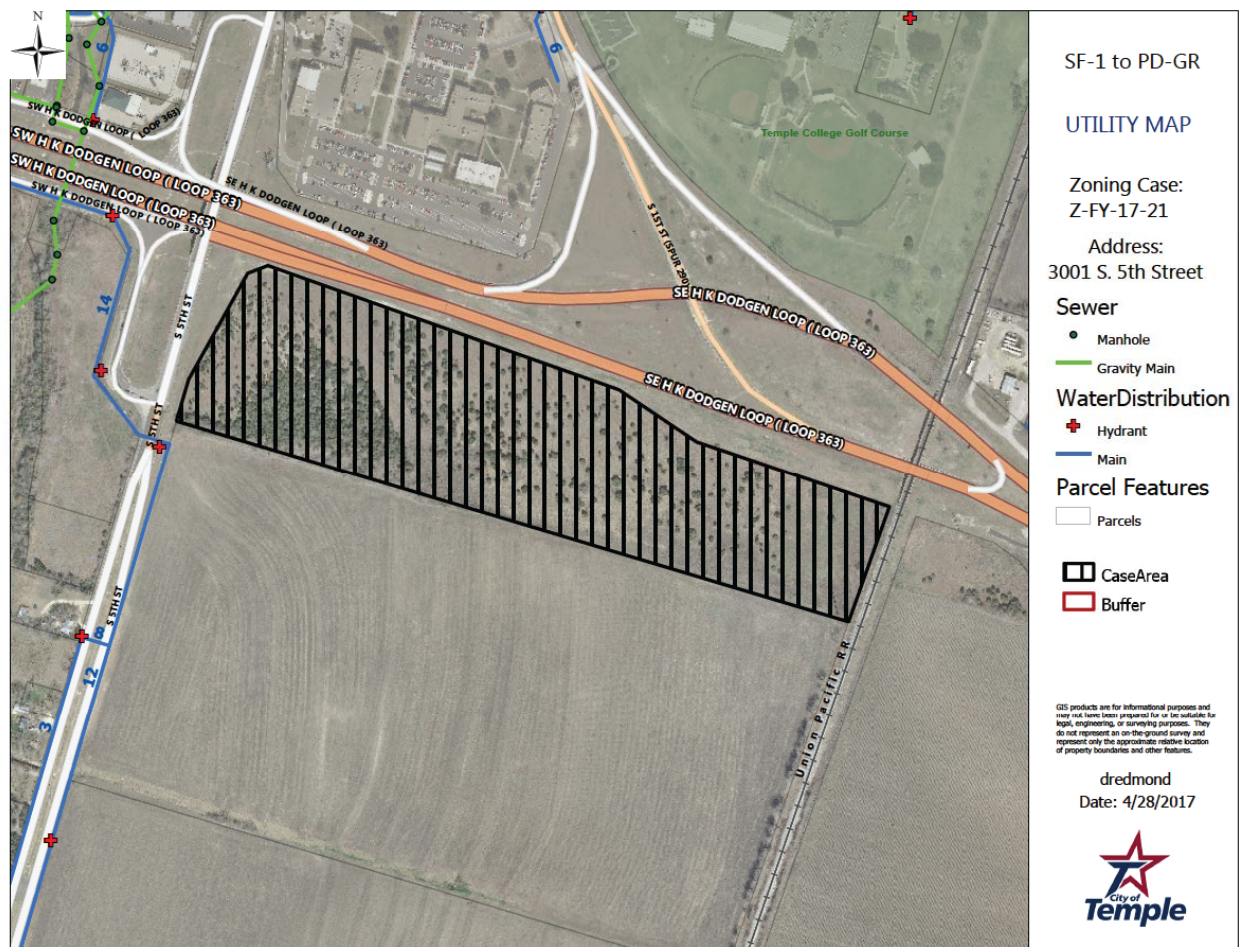
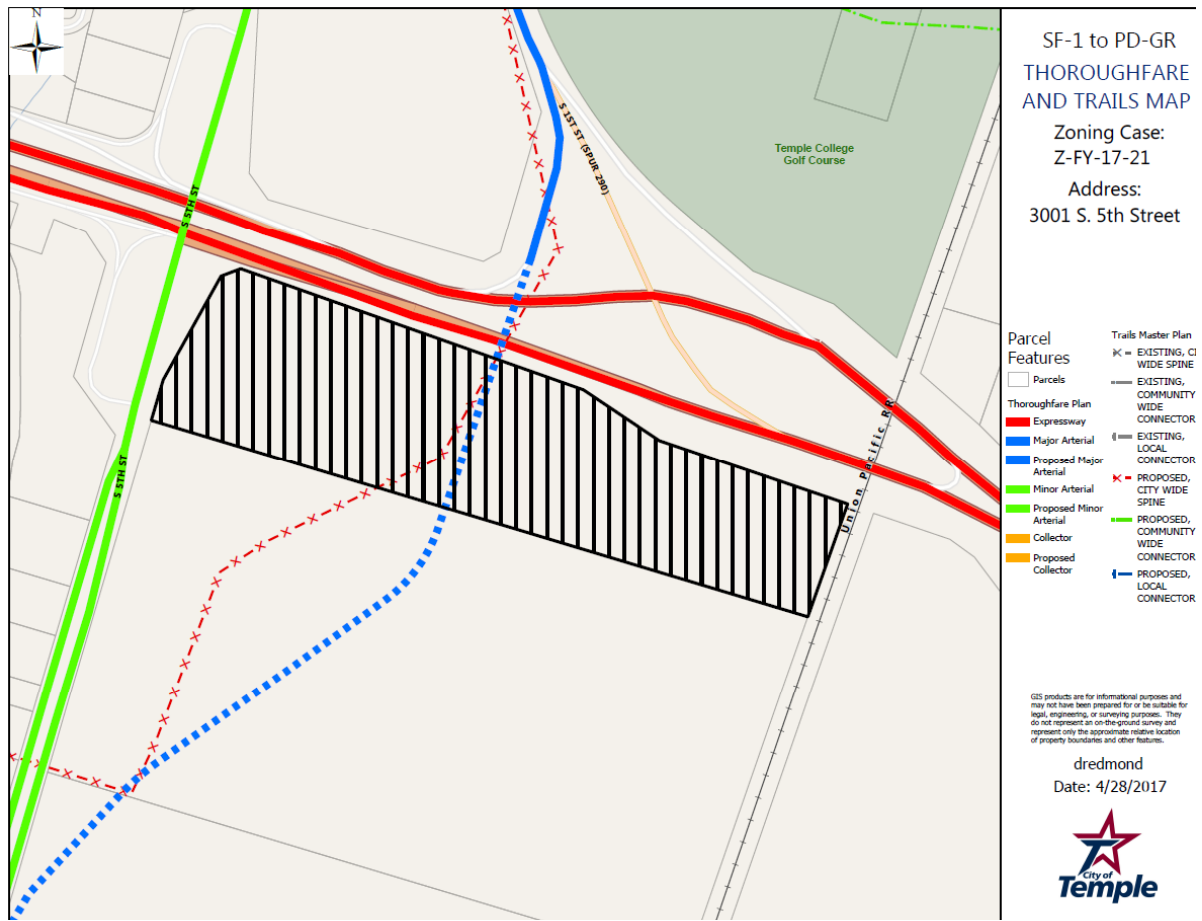
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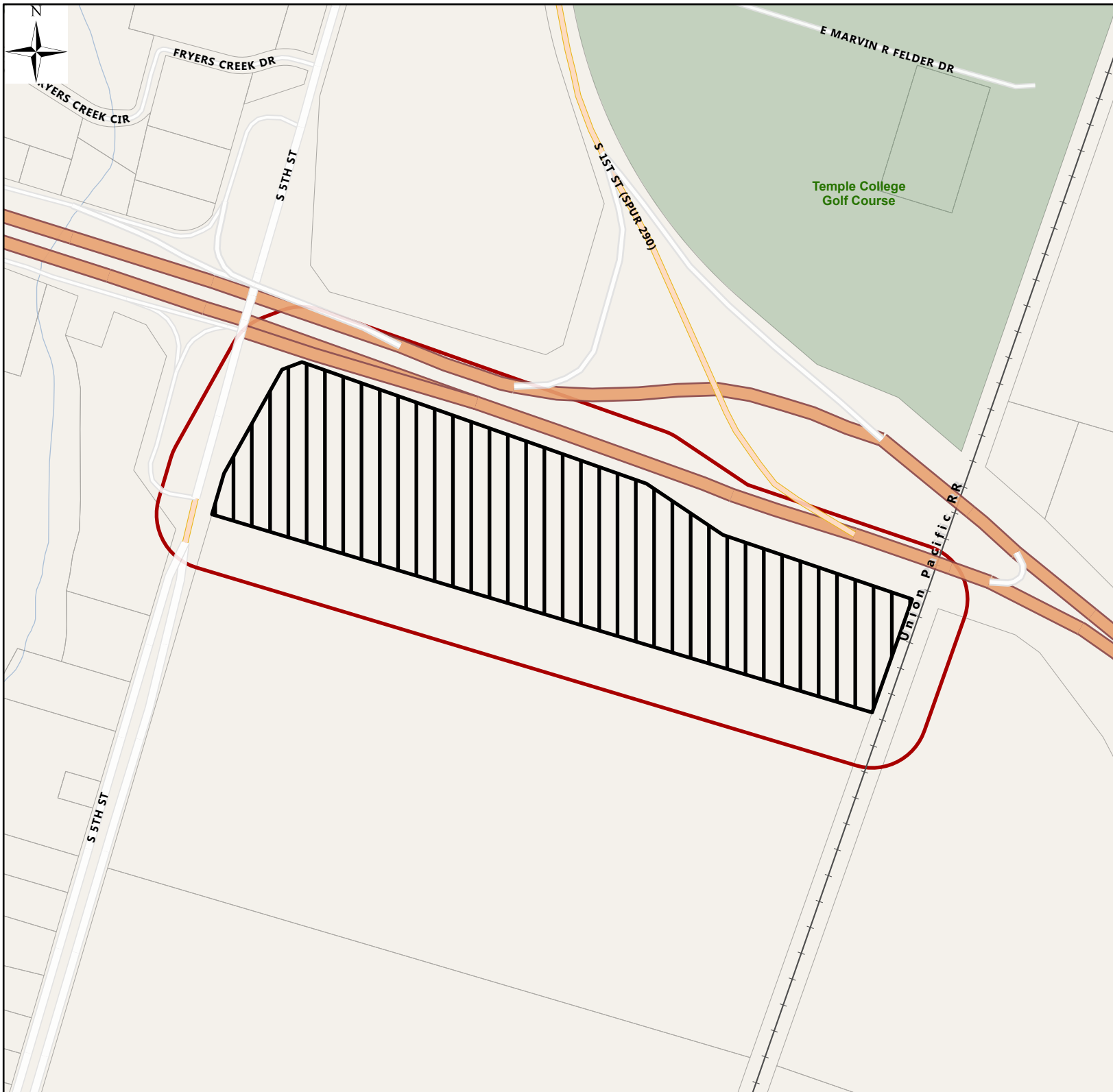
- | | | |
|----------------|--------------|------------|
| Current Zoning | Case/Area | Buffer |
| HI - CUP | MF-3 - PD | HI - PD |
| UE | O-1 | AG |
| UE - PD | O-1 - CUP | AG - CUP |
| SF-1 | O-1 - PD | MH |
| SF-1 - CUP | O-2 | MH - CUP |
| SF-1 - PD | O-2 - CUP | MH - PD |
| SF-2 | O-2 - PD | MU |
| SF-2 - PD | NS | MU - CUP |
| SF-3 | NS - CUP | SD-C |
| SF-3 - PD | NS - PD | SD-C - CUI |
| SF-3 - CUP, PD | GR | SD-H |
| SFA-2 | GR - CUP | SD-H - CUI |
| SFA-3 | GR - PD | SD-I |
| SFA-3 - PD | GR - CUP, PD | SD-V |
| 2F | CA | T4 |
| MF-1 | CA - CUP | T4 - PD |
| MF-1 - PD | CA - PD | T4 - CUP |
| MF-2 | C | TS-C |
| MF-2 - CUP | C - CUP | TS-C - CUI |
| MF-2 - PD | C - PD | TS-C - PD |
| MF-2 - CUP, PD | C - CUP, PD | TS-E |
| HI | LI | TS-E - CUI |
| | LI - CUP | TS-E - PD |
| | LI - PD | NO BASE |
| | LI - CUP, PD | CUP |
| | HI | PD |

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dredmond
Date: 4/28/2017







SF-1 to PD-GR

NOTIFIATION MAP

Zoning Case:
Z-FY-17-21

Address:
3001 S. 5th Street

 CaseArea
 Buffer

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dredmond
Date: 4/28/2017







Property to West



Property to West



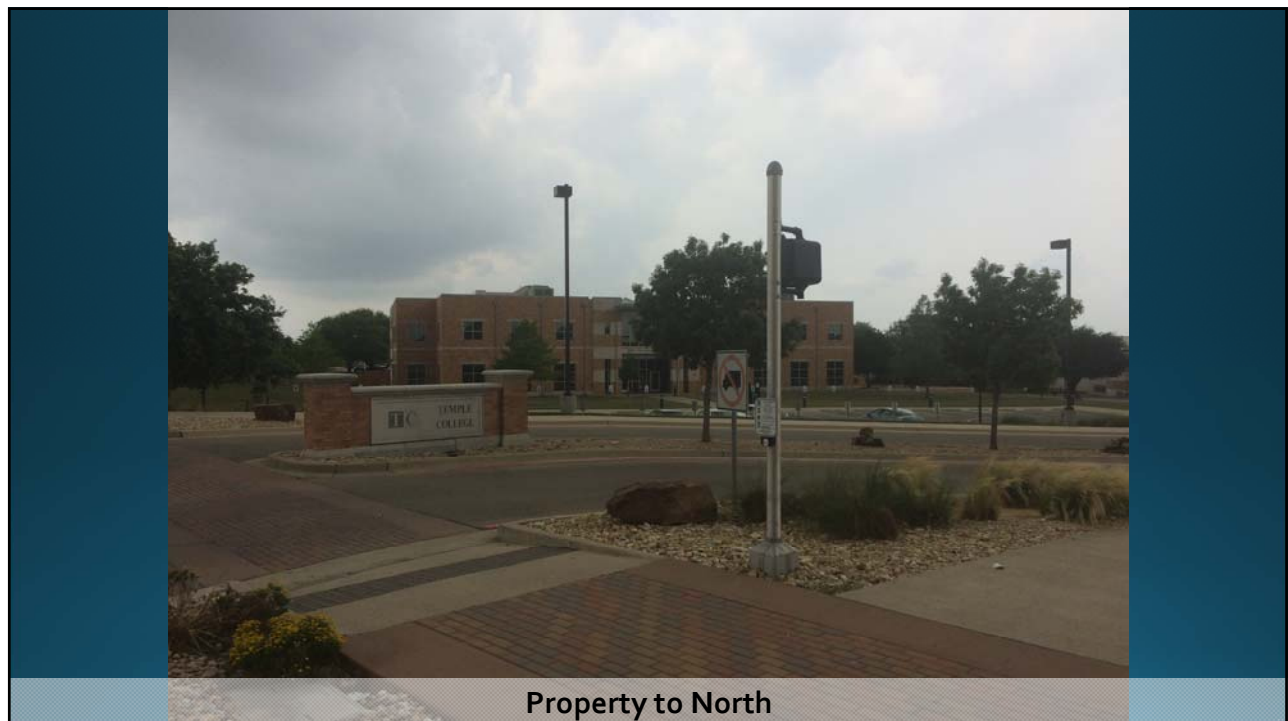
Property to South



Property to East



Property to North



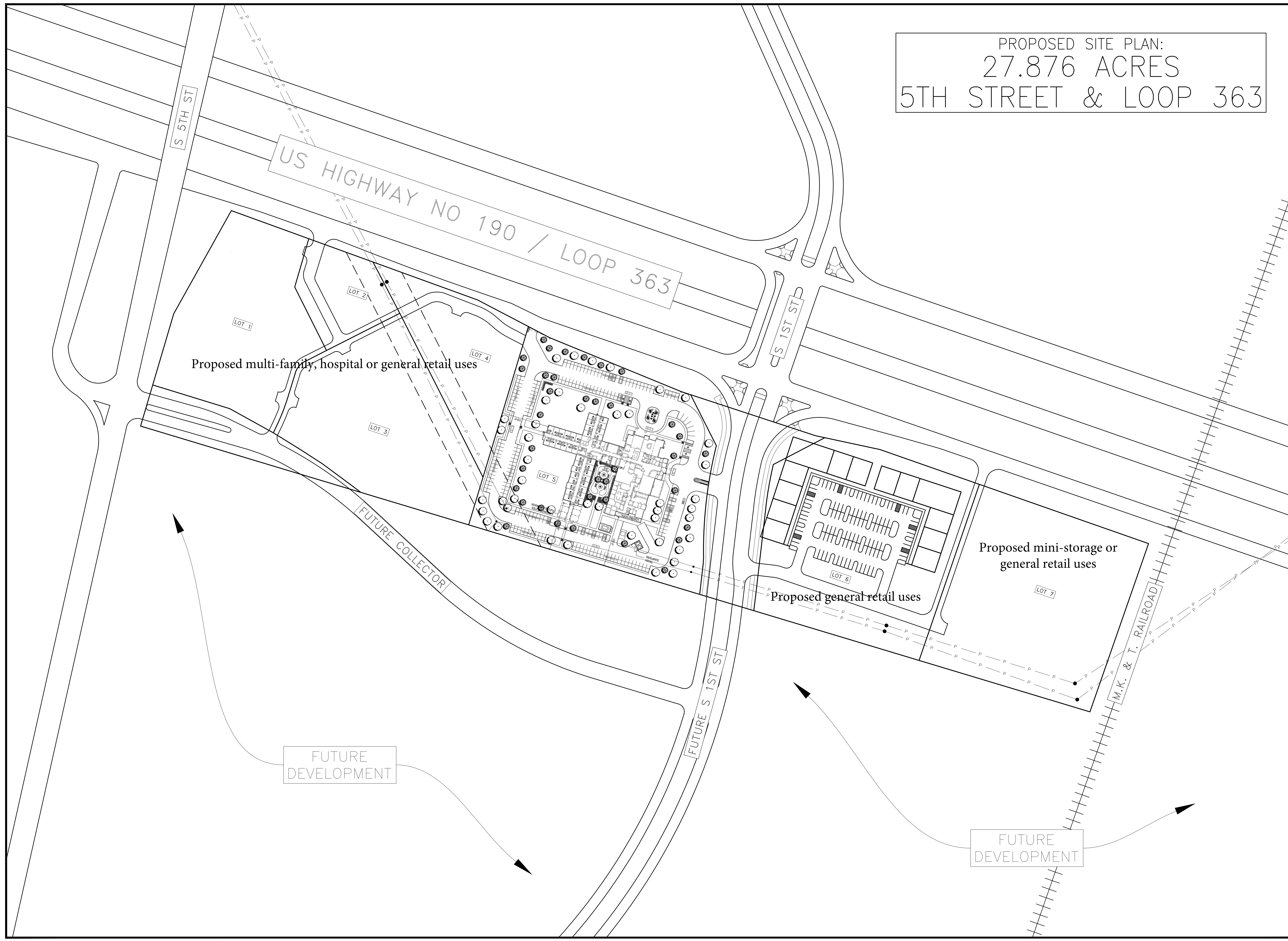
Property to North



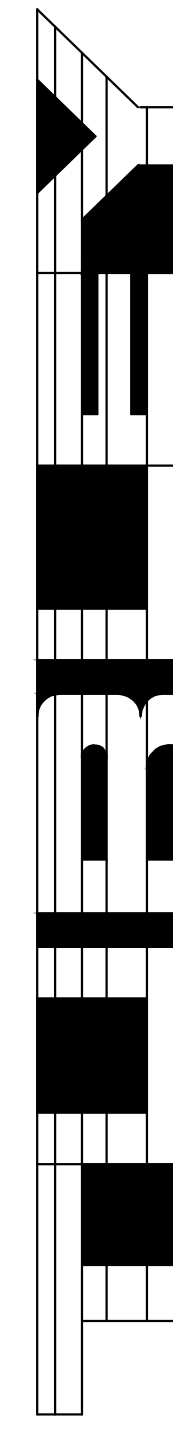
S. 1st Street (cross-section at Temple College)



S. 1st Street (cross-section at Temple College)



PROPOSED SITE PLAN:
27.876 ACRES
5TH STREET & LOOP 363



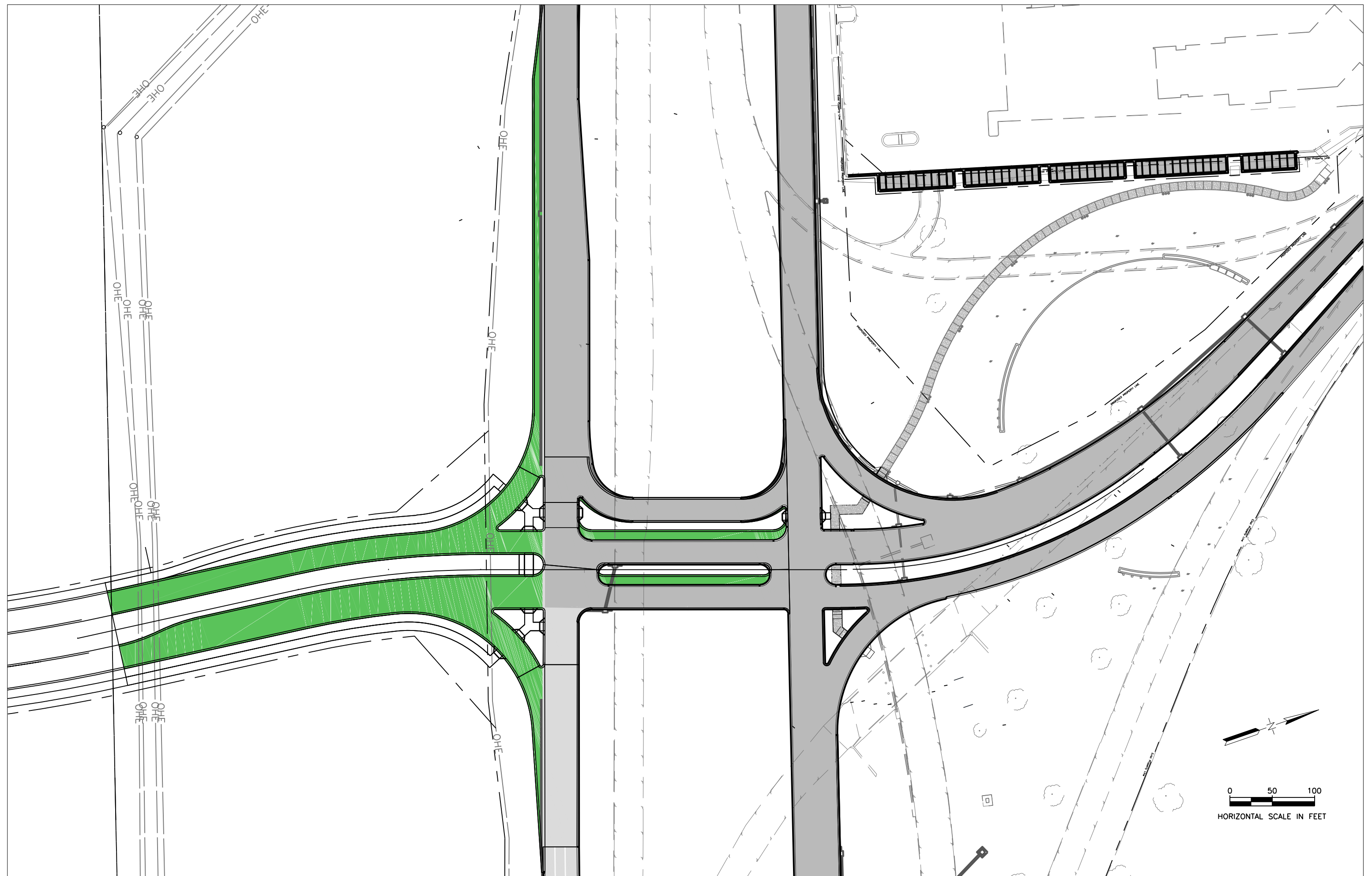
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PROPOSED SITE PLAN:
27.876 AC 5TH ST & LOOP 363
CITY OF TEMPLE, BELL COUNTY, TEXAS

DEVELOPED BY:
UTEX HOLDING GROUP
3507 KINK CIRCLE
SALT LAKE CITY, UT 84106

REVISIONS		
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JUNE 2015

TMED SOUTH

YOUNG TEMPLE
CONNECTING
TO HISTORIC TEMPLE

Daily 50¢
\$100



Completed: September 2015

Thank you to all participants in this workshop for helping us explore what makes a great community & laying the foundation to make TMED South an integrated and successful part of Temple!

Client:

City of Temple, Texas
Mayor: Danny Dunn
City Manager: Jonathan Graham

Consultants:



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Temple, TX 76501
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INTRODUCTION

The 2015 TMED South Charrette had one major objective: To provide a framework plan to help guide city leaders, property owners and future developers in the creation of an overall unified plan made up of a variety of urban districts. The intent is to identify the best land use options and to provide a cohesive master plan strategy to unify these areas.

The overall intent is to give the city direction in potential future capital improvement projects, potential development and redevelopment areas, and a phasing time line and budget for the possible improvements.

Purpose & Vision

Purpose

The Temple Medical Educational District (TMED) went through a Design Guidelines and Standards process in 2008. Since that document was produced, a number of improvements have been completed, planned and/or funded. As the City of Temple and the medical district has expanded, it is apparent and vital that the City re-evaluates how to manage expansion and growth.

Currently, many employees in the medical district live outside of the city limits of Temple. This redevelopment and planning effort looks to focus on two areas to provide better livability to employees and thus better viability to the city as a whole.

Vision

To improve the viability of the entire medical district by fostering smart development and connectivity in order to provide better livability to medical district employees, professors and students.

Background

Completed, Planned and/or Funded Projects

Temple Medical & Education District has gone through a number of different planning efforts which have resulted in various projects, all of which are at different stages of completion, planning and funded statuses. The following are those projects and their statuses:

Completed

- Temple Comprehensive Plan (2008)
- TMED Design Guidelines
- Temple Form Based Code
- I-35 Overlay District
- 1st & 3rd Street Overlay District
- Downtown Temple Strategic Plan (2013)

- Pepper Creek Trail
- Friar's Creek Trail
- Downtown Safety Zone
- Trails Master Plan
- 1st Street Improvements
- 31st Street Improvements
- District Signage
- TMED Monumentation

Planned and Funded

- Loop 363 Entry
- Avenue R Intersection Improvements (Construction in Progress)
- Avenue U Intersections Improvements
- Santa Fe Plaza (2014)

Planned

- Crossroads Park
- Regional Park (2015) - Planned
- Temple Trails Master Plan



Exhibit 01.Existing Temple Regional Context

Context

Adjacencies and Impacts

The two study areas addressed in this document have complex relationships and adjacencies which are crucial to understand in order to provide the best conceptual plans for the area and the overall community.

Blackland Prairie Research Center

Texas A&M AgriLife Blackland Research and Extension Center (formerly Texas Agricultural Experiment Station) has been part of the Temple Community since 1909 and owns a large portion of the Southern Study Area. The center is at the forefront of land and water solutions to help ensure prosperity and growth for Central Texas farmers. The center also has many programs to help educate the community in gardening, nature preservation and more.

Although the property is open land and the organization is well-rooted in the local and regional community, due to the general rules of research, the area is fenced to maintain a level of control over their research. Despite the segregated land, Blackland Prairie Research representatives, which were involved in the charrette, discussed possibilities of land swaps for nearby properties which would help create a more unified and uninterrupted development.

Temple College

Temple College, founded in 1926, has long played a major role in the viability of Temple, Texas. The once small junior college is now a major campus with over 108 acres, 27 buildings and five off-campus locations. The main campus provides degrees in medicine, law, education, engineering, and similar fields which partner with the hospitals and centers in Temple.

In the past few years, the college has improved the aesthetic quality and master planning. Friars Creek Trail which connects Baylor Scott & White with the college has provided a much needed amenity for students and employees. The trail bifurcates the Northern Study area which has the ability to provide a well connected and walkable community, potentially for students and employees.

Veteran’s Administration Hospital

The Olin E. Teague Veterans’ Medical Center is a full-service, 189-bed teaching hospital that serves as the medical/surgical referral center for all CTVHCS campuses as well as providing outpatient services to Veterans across their 32-county service area. The VA medical center is part of one of the largest integrated healthcare systems in the United States with this center acting as the main campus for the Central Texas Veterans Health Care System. The

centers provide a range of services including but limited to: medical, surgical, psychiatric, and rehabilitation with inpatient medical/surgical hospital beds, a hospice unit, and community living center (CLC) beds.

The VA hospital is a prominent employer in the Temple Community and provides much needed services to central Texas veterans however, the campus is large and due to it’s national and statewide governmental aspects, the hospital is fenced off for approximately ninety percent of it’s borders. This causes some issues with connectivity for the community. However, the disconnected nature of the facility does not directly affect the study areas but the hospital is an important key player in Temple.

Baylor Scott & White

Originally founded in 1897 as a sanitarium, Baylor Scott & White is now the largest not-for-profit health care system in Texas and one of the largest in the United States. Baylor and Scott & White Hospital joined forces in 2013. BS&W includes 49 hospitals, more than 800 patient care sites, more than 5,800 affiliated physicians, 38,000 employees and the Scott & White health plan. It is ranked as one of the top 100 hospitals and one of the top 15 teaching hospitals in the United States.

The hospital has deeply rooted ties to Temple Texas and has remained the largest employer for the city of Temple for a number of years. Physical connections are important to maintain or create to the Hospital which is located to the west of the Northern Study Area. Friars Creek Trail connects Temple College to BS&W.

1st & 3rd Street

The city of Temple adopted an overlay district for South 1st Street and North 3rd Street Corridor in order to improve the public realm along these important corridors and to draw new development and redevelopment to the area.

The public realm enhancements include wider sidewalks, street trees, decorative lighting as well as standards for landscaping and signage. These improvements create an opportunity to build upon enhancement momentum which has already begun to make an impact on the City.

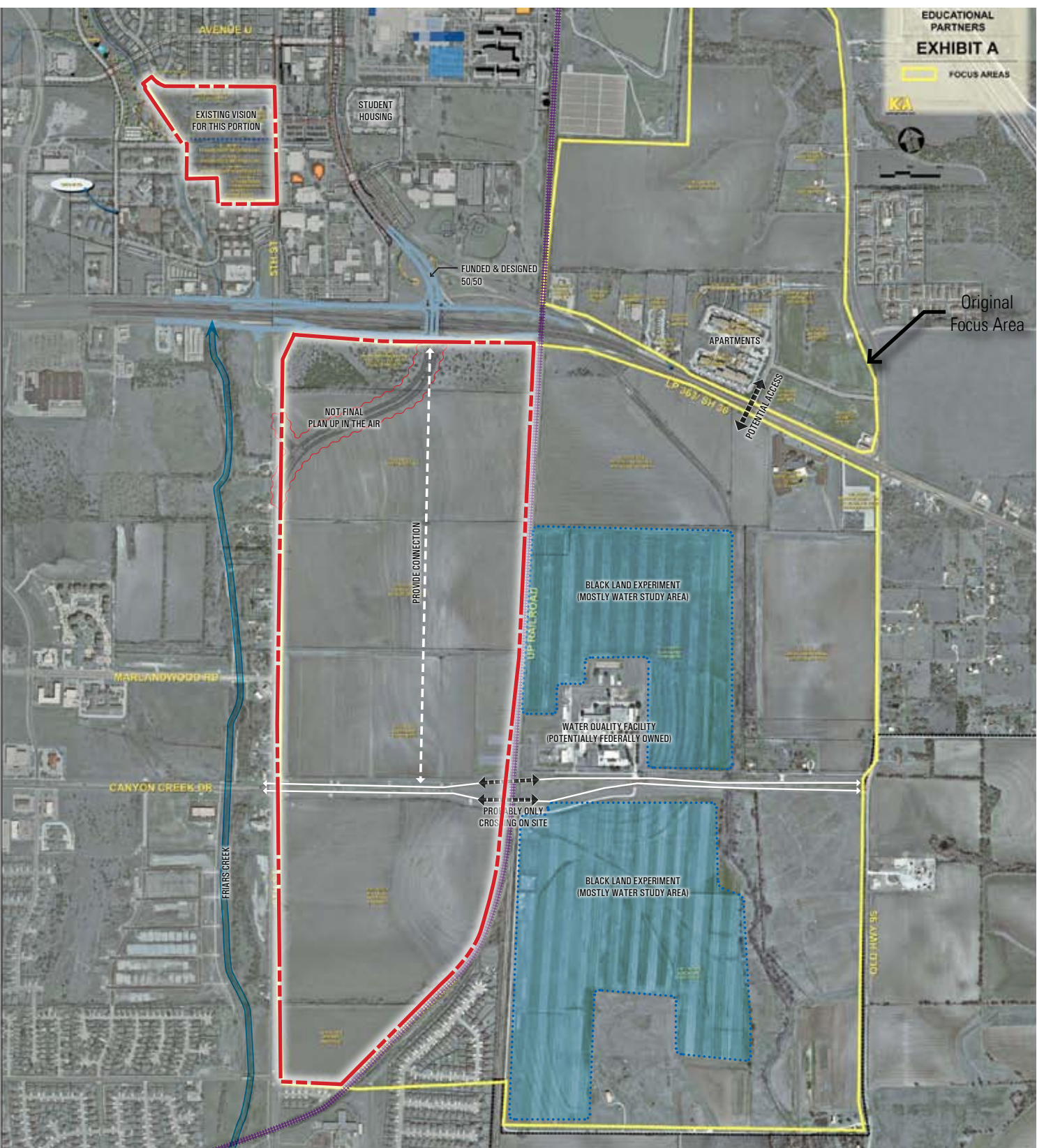


Exhibit 02.Study Areas and Surrounding Context

PROCESS

Charrette

Schedule

Tuesday, June 2, 2015			
Time	Agenda	Group	Presenter
8:30-9	Breakfast	AB	
9-9:30	Introductions	AB	Jonathan Graham / Mark Meyer
9:30-10	History of TMED	AB	Mark Meyer
10-10:45	*Placemaking	AB	TBG
11-12	*Building Blocks	AB	TBG
12:00 - 1:15	Lunch	AB	
1:30-5	Breakout Session	A	
5-6	Dinner	A	
6:30-9	Breakout Session Continues	A	

Wednesday, June 3, 2015			
Time	Agenda	Group	Presenter
8:30-9	Breakfast	AB	
9- 10:30	*Presentation	AB	Mark Meyer /David Patrick
10:30-12	Breakout Session	A	
12-1	Lunch	A	
1 : 3 0 - 6:30	Breakout Session	A	
6 : 3 0 - 7:30	Dinner	A	
7:30-10	Breakout Session Continues	A	

Thursday, June 4, 2015			
Time	Agenda	Group	Presenter
8:30-9	Breakfast	A	
9- 1	Presentation Prep	A	
1-2:30	*Final Presentation	AB	Mark Meyer, David Patrick
2 : 3 0 - 3:30	Next Steps	A	

* Further information on activity in this section.

Attendees

The TBG charrette process is generally comprised of two separate groups that meet at varying times during the two and a half day process. Team A is mostly comprised of the design team, consultants, city staff and representatives from varying organizations. Stakeholders were encouraged to attend each day in the morning to give valuable insight and critiques.

Attendees	
A - Design Team	B - Stakeholders
Gary Schmidt	Ryan Barker
Thomas Baird	Gerald Kurio
Jonathan Graham	Nancy Kurio
Brynn Myers	Todd Kurio
Brian Chandler	Gregg Strasburger
Steve Wright	Scott Liles
Bob Browder	Barbara Bozon
John Kiella	Zoe Rascoe
David Patrick - KPA	Ken Mitchell
Mark Meyer- TBG	
Dean Wilson - TBG	
Brent Spraggins - TBG	
Sherri Collison - TBG	
Travis Crow - TBG	
Cecilia Hours - TBG	
Mandy Busby - TBG	

Placemaking

Attendees were asked to pretend as though they were back in school and put a collage together of imagery from magazines that helped to describe the type of community they imagined for the study area. The entire group was divided into three groups which all presented their vision.

Each team had similar elements but differing overall focuses.

Stronger Communities Benefit Everyone



Marketplace and Farming









Happy and Inclusive



Building Blocks

Attendees broke out into two groups to begin working through site constraints, circulation and preliminary planning with the use of legos as various land uses. Both group focused on only one site. Much like children make up their own rules, both teams used different land uses for the legos than originally directed, in order to get the best plan result.

Block	Land use
	Single Family
	Multi-Family
	Retail
	Civic / Government
	Roadways
	Parking

Friars Creek Neighborhood



The Friars Creek plan shows a continuation of the single family (orange) neighborhood to the north with mixed use and/or retail (pink) along 5th Street. The existing trail which bifurcates the area is shown with residences fronting on the trail to help activate it and create better connectivity for the region. The remainder of the property shows multi-family (brown) with a few amenity areas (blue) throughout.



Southern Study Area

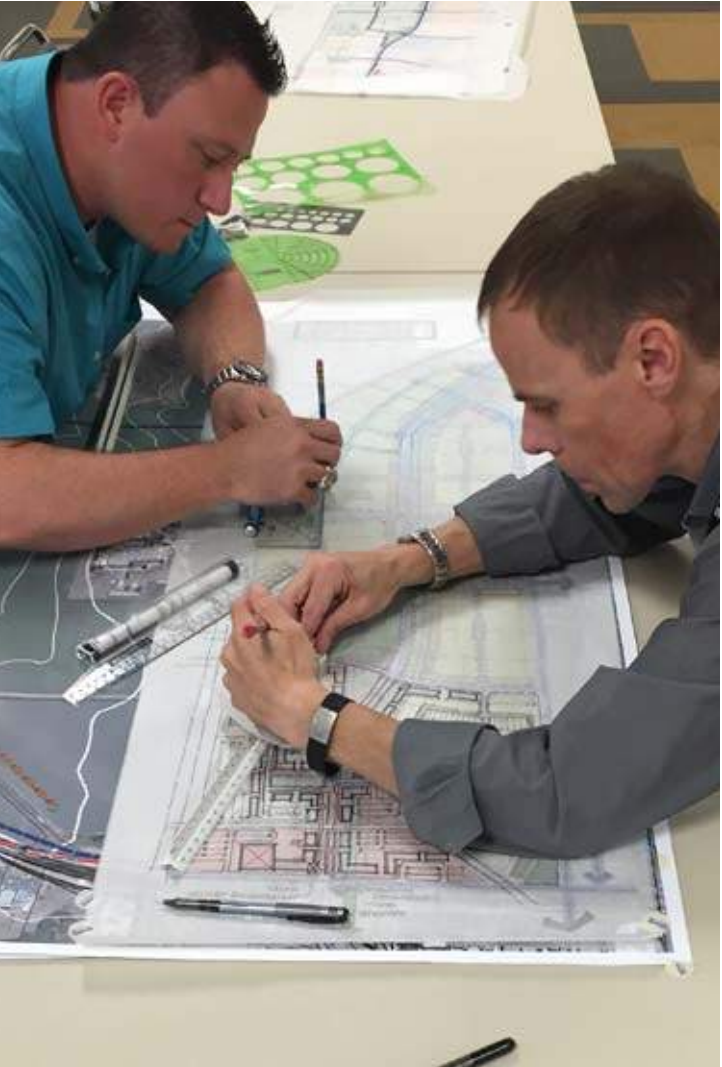


The Southern Study area is shown pulling a major roadway through the center of the site to monopolize on the great amount of investment at the 1st Street and Loop 363 interchange. Urban retail (red) lines that extension into the property with higher density on the right side

of the image (orange and pink) and single family (orange) shown on the left. Discussions of a land swap for the southern (top part of the image) show re-orienting the Blackland Property alongside the rail to allow for development to continue through the remainder of the site.

Breakout Sessions

These sessions were primarily dedicated for the design team to address the solutions and problems presented, through varying graphics. The design team consisted of planners, architects, engineers, landscape architects, economic development advocates, city staff and others. The variety of skills and expertise were a great asset to better diagnose and provide real world solutions.



Presentations

Feedback from attendees is a highly critical part of the charrette process and is imperative to receive at varying intervals during the process. The most prominent presentations were the morning of the second day and afternoon of the third day. The second day presentation discussed two conceptual plans for each study area to receive feedback for preferred plans and the final presentation on the third day.

These presentations focused on not only addressing the issues and opportunities presented but were open to questions, comments and concerns, in order to get the best real world solutions.



REGIONAL TMED

Existing Regional Conditions

The efforts of the TMED Design Guidelines allowed Temple to unify and brand the district as a whole. Beyond the TMED boundaries, Downtown Temple and the remainder of the city is somewhat segregated and disconnected. The rebranding efforts along First Street has helped to tie Downtown and TMED together however there are still missed opportunities.

Key Ideas

1. Leverage TMED to create strong identity
2. 1st street connection as primary linkage to downtown and south Temple
3. Extend Friars Creek Trail to 1st Street and create a pedestrian connection to south Temple
4. Expand Arts/Culture/School and Programs as Heart of Community
5. Partner with Economic Development Corporation and land owners for development opportunities
6. Create Partnership with Blackland Prairie AgriLife Reserach & Extension Center

Key Ideas & Framework Plan

Regionally, the overall goal is to create better connections and a cohesive plan for infill and development south of TMED.

Key Ideas

Leverage TMED to create strong identity

TMED's concentration of hospitals, higher education and close proximity to downtown represent a significant opportunity to leverage the district's sense of place, human capital, facilities and existing activities to attract and nurture research, residents, and additional development in adjacent underinvested neighborhoods. TMED South's proximity and available developable land position the area to dovetail with the larger redevelopment and improvements happening in the district and to become a reinvigorated mixed-use urban neighborhood that would serve the district's businesses, spark economic development, create livability and strengthen the already recognizable identity.

1st street as primary linkage

A great deal of investment has been put into improvements along 1st street in terms of streetscape, landscape and connection as primary linkage to downtown and south Temple. Consideration was given to safely accommodate all forms of mobility—car, transit, bicycle and pedestrian—and encouraging community interaction. Planting

buffers between the curb and sidewalk, widening sidewalks and screening parking are previous measures that have contributed to enriching the public realm within the rights-of-way and that should be built upon as additional development occurs in the district.

Create Friars Creek Trail Corridor

Trail access plays an important role in promoting physical activity, connecting community destinations and providing contact with nature. Because their benefits also extend well beyond fitness and leisure pastimes—as they hold tremendous potential for economic and community development—it is key for redevelopment within the district to expand upon the existing trail network. Central to this expansion is the extension of the Friars Creek Trail corridor, which will connect two important destinations; the trail and open space at the existing Friars Creek with Temple College. This linkage not only provides additional opportunities for off-street pedestrian connectivity by expanding the trail system, it also complements street hierarchies and overall circulation patterns in the District.

Expand Arts/Culture/School and Programs

Education, the arts and culture are an integral part of life in Temple and programs that integrate these should be expanded, embedded in cross-sector revitalization activities and ultimately become the heart of the in TMED South community. Arts, cultural and school programs should be as central to discussions of rebuilding and reinvigorating the district as land use, housing, transportation, and economic development. The deliberate integration of these programs will result in more creative placemaking and positive and enduring economic, physical, and social change in the district.

Create Partnerships

Strategic partnerships between the City of Temple, the City of Temple Economic Development Corporation (Temple EDC) and (1) land owners and (2) Blackland Texas Agrilife Research and Extension Center should be pursued to create development opportunities that benefit all parties. The City of Temple and Temple EDC have been committed to setting in place the fundamental building blocks needed to sustain a resilient and competitive community and economy with the development of TMED. It is imperative that the City of Temple and Temple EDC continue their track record of fostering successful collaborations with the private and public sector to advance the redevelopment of both residential and commercial neighborhoods surrounding the educational and medical campuses. Much like it joined in partnership with Baylor Scott & White, the Veterans Administration, Temple College, Temple Health and Bioscience District, and Texas A&M Health Science Center, the City of Temple and the Temple EDC should pursue a partnership with the Blackland Prairie Research Center to jointly promote education and research activities.

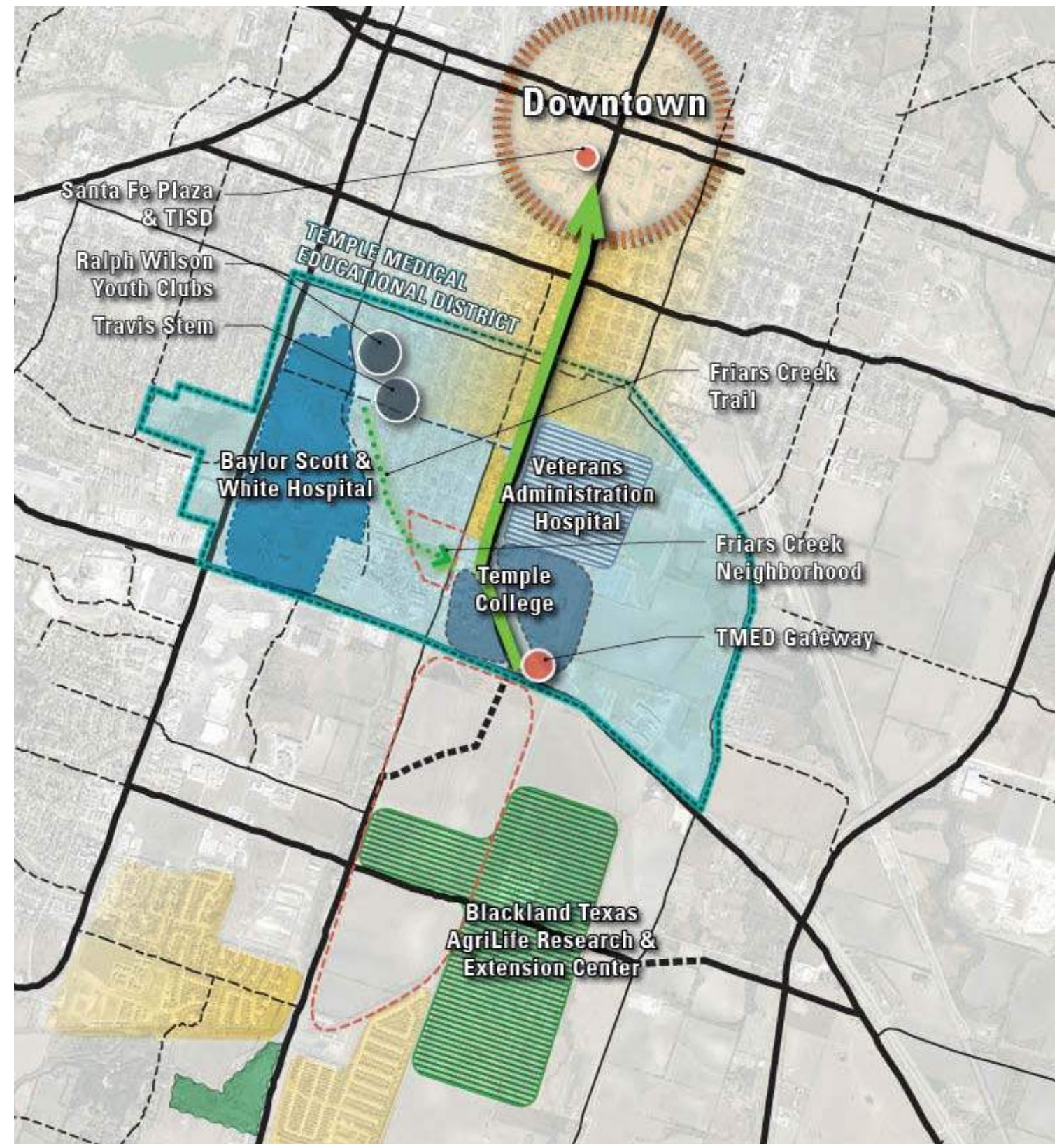


Exhibit 03. Existing TMED Regional Plan

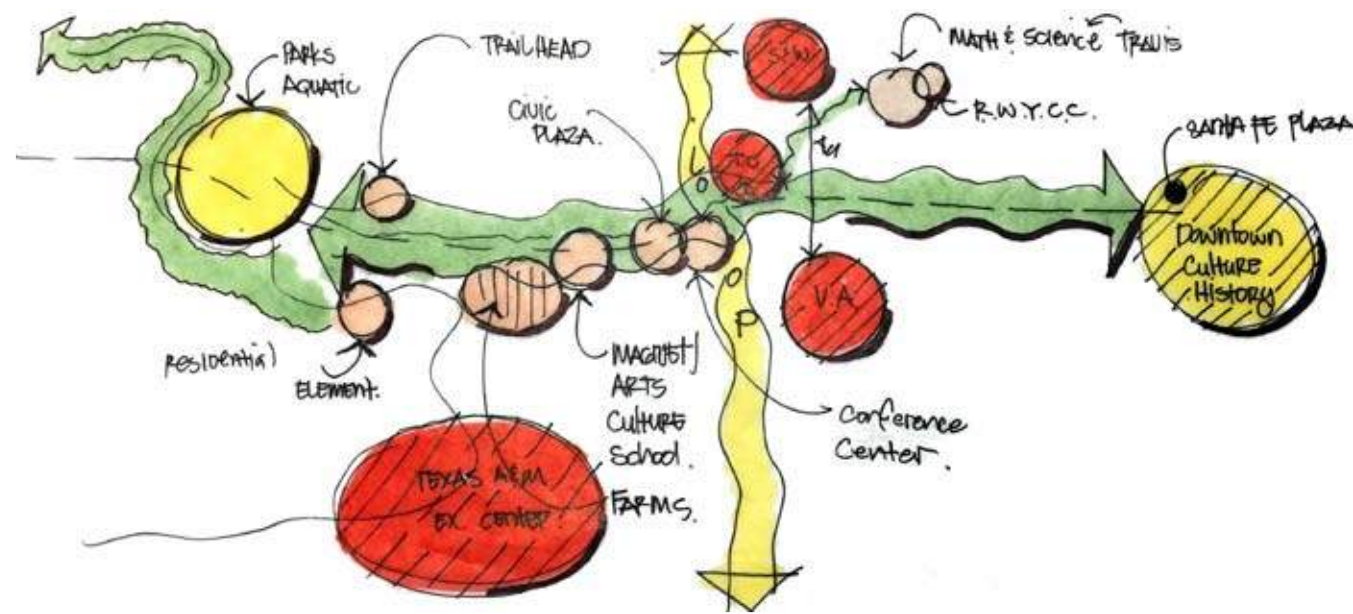


Exhibit 04. Regional TMED Story

The Story

The TMED South strategic plan paints a regional vision of opportunity for a district that has the potential to shift broader development patterns by connecting “new” Temple—TMED and TMED South—with historic downtown Temple. The recommendations in the plan make new connections between proposed neighborhoods and old neighborhoods in the urban core while affirming local history and identity, elevating a conventional landscape of unencumbered land parcels into a vibrant urban district with a gradient of uses that is teeming with art, culture and education. The proposed regional plan overlays the circulation, open space and street frameworks to help link three distinct districts, create complementary experiences and catalyze economic development.

The downtown district is a key factor in the area’s strength, its resurgence is especially promising with the renovation of the Temple Santa Fe Depot which pays homage to Temple’s beginning as a railroad town and demonstrates the city’s renewed pride and optimism in its revival. Downtown is also home to Temple Independent School District offices and employees, the Santa Fe Gardens, Whistlestop Playground, the Temple Visitor’s Center as well as restaurants, offices and shops now occupying repurposed structures that have character and historical significance in the district.

Within a 10 minute walk from downtown is TMED which promotes the educational, medical and research-related activities of Baylor Scott & White, the Veterans Administration, Temple College, Temple

Health and Bioscience District, the Math & Science Travis Stem, the Ralph Wilson Youth Club and Texas A&M Health Science Center. It is these activities that are attracting young professionals from across the globe, these 20- and 30-something professionals now make up 36 percent of the U.S. workforce and will comprise 50 percent by 2020, just 5 ½ years from now. It has been well-chronicled by sociologists and demographers that this young workforce overwhelmingly prefers to live and work in urban areas that provide walkability, social connectivity, proximity to retail and nightlife.

The downtown and TMED districts help attract students, residents, researchers, businesses, visitors and a talented workforce while the TMED South district demonstrates the highest potential in the city to serve their needs and cultivate the “live, work, play, learn” atmosphere they are after. The nodes of activity proposed for TMED South help create a district which includes student and employee housing, shopping, dining, improved public education, research centers, hike and bike trails, amenities, and all of the services necessary for the three districts to function seamlessly.

While TMED South was developed to provide a strategic framework to realize the Friars Creek Neighborhood and the Southern Study Area the overarching goal of the plan is to help create a functional, cohesive, and economically sustainable three-district urban core development that will be an asset to the entire region.

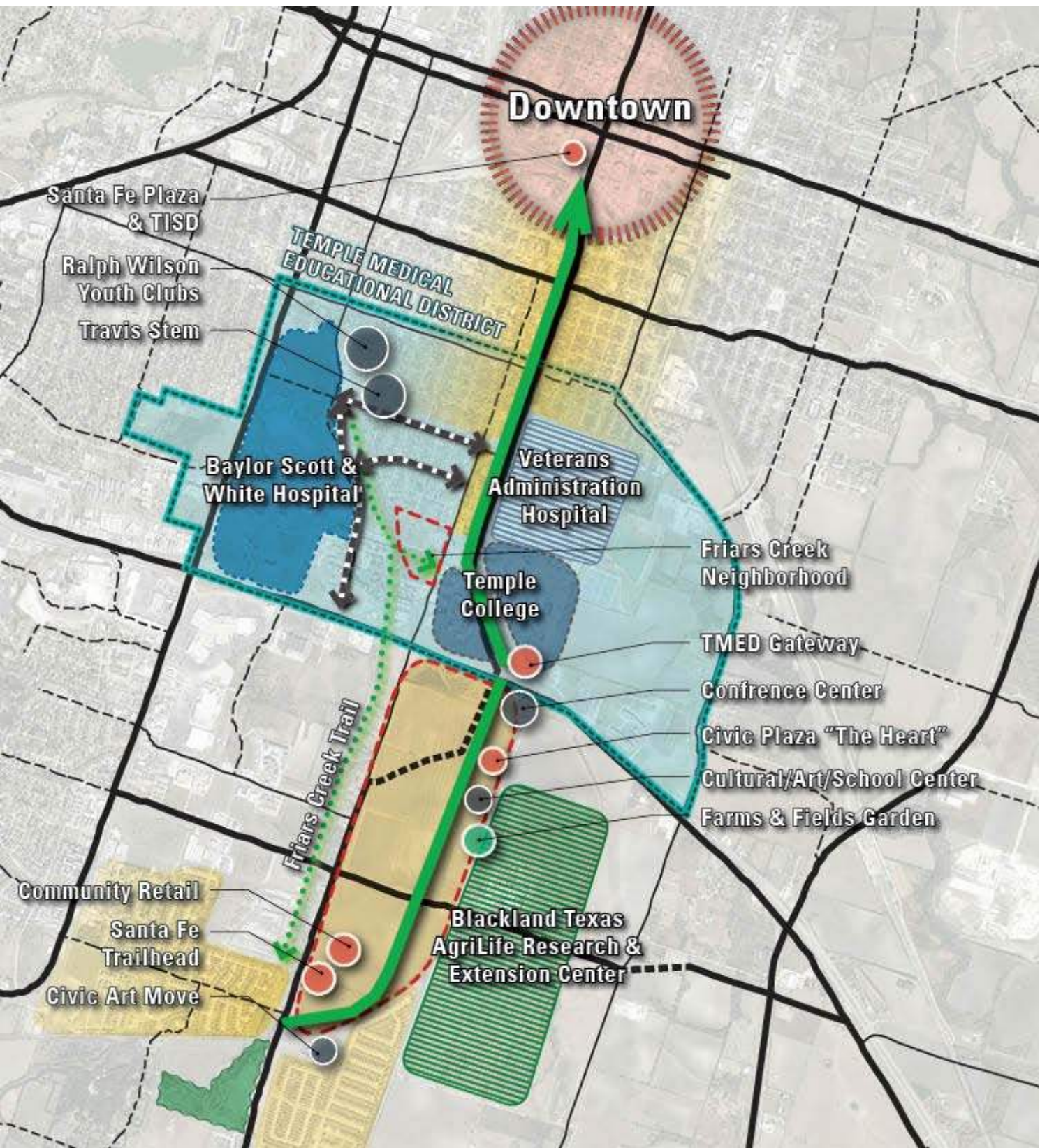


Exhibit 05. Proposed TMED Regional Plan

FRIARS CREEK NEIGHBORHOOD

Analysis

Friars Creek Neighborhood, also referred to as Northern Study Area within this document, is currently a mostly vacant property with a small mid century Housing Authority development to the north and Friars Creek Trail cutting through the center. Refer to Exhibit 06: Existing Land Use Plan. Friars Creek trail extends to the Northwest connecting pedestrians to Baylor Scott & White Hospital Campus and Temple college to the East.

The Neighborhood to the North is fairly stable however the Multifamily on the South and Southwest are dated and struggling. The entire site is disconnected from Friars Creek Trail which is disconnected from it's surroundings but provides a great linkage.

Key Ideas & Framework Plan

The overall goal to create a well-connected residential neighborhood which would be prime location for Temple College students or facility and Baylor Scott & White employees to reside.

Key Ideas

General

- Partner with Temple Housing Authority
- Create Community with connections
- Continue residential neighborhood from North and transition to higher density towards southwest

Circulation

- Face streets on all sides with architecture (No backing)
- Align streets to existing street network
- Flexible retail frontage on 5th
- Create development pattern that extends to south and southwest
- Create better connectivity to Baylor Scott & White

Open Space and Trails

- Connect to open space by bringing development to trail and park by fronting onto these areas
- Allow trail to act as a connector of people rather than a divider to the development
- Create large pedestrian corridor

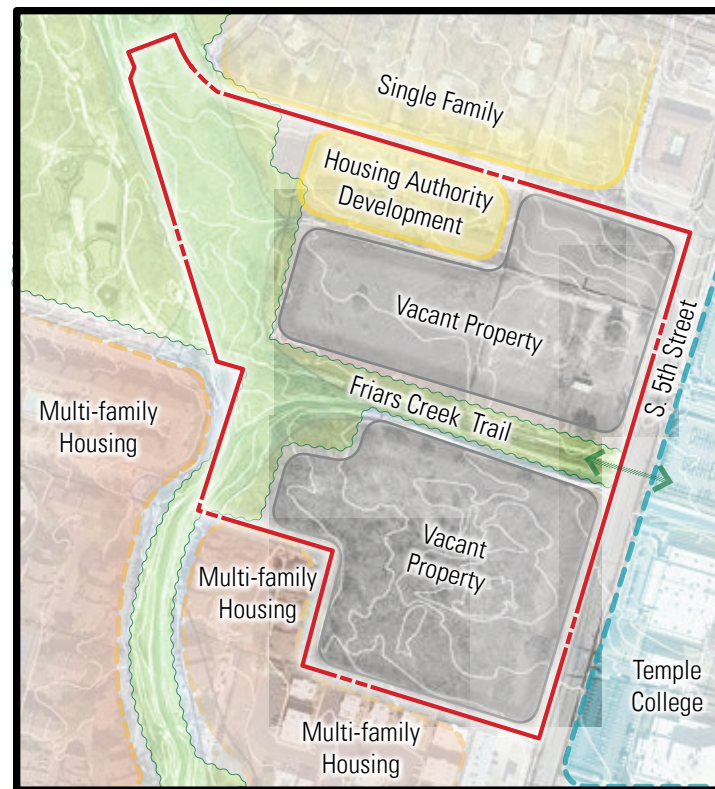


Exhibit 06. Existing Land Use Plan

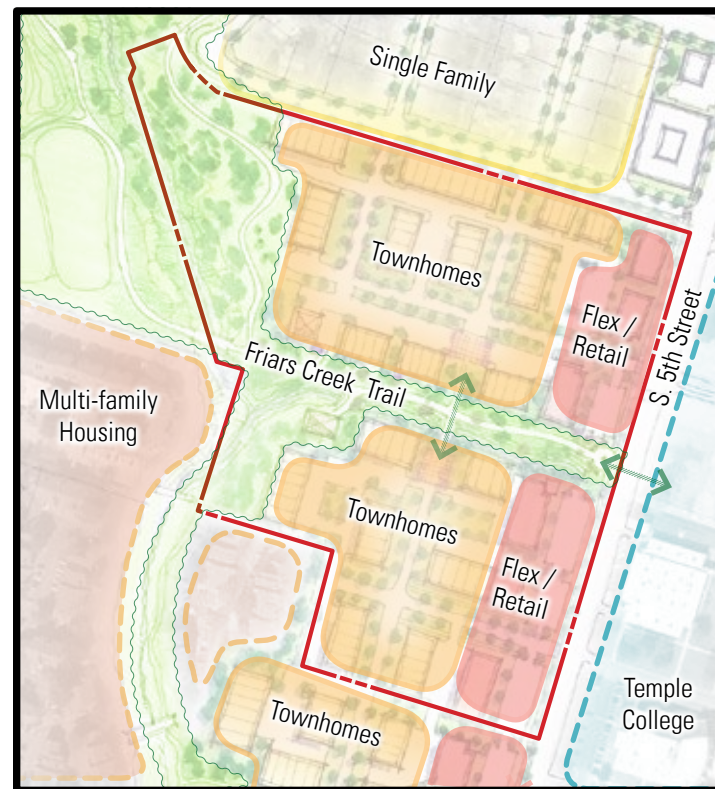


Exhibit 07. Proposed Land Use Plan



Exhibit 08. Friars Creek Conceptual Master Plan

General

The existing land use for the area provides a series of somewhat harsh edges which hinders walkability and future investment. It is important to provide compatible land uses in a layout which supports walkability and growth.

Partner with Temple Housing Authority

Temple Housing Authority currently owns and manages the Willow Brook Apartment complex. Representatives from the Housing Authority specified that a relocation of this property was a possibility and would allow the organization to update facilities for the current residents. These units could be incorporated into the new neighborhood framework or could potentially relocate the property elsewhere. Opening up this property to the overall development, allows the neighborhood to be better connected since the adjacent uses are compatible and the circulation framework can become more connected.

Create Community with connections

With Friars Creek trail already in place, the neighborhood study area is an excellent amenity to potential home buyers and/or renters that work or study at Baylor Scott & White campus or Temple College. The trail provides a regional connection to BS&W and Temple College.

Despite Friars Creek Trail bifurcating the site, street extensions from the surrounding context help to create a more connected and coherent neighborhood. Fryers Creek Drive outside the study area is shown connecting the west which allows better access to the surrounding context, whereas previously, the multi-family was segregated and created a fragmented portion of the region. The residents would also be better connected to the civic theatre and family center through roadway and trail systems along the creek.

South 13th street will be extended north to meet with W Avenue U and SW North Loop at a roundabout. This solution further connects and helps to circulate traffic for residents living and working within this area.

Continue residential into study area and transition to higher density towards southwest

The area lends itself to being a continuation of the residential neighborhood which is located along the Northern boundary. Due to the desirable location of being positioned between BS&W Campus and Temple College, slightly higher density housing such as townhomes or alley-loaded lots are recommended to accommodate both for-sale and rental properties. The intended users would most likely be students and professors of Temple College and employees



Exhibit 09. Friars Creek Trail Corridor at 5th Street

of BS&W. Multifamily uses remain Southwest of the property which makes the townhomes a great option to transition the density of the area.



FRIARS CREEK NEIGHBORHOOD



Circulation Network

How people move in various daily applications is important to creating a viable development in this area where a great trail amenity already exists. It is imperative to build upon and strengthen the trail connection rather than turn backs to it. In order to do this, the overall circulation must support a variety of options for movement.

Face streets on all sides with architecture

Great walkable neighborhoods have as few harsh edges as possible. By fronting residents and retail along roadways and greenways, the neighborhood becomes more open and connected. The architecture also provides additional security to these corridors which encourages activity.

Align streets to existing neighborhood street network

Street extensions from the north boundary into the study area create a more holistic neighborhood which allows greater connectivity to the overall area, trails and TMED district.

Flexible retail frontage on 5th Street

Due to street improvements and the amount of pedestrian activity for Temple College and the trail, retail along 5th street is likely to occur. In order to maintain development flexibility, live/work units or flexible retail spaces would be preferred along the roadway. Suggested uses for these spaces are: neighborhood services, a restaurant(s), small boutique retailers, childcare, etc.

Create development pattern that extends to south and southwest

This study proposes re-development of the southern portion to mitigate disconnectivity and dated developments. Street extensions on the southwestern edge of the study area would allow for connection to the Summit Family Center, Civic theatre and more direct access for residents to Baylor Scott & White campus. The

extension would call for a crossing over the creek but would allow for a more cohesive neighborhood which would drive investment in the area.

Create better connectivity to Baylor Scott & White

Previous efforts have considered connections of Avenue U to the BS&W Campus. With an extension of 13th street northward and SW North Loop connecting to W Avenue U, the neighborhood could have a circulating loop to provide better access for residents to work, school or amenities in the area.

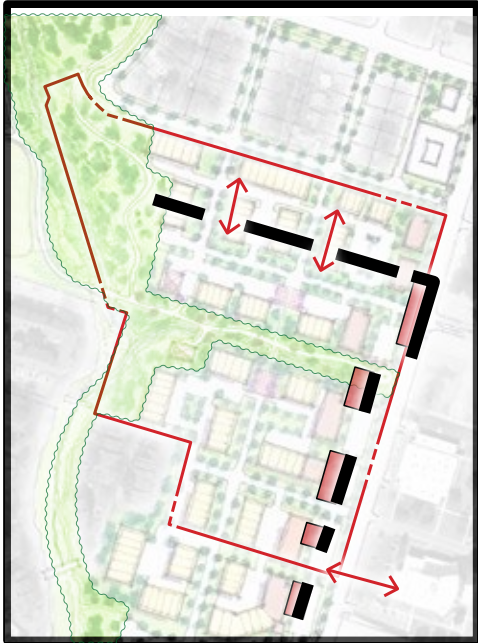


Exhibit 10. Street Alignments



Exhibit 11. Pattern and Connections

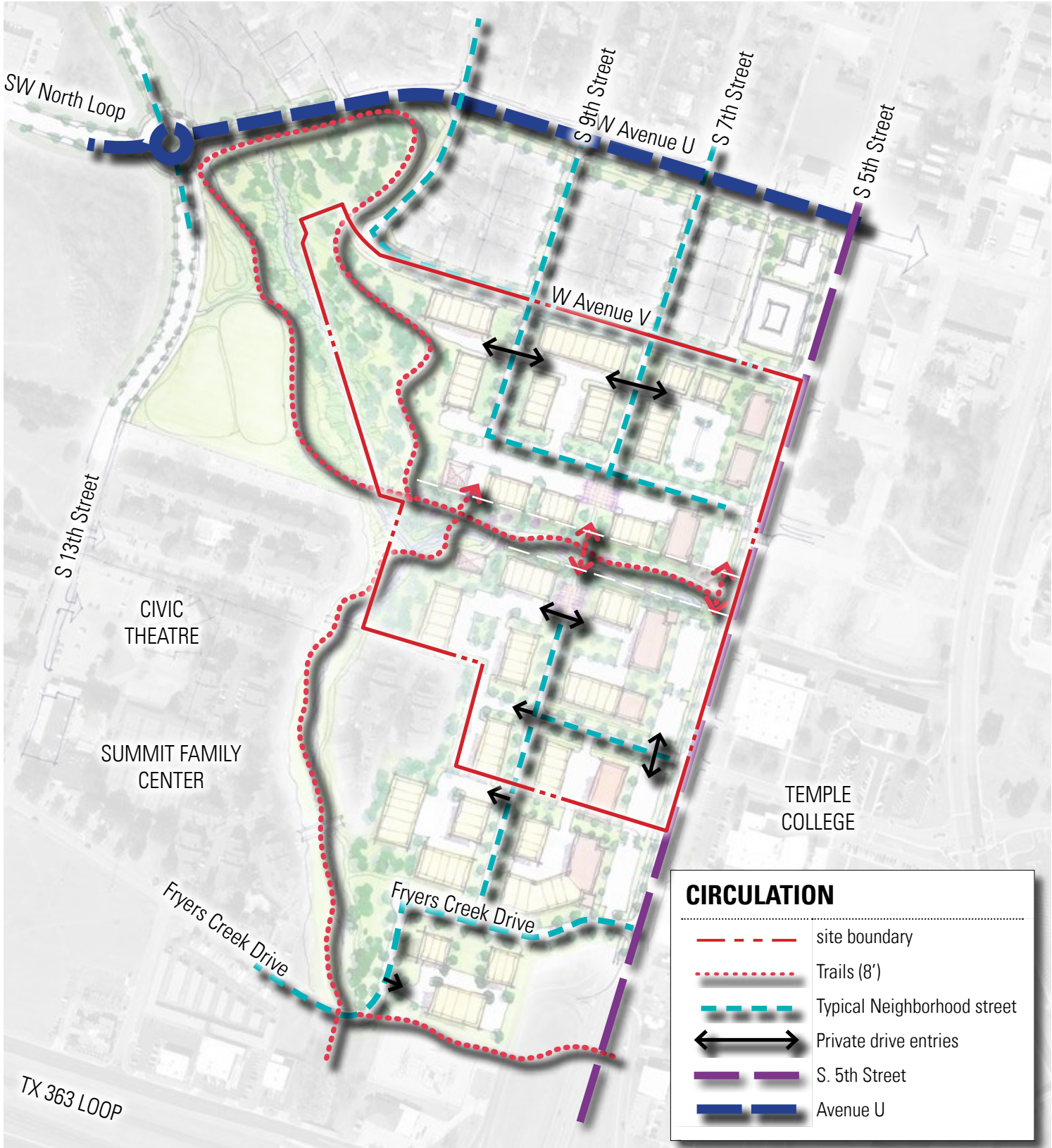


Exhibit 12. Friars Creek Street Network Plan

Open Space Network

In general, this neighborhood would be idealic for short term to medium term residents or students. It is centrally located for students and BS&W employees, as well as walkable. The open space and trail which bifurcate the study area, have great potential if developed properly.

Key Ideas

Connect to Open Space

By fronting development on the park and open space, the active edges of residential and potential retail uses provide a more porous atmosphere. With greater accessibility and active edges, the trail and park become more utilized and thus safer for the neighborhood. The open space then becomes a unifying element for the neighborhood.

The existing multifamily developments towards the southern edge are disconnected due to poor roadway connections and harsh edges to the creek. Development should face along the creek as well and trail amenities should be extended parallel to the creek. This extension has the potential to be an important regional connection to the southern study area.

Connect people to Trail

The greatest amenity for the site is the existing Friar's creek trail which runs along the middle of the site and connects to BS&W and Temple College. If not properly planned and developed, the centralized location of the trail to the study area could potentially act as more of a divider than a connector. It is imperative to create porous edges and trail connectors to support the trail as an amenity for the neighborhood.



Exhibit 13. Development Fronting on Open Space



Exhibit 14. Friar's Creek Open Space Master Plan

SOUTHERN STUDY AREA

Analysis

The southern study area consists of several unencumbered parcels totaling approximately 360 acres, bounded by Loop 363 to the north, the Union Pacific and Georgetown Railroad right-of-ways to the east and south, and 5th street to the west. An extension of 1st Street/ Veteran’s Memorial Drive is planned to connect TMED with the southern study area, although the alignment is not finalized the extension will bend into and terminate at 5th Street. The properties within the area have historic agricultural ties and the land owned by Blackland Research and Extension Center (BREC) serve as agriculture, grassland, soil and water research laboratories.

Regional Ideas & Framework

The overall objective of the framework plan is to appropriate land uses and revitalize the area as a “live, work, play, learn” environment; to connect people and destinations through walkability and public realm space; make 1st street axis a civic icon; utilize resources such as the existing creek and greenways, BREC, and 1st Street; and build upon previous efforts and partnerships with TMED and area medical, education and research facilities. While the Street and Open Space framework sections elaborate on circulation and public realm access, the following paragraphs categorize the Southern Study Area into Key Areas to help establish a clear vision of their character and to best describe how each advances the Key Ideas for Regional TMED.

Regional TMED Key Ideas

- Leverage TMED to create strong identity*
- 1st street connection as primary linkage to downtown and south Temple*
- Create Friars Creek Trail Corridor along 1st from Temple College to Friars Creek Trail*
- Expand Arts/Culture/School and Programs as Heart of Community*
- Partner with the City of Temple, City Temple Economic Development Corporation and land owners to bring in development opportunities*



Exhibit 16. Southern Study Area General Framework



Exhibit 15. Southern Study Area District Master Plan



Exhibit 17. Birdseye of 1st Street Retail Entrance (Facing South)

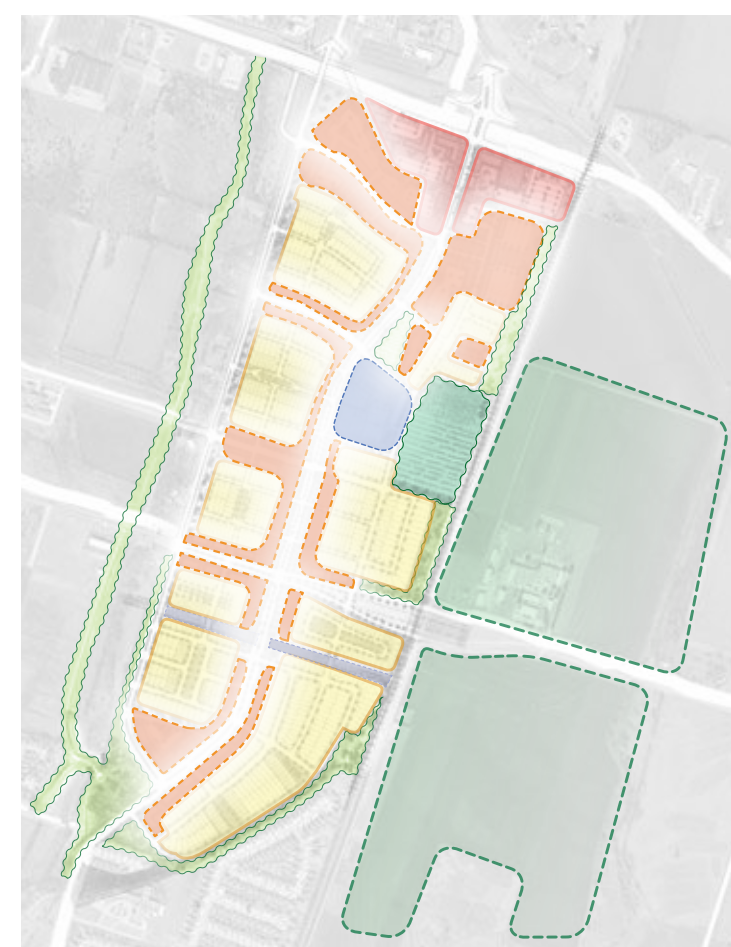


Exhibit 18. Land Use

Key Areas

TMED Gateway

The vision for the TMED Gateway is for a Conference Center based development to become an “entry” for TMED South by providing a strong street presence with architecture fronting Loop 363 and the 1st Street extension, as well as integrated entry signage / monumentation to help reinforce TMED’s identity. Close proximity between buildings, building placement close to the street, and locating unsightly surface parking away from the street will enhance the character of the Gateway. By blending a combination of residential, commercial, cultural and institutional uses, the gateway has the opportunity to become a successful mixed-use development for the community and a hub for visitors. Medium to high density development allows a variety of community services as well. The Conference Center Complex will serve the three districts best by providing hotel, conference and meeting space, which is currently lacking in the urban core.



Exhibit 19. TMED Gateway

5th Street Entry

The 5th Street Entry is the essential medium to high density multifamily development needed to encourage livability on a slightly more urban setting. The density and adjacency to the TMED Gateway encourages greater community interaction. The realignment of 5th Street attracts and shifts development patterns towards a denser, people-oriented destination. The concept stems from the pent-up demand for student and young professional housing needed for TMED employees and students. The multi-family buildings in this area will tuck parking in the back and front a tree-lined neighborhood collector that connects residents to 5th Street, the Friars Creek Trail and neighborhood amenities on 1st Street and the TMED Gateway.



Exhibit 20. 5th Street Entry

SOUTHERN STUDY AREA



Exhibit 21. Main Plaza and Community Event Green



Exhibit 22. Farm & Community Garden Hub

Community Heart

The Community's Heart is located within the Residential North Area, east of 1st Street, it serves as the hub of community activities and has the potential of becoming a "third place" for residents and users. The "third place" is one that is separate from the tacit social environments of home and work—the first two places—it contributes to civil society, democracy, civic engagement and creating a sense of place. The Heart consist of the following:

The Civic Plaza is intended to be a major draw for district residents, employees, students, visitors and commuters walking to nearby destinations along 1st Street. It should include an event green and flexible space for the neighborhood to come together to participate in community-inspired activities like concerts, food truck dining and programs uniquely suited for the district. The use of water features, shade, lighting, enhanced planting and a high-performing urban tree canopy are necessary for the comfort of users.

A school with adjoining athletic fields will help forge partnerships, provide context and an environment that will reinforce the values, culture, and learning of the community. A Performing & Fine Arts Magnet School will complement Travis STEM School located within TMED. Additionally, school facilities, fields and playgrounds could be open for recreational use benefiting the entire community.

The Farm and Community Gardens offer a unique setting within the urban landscape to tie to the areas agricultural past and connect the community to current research being conducted by BREC. This program will provide a great opportunity for the community to partner with BREC to come together in research and practice to support public health and stewardship of nature as well as sustainable food production. Facilities should include indoor/outdoor classrooms, space for food preparation and pavilions for outdoor dining.

Residential North

The Residential North area provides an opportunity to create a large tree lined residential community comprised of predominantly traditional single family homes that integrates pocket parks and a landscape buffer along 1st Street. It also provides diverse residential options including attached housing that fronts streets designated as neighborhood collectors. The northeast portion of the development adjacent to TMED Gateway offers higher density housing like flats and lofts as well as flexibility for live-work units along 1st Street and neighborhood collector streets. The southern portion fronting 1st Street linear park is comprised of 3-5 story residential/townhomes/condos. Development of the plan requires a land exchange and partnership with BREC since approximately 70 acres of land within the area is owned by the research center.



Exhibit 23. Community Heart



Exhibit 24. Residential North

Canyon Creek Roadway

The intersection of Canyon Creek and 1st street will become a civic icon within the district for people to orient themselves. Buildings fronting the boulevard along the west portion of the roadway consist of a mix of townhomes, retail and single family residential. Future plans call for a flyover of the railway on the east portion of the road section. Residential development adjacent to this portion of the roadway will back due to grade level changes and to allow privacy for the residents.

Residential South

The Residential South Area consists of predominantly single family housing and attached residential units fronting a series of pocket parks. Three to five story residential/townhomes/condos front 1st street trail. The utility easement which cuts through this portion of the study area will serve as additional open space.

Southern Gateway

The Southern Gateway will serve as another community icon and entry that will strengthen the TMED identity through the use of district signage and mounumentation. The Gateway includes one neighborhood street segment of single family housing and multi-family mixed-use housing. The lofts and flats with ground floor retail are organized along 1st and 5th Streets which intersect at the site of the Friars Creek Trailhead and Park; parking is buffered and planned for low impact to the site. Restricted small parking lots will be nestled between and around buildings. The gateway also promotes a mix of uses which help establish neighborhood character and encourages walking and bicycling, reducing the distance between “home, work play and learn” as it locates essential services close to the community.



Exhibit 26. Canyon Creek Roadway



Exhibit 27. Residential South



Exhibit 28. Southern Gateway



Exhibit 25. Southern Study Area Illustrative Master Plan

SOUTHERN STUDY AREA



Exhibit 29. TMED South Gateway (Facing North)

Street Framework and Sections

The street system in the Southern Study Area incorporates forthcoming infrastructure improvements into one transportation network and specifies several street typologies. They are intended to convey vehicular and pedestrian traffic within the district, while creating a pleasant streetscape experience that connects the community and nodes of activity. Street sections highlight the streetscape elements that help advance the Street Framework Key Ideas.

Key Ideas

Typologies are intended to connect and mediate between the range of land uses and anticipated building types

- Provide a range of experiences in landscape setback areas especially along 1st Street, Canyon Creek, and Neighborhood Collector streets
- Encourage pedestrian movement and reduce automobile dependence by connecting to and providing lighting, public courtyards, and outdoor dining throughout the district in mixed-use areas
- Give consideration to safely accommodate all forms of mobility associated with mixed-use development: auto, public-transit, bicycle, and pedestrian.

Face streets with architecture

- Orient and arrange buildings to provide a pedestrian friendly street level façade composition.
- Locate buildings near street edges to create a lively, pedestrian-oriented street scene.
- Prohibit surface parking between the curb and landscape setback.
- Tuck parking behind buildings and buffer with landscape.

Street plantings located within the street rights of way serve as a tool to utilize the street as a public realm space

- Use landscape strips, buffers, boulevards and setbacks as a way to mitigate vehicular-pedestrian conflict and increase pedestrian comfort.
- Connect to sidewalks, open space, landscaped areas, and other public spaces accessible to pedestrians.
- Provide a safe street environment that facilitates street activity and community interaction.

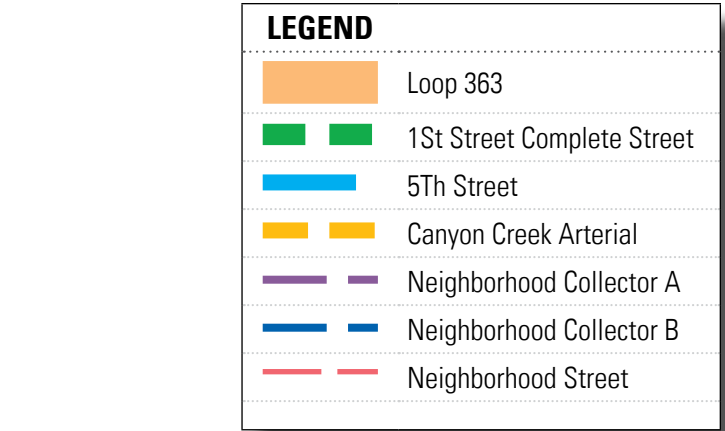


Exhibit 31. Low Impact Development - Bioswale Example

1st Street Connection as primary linkage to downtown and south Temple

- Include 1st Street extension in future infrastructure improvements and modify alignment to bisect entire Southern Study Area.
- Plan ROW to allow for complete street section, including rain gardens, urban canopy, linear park areas and public realm connections to Gateways and Community Heart.
- Line street with and connect to mixed-use, retail, housing, and active public spaces.
- Provide outdoor seating areas, public courtyards, gardens, playgrounds, and public art features along the street.
- Integrate low-impact development (LID) features such as bioswales and rain gardens to mitigate increased storm water volume induced by new development.

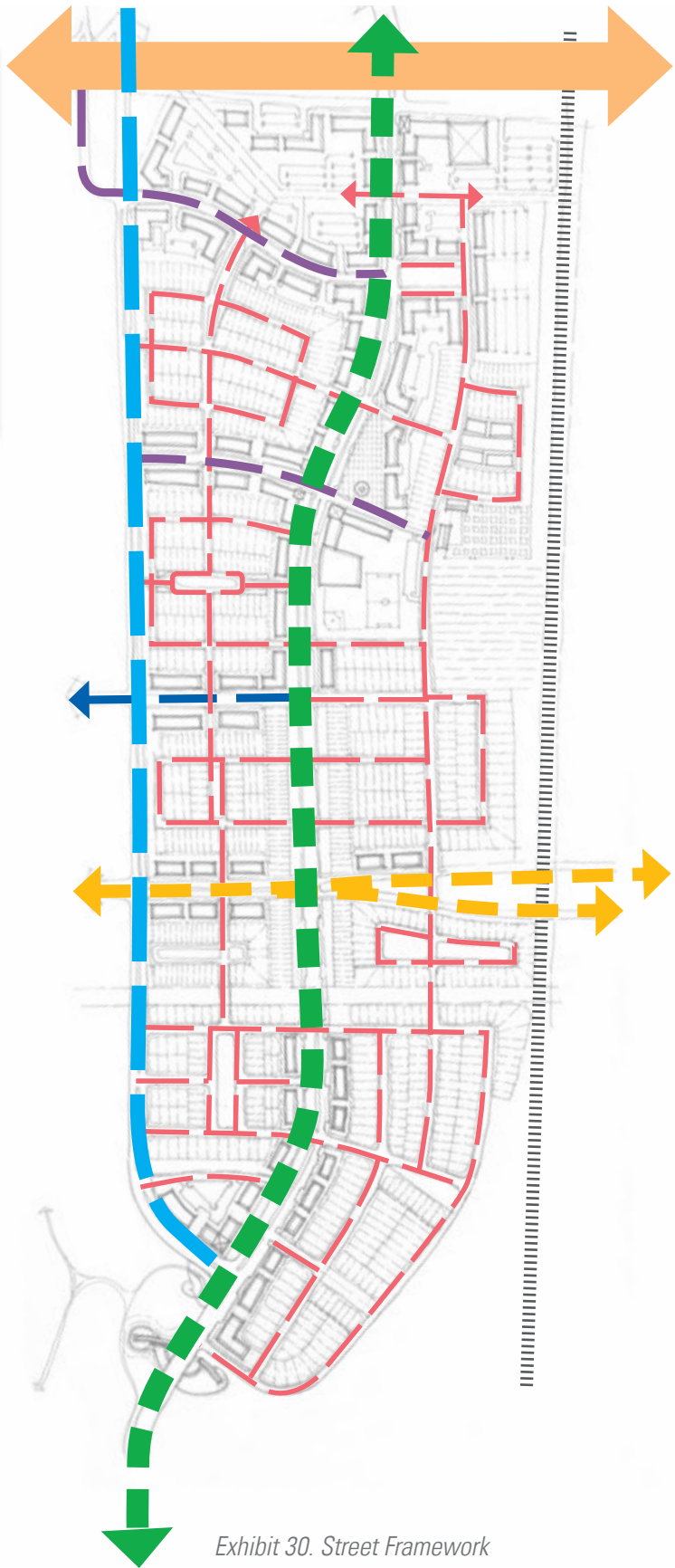
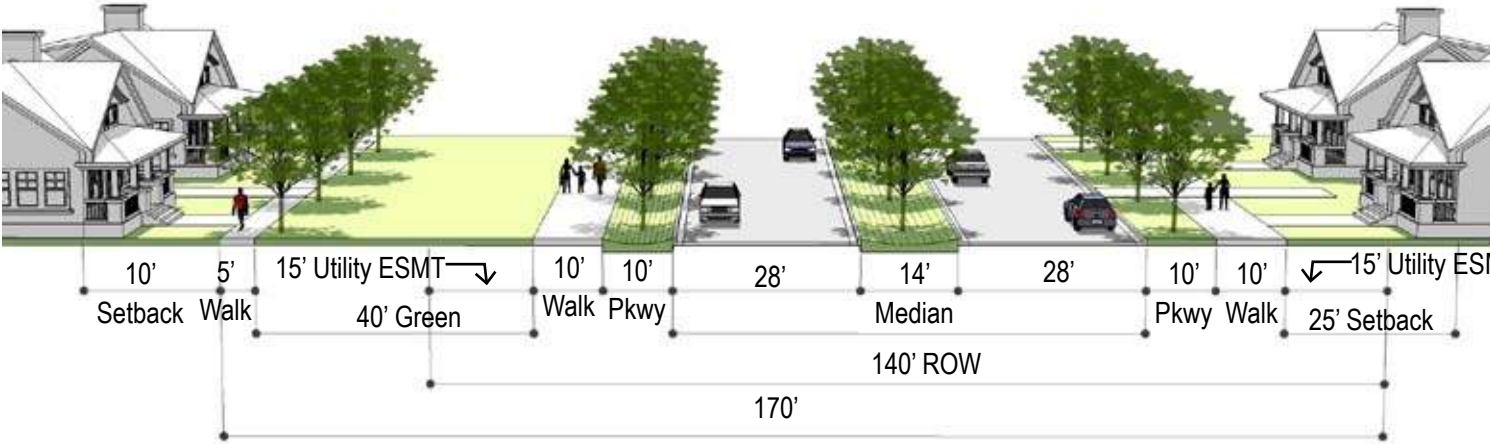
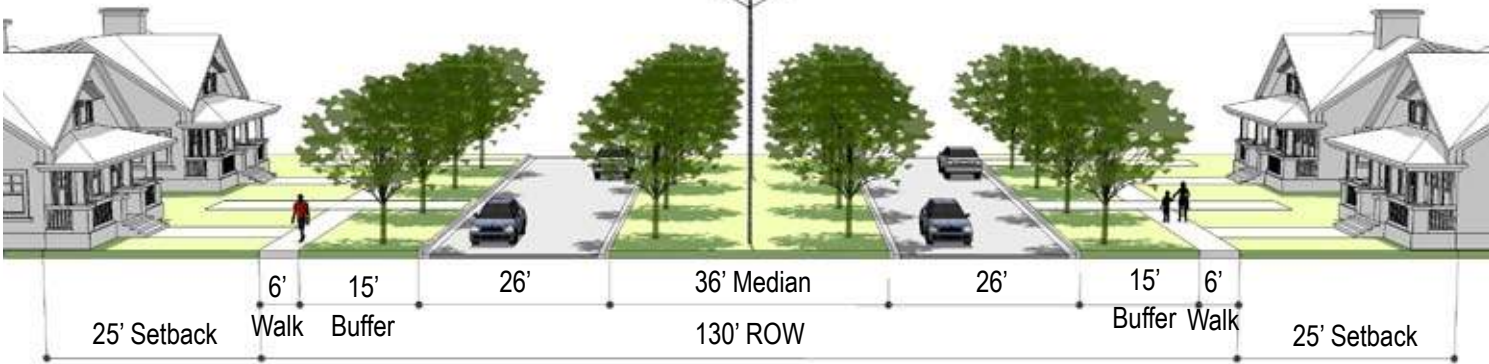


Exhibit 30. Street Framework

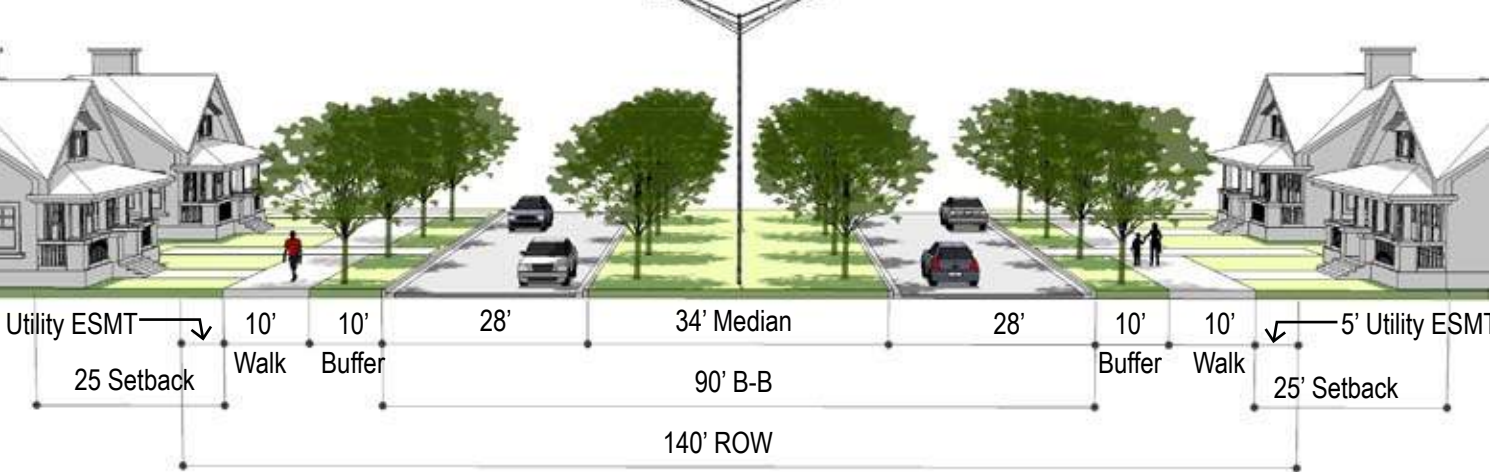
1st Street



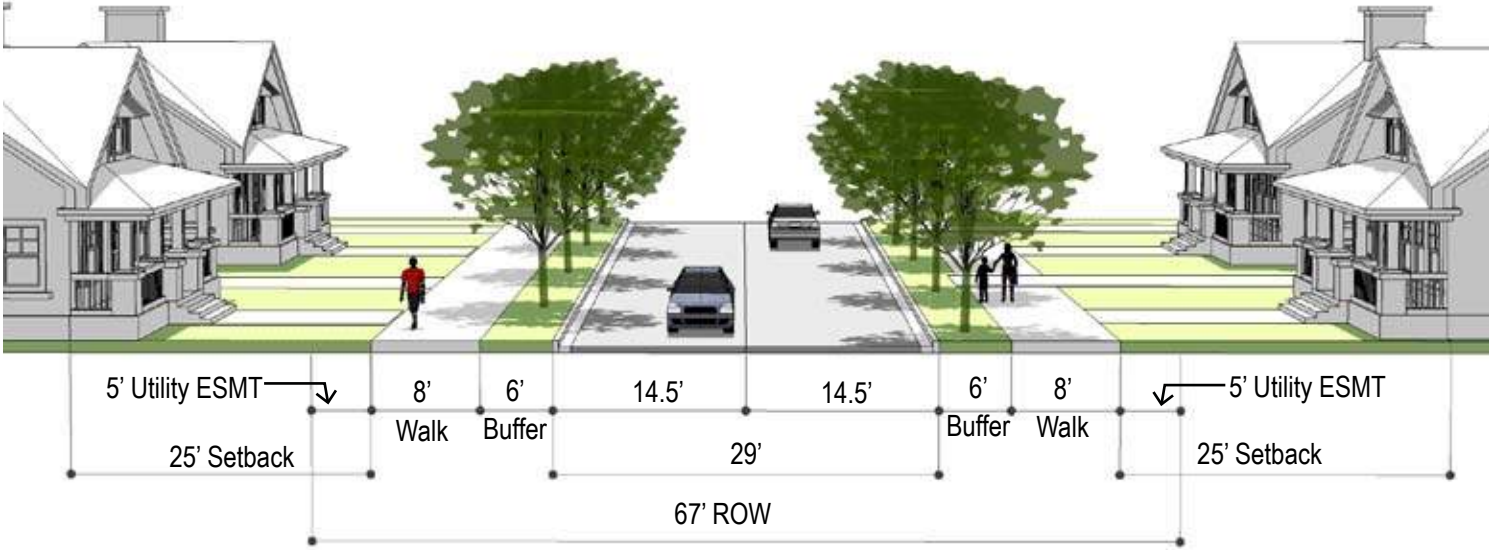
Canyon Creek



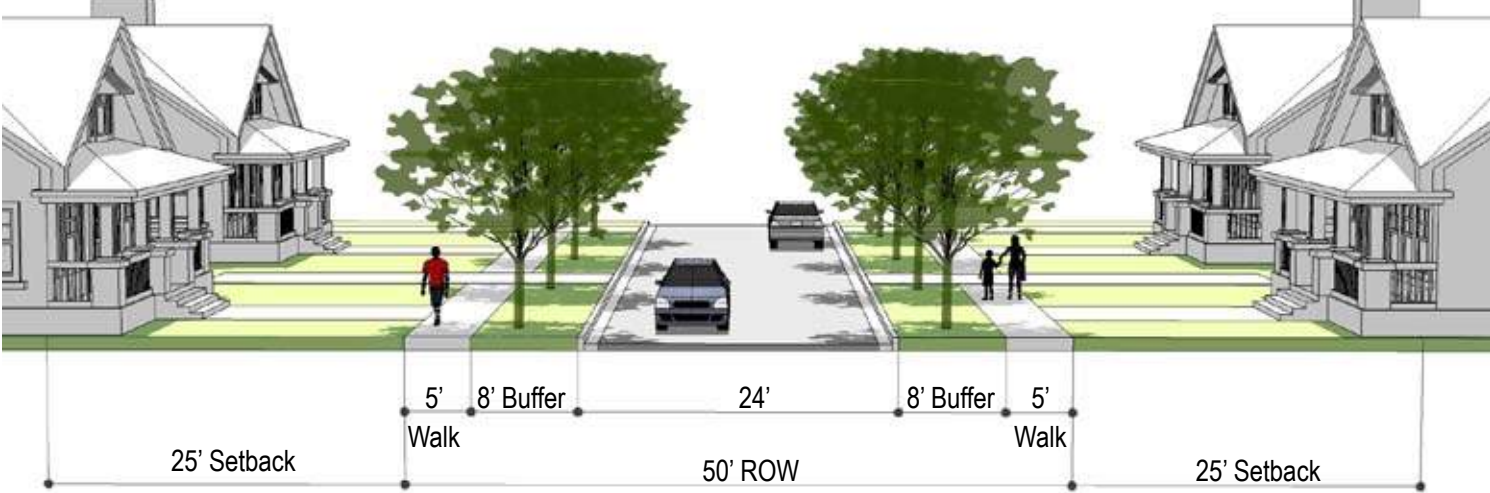
5th Street



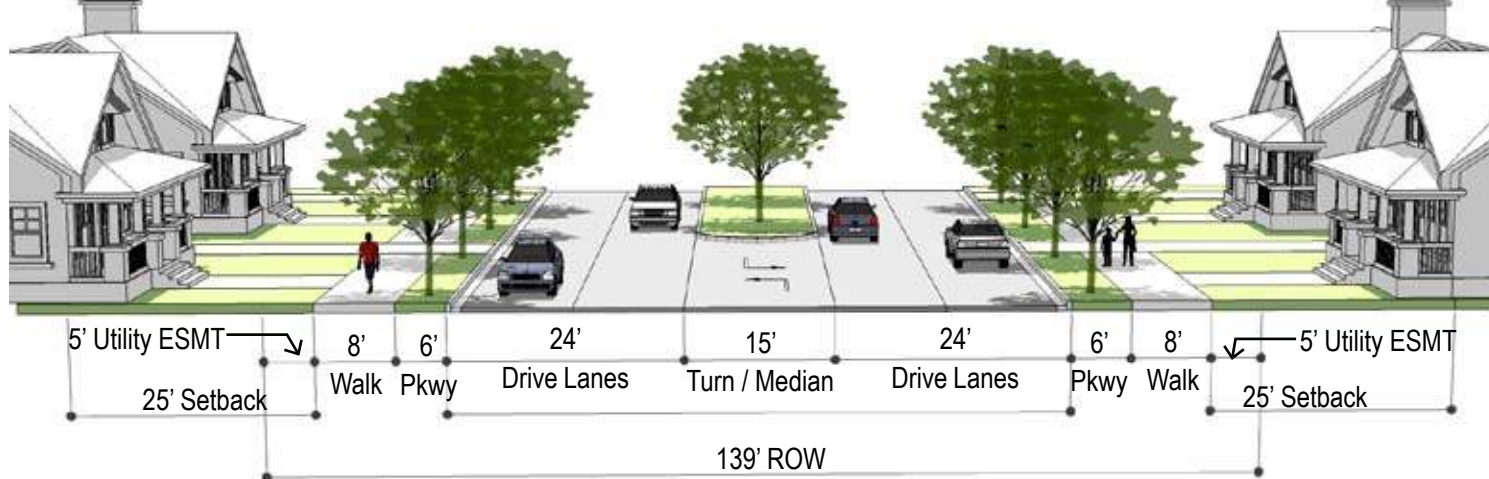
Neighborhood Collector A



Neighborhood Street



Neighborhood Collector B



SOUTHERN STUDY AREA



Open Space Framework

TMED South’s open space network has the ability of providing a great impact on the community by providing opportunities for physical activity, enjoyment of nature, social interaction, respite and escape that help create lasting improvements. Because access to nearby parks and natural settings is associated with improved quality of life, greater connection with people, reduced anxiety, improved physical and mental health among adults and children, this framework is crucial to the future of the TMED as a healthy, happy place.

Key Ideas

Help foster a strong sense of community by providing opportunities to engage in social contact and meaningful experiences

- Expand on arts, culture and education programs in Heart of Community/ Civic Park by setting the right mix of programs uniquely suited to the community.
- Use farm and gardens to create a link between residents, research centers and the TMED South magnet school to increase children’s contact with broader education and heighten

- their interest in higher education.
- Increase access to public art throughout the 1st Street linear park.

Reshape the urban spatial form with pedestrian focused spaces and promote healthy lifestyles

- Provide a multi-use trail for walkers, runners, recreational and commuter bicycles to link to regional trail network.
- Design network to serve as an interface between the street and building realm through the use of water features, lighting, enhanced landscape planting, activity lawns and outdoor dining spaces.
- Buffer and blur unsightly boundaries such as parking and railroad ROW by providing views to nature from within buildings and architecture.
- Provide natural landscapes and urban canopy necessary to link between fragmented habitat necessary for protecting pollinators like birds, bees and butterflies.
- Provide natural buffer zones from pollution run-off and improve water quality through the use of LID features along 1st Street.

LEGEND	
	Pocket Park
	Linear Park
	Civic Park
	Athletic Fields
	Community Garden & Farmers Market
	Buffer
	Easement
	Blackland Research Center
	Trail
	Trailhead
	Node



Allow trails to act as a connector of people and activity

- Create Trail Corridor along 1st Street from Temple College to Friars Creek Trail to provide pedestrians, and cyclists a safe access to green spaces throughout the region.
- Provide amenities such as trailhead, signage, bathrooms, water fountains, cycle racks, and benches for clear navigation and ease of use along trail system.
- Bisect trails through retail, housing, pocket parks, Gateways and Community Heart to strengthen district wide connectivity and a cohesive public realm.



Exhibit 32. Green Buffers with art, water features, native landscaping



Exhibit 33. Civic Park

SOUTHERN STUDY AREA

Alternative Options

The ability to create a cohesive neighborhood largely depends on whether the Blackland Prairie Research Center is able to find alternative land for their research. The organization is not currently looking to downsize so accommodations should be made in order to have a non-interrupted neighborhood. If this does not happen, there are several alternatives for moving forward.

Alternative 1: Bi-sect Blackland Prairie Property

Key Idea 1

If granted by Blackland Prairie Research Center, the first option for development would be to bi-sect the property with the 1st street extension. This provides a framework that can be developed at a later time when Blackland Prairie no longer has need for the property.

It should be understood that their property is for research and thusly would be fenced off so these properties could not be used for open space. It should also be understood that bi-secting their property is an inconvenience for the research center because it would be fragmented.

Alternative 2: Preserve Blackland Prairie Property

Key Idea 1

If bi-secting the property is not an option, development will need to go around the property. This alternative is not preferred due to the street framework proposed however, as mentioned in the previous alternative, the Blackland Prairie property could still be developed at a later date to provide the cohesive development framework.

This option should only be considered if Blackland Prairie Research Center is unable or not willing to find alternative land for their research.

LEGEND	
	Conference Center & Hotel
	Plaza
	Civic / Education
	Atheltic Fields
	Community Garden & Farmers Market
	Blackland Research Center
	Blackland Research Facility
	Community Park



Exhibit 34. Preferred Concept Framework



Exhibit 35. Alternative 1 Framework

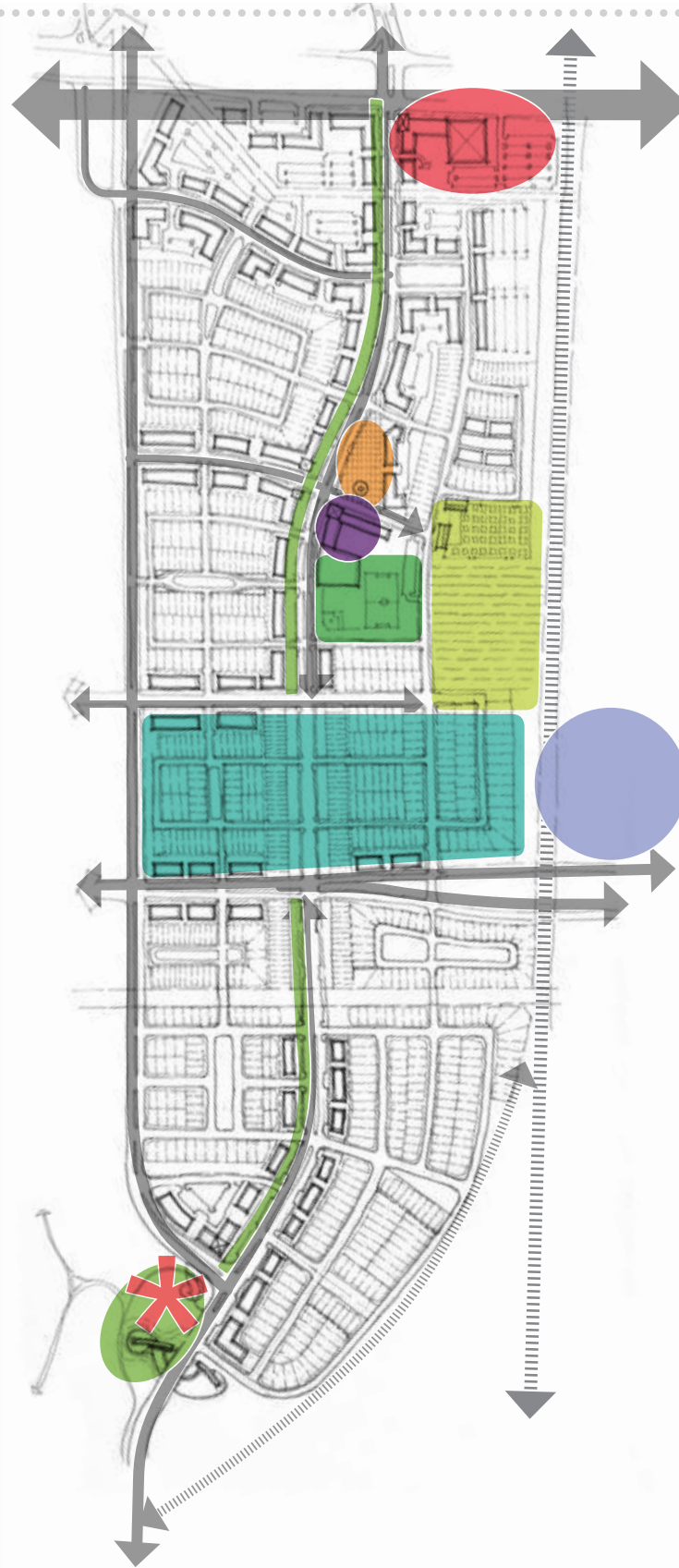


Exhibit 36. Alternative 2 Framework



Exhibit 37. Southern Study Area - Alternative 1



Exhibit 38. Southern Study Area - Alternative 2

NEXT STEPS



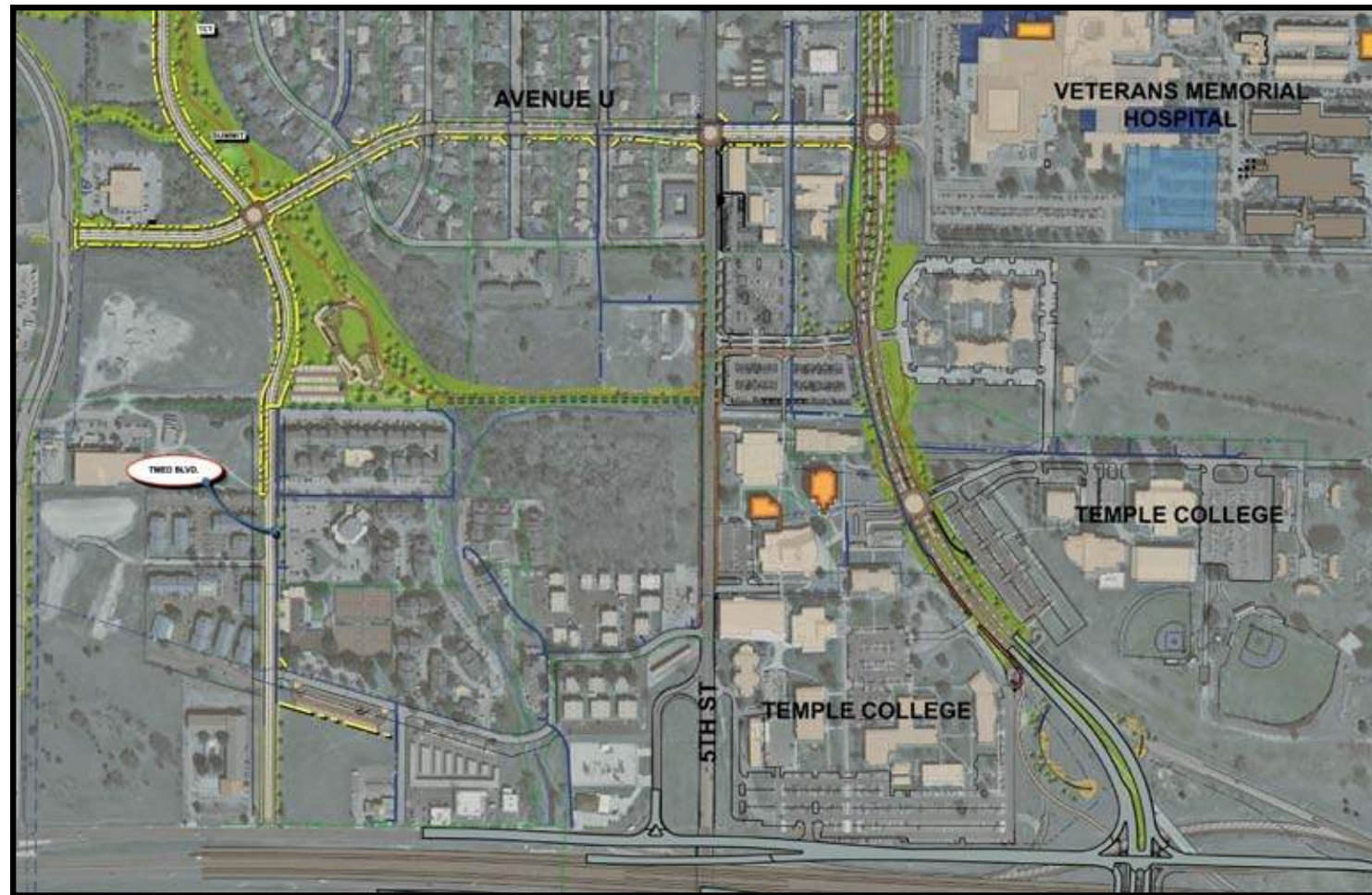


Exhibit 39. Northern public improvements

Proposed Projects

Friar's Creek Neighborhood Projects

1. Find developer to complete Friars Creek Neighborhood Vision
2. Partner with Housing Authority to relocate or redevelop Willow Brook Development
3. Adjust zoning to allow live/work along 5th Street
4. Extend Friars Creek Park to the southwest and Friars Creek Trail to the south
5. Strengthen and extend infrastructure connections
 - Extend S 9th Street and S 7th Street south
 - Connect W Avenue U to SW North Loop
 - Connect S 13th Street and W Avenue U / SW North Loop via roundabout
 - Connect Fryers Creek Drive across Friars Creek

Southern Proposed Projects

1. Construct 1st Street connection to TMED South
2. Find Development Partners for TMED South
 - Blackland Agrilife Research Center Partners
3. Phase road and infrastructure for 1st and 5th Street reconfiguration
4. Reconfigure 5th Street to connect to 1st Street
5. Design and construct TMED South Plaza
6. Design and construct Northern TMED (South) Gateway
7. Design and construct Southern gateway

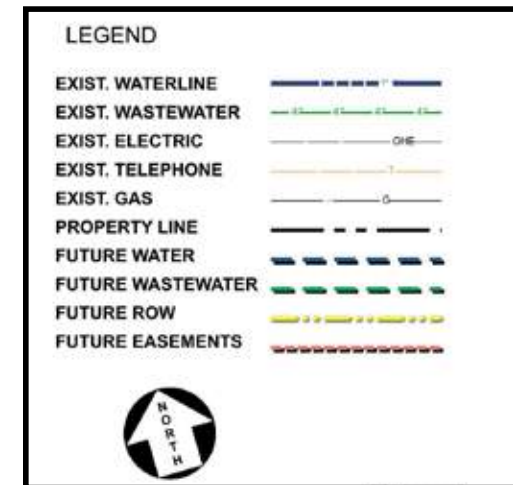


Exhibit 40. Southern Study Area Public Improvements



T M E D SOUTH
CHARRETTE

ORDINANCE NO. 2017-4850
(Z-FY-17-21)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM SINGLE FAMILY ONE ZONING DISTRICT TO PLANNED DEVELOPMENT-GENERAL RETAIL ZONING DISTRICT ON APPROXIMATELY 27.876 ACRES, LOCATED ON THE SOUTHEAST CORNER OF SOUTH 5TH STREET AND LOOP 363; 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 zoning district to Planned Development-General Retail zoning district on approximately 27.876 acres located on the southeast corner of South 5th Street and Loop 363, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

Part 2: The City Council approves the Planned Development with the conditions and development standards set forth Exhibit 'B,' attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading on the **15th** day of **June**, 2017.

PASSED AND APPROVED on Second Reading and Public Hearing on the **6th** day of **July**, 2017.

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

06/15/17
Item #8
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: SECOND READING – Consider adopting an ordinance amending the Code of Ordinances, Chapter 37, “Traffic,” to include a general update of the Chapter and changes to the two-hour parking regulations.

STAFF RECOMMENDATION: Adopt ordinance as presented in item description on second and final reading.

ITEM SUMMARY: In a continuing effort to review and update the City’s Code of Ordinances, Staff is proposing certain amendments to Chapter 37, “Traffic.” The amendments include changes to outdated State law references and city staff positions. For example, the Chapter gives the “traffic management administrator” the authority to exercise the powers and duties with respect to traffic, as set forth in the Chapter. There is currently no staff position with this title. The amendments propose to change that reference to “transportation director” which is an existing position within the Public Works Department.

The amendments also include changes to the City’s two-hour parking regulations. The amendments delete the current language which includes a lengthy description of where two-hour parking zones are located and references to an outdated map.

The most significant amendment is a proposed change to the enforcement process for parking violations. No person may stand or park a vehicle in, on, or upon any street in the City, in violation of any of the regulations regarding stopping, standing, or parking vehicles. Currently, violations of parking regulations are a criminal offense under Chapter 37. However, State law allows the City to enforce parking violations through a civil process. The proposed amendments designate parking violations as a civil offense and set forth the civil enforcement process.

A hearing officer would be appointed within the City to hear and determine contests of parking violations. The hearing officer will have the authority to administer oaths, issue orders compelling the attendance of witnesses and the production of documents, accept admissions, hear and determine contests of parking violations, and assess civil fines, penalties, and costs of a parking violation. The civil adjudication process for parking violations will begin with a citation issued by a peace officer or by a parking enforcement official designated to perform this duty by the Police Department. The citation will provide a time a place for an administrative hearing. The person issued a citation must answer the citation no later than the date provided for the administrative hearing.

An answer may be made in the following ways:

- A person may admit liability and pay the applicable civil fines, costs, and fees; or
- A person may appear before the hearing officer on the appearance date for his or her scheduled administrative hearing or at an instanter hearing before the appearance date.

A person does have a right to an instanter hearing which may be held before the appearance date on a day of the week established by the hearing officer.

At the conclusion of a hearing, the hearing officer will issue an order either (1) finding the person liable for the parking violation and assessing the applicable civil fines, costs, and fees, or (2) finding the person is not liable for the parking violation. A person found liable may appeal the determination to the Municipal Court.

The amendments propose a range for fine amounts from \$1.00 to \$500.00. Currently, the fine for parking violations is \$5.00.

The proposed amendments allow for enforcement of a hearing officer's order in the following ways:

- Impounding the vehicle if the owner or operator of the vehicle has committed three or more parking violations in a calendar year;
- Placing a device on the vehicle that prohibits movement of the vehicle if the owner or operator of the vehicle has committed three or more such violation in a calendar year or has three or more outstanding or unresolved citations;
- Imposing an additional fine if the original fine is not paid within a specified time;
- Denying issuance of or revoking a parking or operating permit, as applicable; or
- Filing an action to collect the fines, costs, or fees in a court of competent jurisdiction.

The listed enforcement actions are allowed by State law.

The remaining amendments include a general cleanup of the language and formatting of the Chapter. Staff recommends approval of the proposed amendments.

FISCAL IMPACT: Parking Fine violation fees are deposited into the General Fund account 110-0000-452-0361.

ATTACHMENTS:

[Redlined draft of Chapter 37
Ordinance](#)

CHAPTER 37

TRAFFIC

ARTICLE I. IN GENERAL

Sec. 37-1. Definitions

Wherever in this chapter the following terms are used, they ~~shall~~will have the meanings respectively ascribed to them in this section, unless clearly indicated to the contrary:

Authorized emergency vehicle. Vehicles of the fire department, police vehicles, and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the ~~chief of police~~City.

Crosswalk. That portion of a roadway ordinarily included within the ~~connection~~prolongation of curb and property lines at intersections, or any other portion of a roadway clearly indicated for pedestrian crossing by lines or other markings on the surface.

~~*Curvilinear.* A road, driveway or approach formed, bound, or characterized by curved lines.~~

Hand signals. All signals made by the operator by use of the hand and forearm for the purpose of indicating his intention of turning, stopping, or changing the course of the vehicle.

Intersection. The area embraced within the ~~prolongation~~connection of the lateral curb lines or, if none, then the lateral boundary lines of two (2) or more streets or highways which join one another at an angle, whether or not one such street or highway crosses the other.

Intersection visibility triangle. That area enclosed by drawing an imaginary line connecting two points located within 15 feet of the curb line of any street intersection, street/driveway intersection or street/alley intersection. It includes that portion of public street right-of-way and any corner lot in the triangular area formed by extending the curb lines of the intersecting streets to their imaginary point of intersection for the first point of the triangle, then proceeding back from this imaginary point of intersection 15 feet along the curb lines of the intersecting streets to establish the two remaining points of the triangle. These points must then be connected with imaginary lines, thereby forming a triangle. If there are no curbs existing, the triangular area are formed by extending the pavement edges to the imaginary point of intersection of the streets and then proceeding in the same manner described above.

Motor vehicle. ~~Every vehicle, which is self-propelled.~~ A self-propelled vehicle.

Non-motor Vehicle. Any vehicle or device without motive power and which is not self-propelled and is

designed or used to carry property or passengers on its own structure and is drawn by a motor vehicle. ~~Such Non-motor vehicles shall~~ include boat trailers, utility trailers, trailer-mounted equipment or wheel-mounted machinery.

Official traffic signs. All signals, not inconsistent with this chapter, placed or erected by authority of a public body or official having jurisdiction for the purpose of directing, warning, or regulating traffic.

Operator. Any person who is in actual physical control of a vehicle.

Park or parking. To stand an occupied or unoccupied vehicle, other than temporarily while loading or unloading merchandise or passengers.

Pedestrian. Any person afoot.

Police officer. Every officer of the city police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Private road or driveway. A privately owned way or place used for vehicular travel and used only by the owner and persons who have the owner's express or implied permission.

Recreational vehicle. A motor vehicle primarily designed or used as temporary living quarters for recreational camping or travel use. Recreational vehicle includes a travel trailer, camping trailer, tent trailers, motor homes, and converted buses, but ~~shall does~~ not include truck camper which do not exceed one ton in capacity and are not longer than twenty-two (22) feet in length.

Right-of-way. The privilege of the immediate use of the street or highway.

Roadway. That portion of a street or highway between the regularly established curb lines or that part devoted to vehicular travel.

Safety zone. That area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

Sidewalk. The portion of a municipal-street that is:

(a) ~~Between~~ between a curb or lateral line of a roadway and the adjacent property lines; and

(b) Improved and designed for or is ordinarily used for pedestrian travel~~intended for pedestrian use.~~

Street or highway. Every way set apart for public travel, except ~~foot paths~~ a sidewalk.

Traffic. Pedestrians, ridden or herded animals, vehicles, and other conveyances, either singly or together, while using any street for purposes of travel.

Vehicle. A device that can be used to transport or draw persons or property on a ~~highway~~roadway. The term does not include:

(a) Aa device exclusively used on stationary rails or tracks; or

(b) Manufactured housing as that term is defined by Chapter 1201, Occupations Code.

(Ordinance No. 2010-4361, 06-03-10)

Sec. 37-2. Duty of police to enforce chapter.

It ~~shall be~~is the duty of the police department of the city ~~to~~to enforce the provisions of this chapter, except as otherwise indicated in this chapter. ~~The police department may designate enforcement of this chapter to parking enforcement officials.~~

Sec. 37-3. Authority of police and firemen to direct traffic.

Officers of the police department are hereby authorized to direct all traffic, either in person or by means of visible or audible signal, in conformance with the provisions of this chapter. In the event of a fire or other emergency, or to expedite traffic or safeguard pedestrians, officers of the police or fire department may direct traffic, as conditions may require, notwithstanding the provisions of this chapter.

Sec. 37-4. City ~~traffic management administrator~~transportation director; position established; ~~duties~~

(a) There is hereby established the position of ~~traffic management administrator.~~transportation director. The holder of this position ~~shall~~will exercise the powers and duties with respect to traffic as provided in this chapter.

(b) It ~~shall be~~is the general duty of the ~~traffic management administrator~~transportation director, in conjunction with the police department, to determine the installation and proper timing and maintenance of traffic-control devices, to conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct engineering investigations of traffic conditions, to plan the operation of traffic on the streets and highways of this city, and to cooperate with other city officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by ordinances of this city.

Sec. 37-5. Emergency and experimental regulations.

(a) The chief of police, by and with the approval of the ~~traffic management~~

~~administratortransportation director~~, is hereby empowered to make regulations necessary to make effective the provisions of the traffic ordinances of this city and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation ~~shall~~will remain in effect for more than ninety (90) days.

(b) The ~~traffic management administrator~~transportation director may test traffic-control devices under actual conditions of traffic.

(c) The chief of police may authorize the temporary placing of official traffic-control devices when required by an emergency. The chief of police ~~shall~~will notify the ~~traffic management administrator~~transportation director of his or her action as soon thereafter as is practicable.

Sec. 37-6. Obedience to traffic officers

It ~~shall be~~is unlawful for any person to refuse or fail to comply with any lawful order, signal or direction of a police officer or fire department official given, as authorized by this chapter, to direct, control, or regulate traffic.

Sec. 37-7, 37-8. Reserved.

Sec. 37-9. Clinging to moving vehicles

It ~~shall be~~is unlawful for the rider of a bicycle, motorcycle or other vehicle to catch on to or hold to the side or rear of any other moving vehicle in the city.

Sec. 37-10. Riding on ssidewalks

~~(a) (a) Definitions~~

- ~~(1) — As used in this section, “central business zone,” shown on the drawing attached hereto as Exhibit “A,” a copy of which is kept on file in the City Secretary’s Office, is most particularly described as the rectangle bounded on the west by 5th Street, the north by Calhoun Street, the east by 6th Street, and the South by Avenue B. Both sides of the perimeter streets (5th, Calhoun, 6th and Avenue B) lying within the boundaries of the rectangle are included within the area of the central business zone.~~
- ~~(2) — As used in this section, “parking facility” shall mean any commercial parking lot, parking garage, or a parking area serving or adjacent to a business, church, school, home, apartment complex, property governed by a property owners’ association, or government-owned property leased to a private person.~~

~~(b) (b) It shall be unlawful for any person to ride or propel any bicycle upon any sidewalk in the city. This section shall not apply to a bicycle being operated by a law enforcement officer for a law enforcement purpose.~~

~~(c)~~

~~(d) (c) It shall be unlawful for any person to go, travel, or skate upon a skateboard on or along a sidewalk, roadway, or parking facility within the central business zone.~~

~~(e)~~

~~(f) (d) Any person skating on a skateboard upon a sidewalk not in the central business zone, shall yield the right-of-way to any pedestrian on the sidewalk.~~

(a) It is unlawful for any person to ride or propel a bicycle or skate upon a skateboard upon any sidewalk in any area of the City zoned Central Area.

(b) Subsection (a) does not apply to a sidewalk that is 8 feet or larger in width.

(c) Any person riding or propelling a bicycle or skating upon a skateboard on any sidewalk in the City, must yield the right-of-way to any pedestrian on the sidewalk.

Sec. 37-11. Reserved.

Sec. 37-12. Application of chapter to operators of government vehicles

The provisions of this chapter ~~shall~~ apply to the operator of any vehicle owned by or used in the service of the government of the United States or this state, county or city, and it ~~shall be~~ is unlawful for any such operator to violate any of the provisions of this chapter, except as otherwise permitted in this chapter.

Sec. 37-13. ~~Reserved.~~ Permissible conduct for authorized emergency vehicles

(a) Authorized emergency vehicle in this section is defined by the Texas Transportation Code, Sec. 541.201.

(b) In operating an authorized emergency vehicle the operator may disregard any provision of this chapter.

(c) An operator of an authorized emergency vehicle in disregarding a provision of this chapter has the same rights and restrictions as operators of authorized emergency vehicles under Texas Transportation Code, Chapter 546, Operation of Authorized Emergency Vehicles and Certain Other Vehicles.

Sec. 37-14. Authority to regulate classes and kinds of traffic on certain highways

(a) *Gross weight limits.* The ~~traffic management administrator~~ transportation director is hereby

authorized, on the basis of an engineering and traffic investigation, to erect and maintain official traffic-control devices on any streets or parts of streets to impose gross weight limits.

(b) *Trucks exceeding ten thousand pounds.* The ~~traffic management administrator~~transportation director is hereby authorized, on the basis of engineering and traffic investigation, to erect and maintain official traffic-control devices on the streets or parts of streets to prohibit the operation of trucks exceeding ten thousand (10,000) pounds gross weight; provided that such devices ~~shall do~~ not prohibit necessary local operation on such streets for the purpose of making a pickup or delivery.

(c) *Vehicle size restrictions.* The ~~traffic management administrator~~transportation director is hereby authorized, on the basis of an engineering and traffic investigation, to erect and maintain official traffic-control devices on any streets or parts of streets to impose vehicle size restrictions.

(d) *Incompatible traffic.* The ~~traffic management administrator~~transportation director is hereby authorized, upon the basis of an engineering and traffic investigation, to determine and designate those heavily traveled streets upon which ~~shall be it is~~ prohibited any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic and ~~shall the transportation director will~~ erect appropriate official traffic-control devices giving notice thereof.

Secs. 37-15--37-22. Reserved.

ARTICLE II. OPERATION OF VEHICLES GENERALLY

Secs. 37-23--37-27. Reserved.

Sec. 37-28. Speed limits.

Except as otherwise posted, Except as otherwise provided by ordinance, it shall be is unlawful for any person to drive or operate a motor vehicle within a City urban districtthe city _on a street other than an alley at a rate of speed in excess of thirty (30) miles per hour.

"Urban district" in this section means the territory adjacent to and including a street or highway, if the territory is improved with structures that are used for business, industry, or dwelling houses and are located at intervals of less than 100 feet for a distance of at least one-quarter mile on either side of the street or highway. -

Notwithstanding the provisions of this section or any other ordinance of the city, every operator of a vehicle on a roadway shall operate the same at a careful and prudent speed not greater than is reasonable and prudent under the circumstances then existingreasonable and proper, having due regard to the traffic, surface, and width of the roadway and of any other conditions then existing, and no operator shall drive any vehicle upon a roadway at such speed as to endanger the life, limb, or property of any person.

Sec. 37-29. Reserved.

Sec. 37-30. Authority to place devices altering normal course for turns.

The ~~traffic management administrator~~transportation director is authorized to place official traffic-control devices within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law.

Sec. 37-31. Authority to place restricted turn signs.

The ~~traffic management administrator~~transportation director is hereby authorized to determine those intersections at which drivers of vehicles ~~shall~~may not make a right, left, or "U" turn, and ~~shall~~will place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same ~~shall~~will be plainly indicated on the signs or they may be removed when such turns are permitted.

Sec. 37-32. Turning around in middle of block prohibited.

No vehicle ~~shall~~may be turned around in the middle of the block, nor between the corners thereof, but ~~shall always~~must go on to the intersection of a street or avenue before turning or attempting to turn.

Sec. 37-33, 37-34. Reserved.

Sec. 37-35. Authority to sign one-way streets and alleys.

The ~~traffic management administrator~~transportation director is hereby authorized to determine and designate one-way streets or alleys and ~~shall~~will place and maintain official traffic-control devices giving notice thereof. No such designation ~~shall~~will be effective unless such devices are in place.

Sec. 37-36. Authority for stop signs and yield signs.

The ~~traffic management administrator~~transportation director is hereby authorized to erect and maintain stop signs, yield signs, or other official traffic-control devices to designate through streets or to designate intersections or other roadway junctions at which vehicular traffic on one or more of the roadways should yield or stop and yield before entering the intersection or junction.

~~Sec. 37-37. Authority to place historical commission signs.~~

~~—The Bell County Historical Commission is hereby authorized to place signs advertising their tape tour program on the various sites shown on Exhibit "A," which is made a part of this section for all purposes, and on such other sites located on the public right-of-way and on other public property as the Bell County Historical Commission and the city manager may hereinafter agree upon. Provided, however, that such signs shall be placed and located in strict compliance with applicable provisions of the Code of Ordinances of the City of Temple and with all applicable state and federal laws and~~

~~regulations. All such signs shall be located and placed under the supervision of the city manager and the traffic management administrator. These signs shall be maintained in good condition at the sole cost and expense of the Bell County Historical Commission and in accordance with the requirements of the City code and the instructions of the city manager and the traffic management administration.~~

Secs. 37-38--37-42. Reserved.

Sec. 37-43. Driving between vehicles of authorized procession.

It ~~shall be~~ unlawful for the operator of any vehicle to drive between the vehicles comprising a funeral or other authorized procession while they are in motion. This provision ~~shall~~ will not apply at intersections where traffic is controlled by traffic-control signals or by police officers.

Sec. 37-44. Operation in parks.

It ~~shall be~~ unlawful for any person to drive, park, or place any vehicle through, in, along, upon, or across any public park belonging to the city except upon designated streets, alleys, ~~or~~ driveways, or parking areas located in such park.

Sec. 37-45. Motor vehicles prohibited on school grounds; exceptions.

~~(a)~~ It ~~shall be~~ unlawful for any person to drive, park or place any motor vehicle through, in, along, upon, or across any public school grounds within the City of Temple except:

- (1) Upon designated streets, alleys, driveways, or parking areas located on said school grounds;
- (2) At the direction of a police officer of the City of Temple or a duly designated official of the ~~Temple Independent School District~~ school district;
- (3) When the vehicle is owned and operated by an employee or agent of the City of Temple or the ~~Temple Independent School District~~ school district.

~~—(b) "Motor vehicle", when used in this section, means every vehicle which is self-propelled, and is intended to include motorcycles, trucks, passenger cars, motor-driven cycles, buses and tractors as defined in V.C.S. 6701d, Uniform Act Regulating Traffic on Highways.~~

Secs. 37-46--37-49. Reserved.

Sec. 37-50. Restrictions on towing.

No vehicle ~~shall~~ may tow more than one other vehicle at a time, and no tow connection thereon ~~shall~~ may be more than fifteen (15) feet in length.

Sec. 37-51. ~~Improper start or acceleration of motor vehicle. Reserved.~~

~~(a) The methods described in subsection (b) of starting or accelerating a motor vehicle are prohibited and shall hereafter be unlawful.~~

~~—(b) Any person who shall start a motor vehicle from a stopped position or accelerate a motor vehicle, whether originally stopped or moving, in such a fashion as to cause the driving wheels to spin, or to cause the driving wheels to spin and create a loud noise calculated to disturb the residents living in the vicinity or other motorists and/or pedestrians in the vicinity, whether motorists and/or pedestrians are actually present or not, or to cause the rear portion of the motor vehicle to sway or swing from side to side, shall, upon conviction, be held guilty of a misdemeanor and shall be fined not less than one dollar (\$1.00) and not more than two hundred dollars (\$200.00).~~

Sec. 37-52. ~~Reserved. Trucks prohibited from using Midway Drive without a permit; definitions; placements of signs.~~

~~—Definitions. Whenever used in this section, the following terms shall be defined as follows: The following words and phrases when used in this section shall, for the purpose of this section, have the meanings respectively ascribed to them in this section.~~

~~—(1) *Truck* means any motor vehicle designed, used, or maintained primarily for the transportation of property with a manufacturer's rated carrying capacity exceeding two thousand (2,000) pounds, and is not intended to include those trucks commonly known as pickup trucks, panel delivery trucks and carry-all trucks.~~

~~—(2) *Through traffic* means operating a truck:~~

~~—a. Entering Midway Drive at its intersection with Interstate Highway 35 and exiting Midway Drive at its intersection with Hickory Road, or~~

~~—b. Entering Midway Drive at its intersection with Hickory Road and exiting Midway Drive at its intersection with Interstate Highway 35, or~~

~~—c. Upon any part of Midway Drive, which does not have as its destination for the delivery of property a residence, business, or construction site fronting upon Midway Drive or fronting upon a street intersecting Midway Drive.~~

~~—(a) The through traffic of trucks on Midway Drive, in the City of Temple, Bell County, Texas, is prohibited and unlawful.~~

~~The operating or movement of a truck on Midway Drive, without first obtaining a permit from the chief~~

~~of police, shall be prima facie evidence of the violation of this section and that such operation or movement is unlawful.~~

~~(b) The operating or movement of a truck on Midway Drive, without first obtaining a permit from the chief of police, shall be prima facie evidence of the violation of this section and that such operation or movement is unlawful.~~

~~(c) The director of public works and the chief of police of the City of Temple, Texas, shall obtain and install the proper signs upon the right-of-way of Midway Drive.~~

Sec. 37-53. Truck routes established.

(a) Definitions. Whenever used in this section, the following terms shall be defined as follows:

(1) Truck means any motor vehicle designed, used, or maintained primarily for the transportation of property, with a manufacturer's rated carrying capacity exceeding two thousand (2,000) pounds, and is not intended to include those trucks commonly known as pickup trucks, panel delivery trucks, and carryall trucks.

~~(2) Motor vehicle means every device in or by which any person or property may be transported or drawn upon a public highway and which device is self-propelled.~~

(2) Semitrailer means vehicles of the trailer type so designed or used in conjunction with a motor vehicle that some part of its own weight and that of its load rests upon or is carried by another vehicle.

(3) Road tractor means any motor vehicle designed or used for drawing other vehicles or loads, and not so constructed as to carry a load independently or any part of the weight of the drawn load or vehicle.

~~(4) Truck tractor means every motor vehicle designed or used for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle and load as drawn.~~

(b) Established. There are hereby established and created certain truck routes in, through, and around the City of Temple for all trucks, semitrailers, road tractors, and truck tractors entering or exiting the City, as follows:

(1) Interstate Highway No. 35.

(2) State Highway No. 53.

(3) State Highway No. 36.

(4) Loop 363--State Highway No. 190.

(5) F.M. Road No. 2305.

(6) South First Street from where it intersects with Loop 363 and Highway 36 north to the point where South First becomes South Third Street and from that point north to where North Third Street intersects with Interstate Highway No. 35.

(7) F.M. Road No. 438.

(c) Through traffic prohibited. Through traffic of any truck, semitrailer, road tractor, or truck tractor on any street within the City of Temple other than those streets or highways specifically designated in subsection (b) hereof is expressly prohibited and declared to be unlawful.

(d) Exceptions. The terms, provisions and regulations set forth in this section do not and are not intended to apply to trucks, semitrailers, road tractors, and truck tractors entering the City of Temple and traveling on streets other than those designated herein for the purposes of pickup and delivery to a specific location, or to obtain service, repairs, commercial lodging, fuel, or other legitimate purposes requiring a stop within the city. For purposes of this section, a person commuting to and from a residence for purposes other than making a delivery or pickup within the City is not a "legitimate purpose."

(e) Signs. The ~~Director of Public Works of the City of Temple or the~~ transportation director is hereby directed to place appropriate signs upon the streets indicated herein and may, at his or her discretion, place signs upon other local streets notifying the public that no truck traffic is allowed thereon.

Sec. 37-54. ~~Residential-lane~~Alleys -- Speed limit established; ~~penalty for violation.~~

(a) ~~—(a)—~~The reasonable and prudent prima facie maximum speed limit for any vehicular traffic upon ~~residential-lane~~alleys within the City of Temple is hereby established as ~~ten (10)~~15 miles per hour.

(b) ~~—(b)—~~It ~~shall be~~ unlawful for any person to drive or operate a motor vehicle, bicycle, or other vehicle of any kind, whether or not motor-powered, at a speed greater than is reasonable and prudent under the circumstances then existing along, or upon, or over any ~~residential-lane~~alley within said city, but any speed in excess of the reasonable and prudent prima facie maximum speed limit as set forth in paragraph (a) hereof ~~shall be~~ prima facie evidence that such speed is not reasonable and prudent and that it is unlawful.

~~(c) Any person violating any provision of this section shall upon conviction be fined in a sum not exceeding two hundred dollars (\$200.00).~~

Sec. 37-55. Use of engine break or retarder prohibited.

- (a) This section applies to a roadway or street within the corporate limits of the City, including a state maintained roadway.
- (b) A person may not use an engine brake or engine retarder to assist in slowing or braking a motor vehicle, except for a fire truck engaged in emergency duties.

Secs. 37-56--37-64. Reserved.

ARTICLE III. TRAFFIC-CONTROL DEVICES GENERALLY

Sec. 37-65. Authority to install traffic-control devices

The ~~traffic management administrator~~transportation director ~~shall~~will place and maintain official traffic-control devices when and as required ~~under the traffic~~ under the traffic ordinances of this city to make effective the provisions of said ordinances, and may place and maintain such additional official traffic-control devices as he may deem necessary to regulate, warn, or guide traffic under the traffic ordinances of this city or the [Texas Transportation Code](#)~~state vehicle code~~.

Sec. 37-66. Manual and specifications for traffic-control devices

All traffic-control signs, signals, and devices ~~shall~~will conform to the manual and specifications approved by the ~~State Department of Highways and Public Transportation~~Texas Department of Transportation. All signs and signals required hereunder for a particular purpose ~~shall~~will so far as practicable be uniform as to type and location throughout the city. All traffic-control devices so erected and not inconsistent with the provisions of state law or this chapter ~~shall~~will be official traffic-control devices.

Secs. 37-67--37-70. Reserved.

Sec. 37-71. Marking of traffic lanes

The ~~traffic management administrator~~transportation director is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.

Sec. 37-72. Designation and marking of crosswalks

The ~~traffic management administrator~~transportation director is hereby authorized to designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at

intersections where, in the transportation director's opinion, there is particular danger to pedestrians crossing the roadway, and at such other places as the transportation director he may deem necessary.

Sec. 37-73. Establishment and marking of safety zones.

The ~~traffic management administrator~~transportation director is hereby authorized to establish safety zones of such kind and character and at such places as he or she may deem necessary for the protection of pedestrians.

Secs. 37-74--37-76. Reserved.

Secs. 37-77--37-85. Reserved.

ARTICLE IV. STOPPING, STANDING AND PARKING

Sec. 37-86. Parking of vehicles with capacity of more than one and one half tons in certain districts.

(a) A person commits an offense if he stops, parks, or stands a truck-tractor, road tractor, semitrailer, bus, trailer, or a truck with more than two axles, rated capacity in excess of one and one-half tons, or with a height of more than nine feet, according to the manufacturer's classification, in front of, or forward of the building setback line (as shown by the property's plat or the zoning ordinance, whichever is a greater distance from the property line adjacent to the street) upon property within a residential area. This subsection ~~shall~~will not apply to the parking or standing of a vehicle for the purpose of expeditiously loading or unloading passengers, freight, or merchandise, or to recreational vehicles, as defined by Section 37-1 of the Code of Ordinances.

(b) In this section, **Residential Area** means any block ~~face~~-zoned SF-1, SF-2, SF-3, SFA, SFA-2, SFA-3, MH, MF, 2F, TH or UE.

Sec. 37-87. Stopping, standing, or parking prohibited in specified places.

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person ~~shall~~may:

(1) Stop, stand, or park a vehicle:

- (a) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (b) On a sidewalk;
- (c) In Within an intersection;
- (d) On a crosswalk;
- (e) Between a safety zone and the adjacent curb or within thirty (30) feet of a place points on the curb immediately opposite the ends of a safety zone, unless a different length is

- indicated by signs or markings;
- (f) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
 - (g) ~~On a~~ ~~Upon any~~ bridge or other elevated structure ~~on upon~~ a highway or ~~in within~~ a highway tunnel;
 - (h) On ~~a any~~ railroad tracks;
 - (i) On any controlled-access highway;
 - (j) In the area between roadways of a divided highway, including crossovers; or
 - (k) At any place where official traffic-control devices prohibit stopping.
- (2) Stand or park ~~a vehicle~~ an occupied or unoccupied vehicle, ~~whether occupied or not~~, except momentarily to pick up or discharge a passenger ~~or passengers~~:
- (a) In front of a public or private driveway;
 - (b) Within fifteen (15) feet of a fire hydrant;
 - (c) Within twenty (20) feet of a crosswalk at an intersection;
 - (d) Within thirty (30) feet upon the approach to any flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway;
 - (e) Within twenty (20) feet of a driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of the said entrance when the entrance is properly marked with a sign properly signposted; or
 - (f) At any place ~~where where an~~ official traffic-control devices prohibits standing.
- (3) Park an occupied or unoccupied vehicle ~~vehicle, whether occupied or not~~, except temporarily ~~to for the purpose of and while actually engaged in loading or unloading merchandise property~~ or passengers:
- (a) Within fifty (50) feet of the nearest rail of a railroad crossing; or
 - (b) At any place where an official traffic-control devices prohibits parking.
- (4) A person may not move a vehicle that is not lawfully under the person's control into an area where a vehicle is prohibited under Section ~~37-87.545-302~~

~~(c) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.~~

Sec. 37-88. Parking prohibited in alleys located in the central business district.

(a) Definition. As used in this section, "central business district" ~~shall means~~ all ~~parts that part~~ of the city which are is within the area bounded on the south by Avenue "B", on the east by Eighth Street, on the north by French Avenue, and on the west by Ninth Street.

- (b) Parking in alleys within the central business district is prohibited. It ~~shall be is~~ unlawful to park,

abandon, or leave a motor vehicle in an alley within the central business district, except as hereinafter provided.

(c) Exception and duty.

- (1) Vans and trucks used for delivery of merchandise, and actually loading or unloading merchandise, and vans and trucks of utility companies, plumbers, electricians, air conditioning and heating firms, etc., utilized at the time in providing services to buildings abutting the alley are excepted from the provision of subsection paragraph (b); provided, however, that this exception applies only to vans and trucks during the time actually being loaded or unloaded, or being utilized in providing service, and parked in such a manner to leave a ten-foot clearance for other vehicles traveling the alley.
- (2) The operator of any vehicle, described in subsection (c)(1) above, ~~shall~~ must remain in such close proximity to said vehicle that, if another vehicle does not have sufficient clearance to pass said vehicle in the alley, ~~the operator~~ he may be promptly summoned to move said vehicle ~~to temporarily move same~~ at any time such movement is necessary to allow passage of another vehicle in ~~the~~ an alley.

Sec. 37-89. Prohibited for certain purposes

It ~~shall be~~ is unlawful for any person to stop, stand, or park any vehicle upon any public street, or alley, city-owned parking lot, park, playground, golf course, or athletic field of the City of Temple for any of the following purposes:

- (1) For the primary purpose of offering such vehicle for sale or selling the same.
- (2) For the purpose of repairing such vehicle or accessories thereon or attached thereto; provided that part (23) of this section ~~shall~~ will not apply to emergency tire repair nor to any other emergency repairs for the purpose of removing the vehicle from the streets, avenues, and alleys, or.
- (3) For the primary purpose of washing a vehicle.

Sec. 37-90. Leaving less than ten feet of roadway open for traffic.

(a) It ~~shall be~~ is unlawful for the operator of any vehicle to stop, stand, or park such vehicle upon a street, except as otherwise authorized in this chapter other than an alley, in such manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway free for movement of vehicular traffic, except during actual unloading or loading of passengers or when necessary in obedience to traffic regulations, an official traffic control device, or traffic signs or signals ~~or~~ a police officer.

- (b) It ~~shall be~~ is unlawful for the operator of any vehicle to park such vehicle within an alley in such

manner or under such conditions as to leave available less than ten (10) feet of the width of the ~~roadway~~ alley for the free movement of vehicular traffic.

Sec. 37-91. Intersection ~~v~~Visibility ~~t~~Triangle.

(a) A vehicle, fence, wall, screen, view obstruction, or foliage is not allowed within the intersection visibility triangle at elevations between three feet and eight feet above the average street grade. Obstructions of this nature are declared to be a public traffic nuisance. A person may not park or allow parking of a vehicle or boat in the intersection visibility triangle at elevations between three feet and eight feet above the average street grade.

(b) Obstruction of an intersection visibility triangle must be abated within 10 days after written notice.

(Ordinance No. 2010-4361, 06-03-10)

Sec. 37-92. Designation and marking of parking spaces and areas where parking is prohibited or limited.

(a) The ~~traffic management administrator~~ transportation director is hereby authorized, on the basis of an engineering and traffic investigation, to prohibit, regulate, or limit stopping, standing, or parking vehicles at all times or during specified hours.

(b) No prohibition, regulation, or limitation relating to stopping, standing, or parking imposed under this chapter or any other ordinance of this city ~~shall~~ will be effective unless official traffic-control devices are erected and in place at the time of any alleged offense. ~~and it shall be~~ is the duty of the ~~traffic management administrator~~ transportation director to erect and maintain such devices.

~~(c) The traffic management administrator transportation director is hereby authorized to designate parking spaces and parking areas for the exclusive use of persons with disabilities.~~

Sec. 37-93. Two-hour parking zone.

(a) The City Manager or his/her designee is hereby authorized to determine and designate in and on such streets and portions thereof spaces in which parking is limited to two-hour periods of time. In ~~an~~ areas designated as a two-hour parking zones, signs or other clearly distinguished markings will be posted or made at both ends of the two-hour parking zones and at reasonable intervals between the beginning and ending of the zone. If the signs or other markings for the two-hour parking zone indicate the days or times allowed for parking therein, such prohibition will only apply on such days and between such hours as prescribed by the signs or markings.

(b) It is unlawful for any person to leave standing or parked any vehicle for a period of more than two hours in a two-hour parking zone, and each successive two hours that a vehicle should be left

continuously parked in such zone ~~shall~~ will constitute a separate offense.

- (c) The city manager is authorized to suspend this ~~section~~ by decree during public events or when the municipal parking lot adjacent to City Hall is closed.
- (d) The city manager is authorized to grant permits to persons involved in construction in or near two-hour parking zones to park construction related vehicles in these zones longer than designated by signage. It ~~is~~ unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit. ~~Persons who fail to abide by the terms of a permit may receive a parking citation for each successive two (2) hours that a vehicle is left continuously parked in a two-hour parking zone in violation of the permit.~~

In

The area in the City of Temple, Texas, shown on the drawing attached hereto as Exhibit "A," a copy of which is kept on file in the City Secretary's Office, and is most particularly described as the north side of Barton Avenue (between Main and 2nd Streets), south side of Barton Avenue (between 3rd & 4th Streets), south side of Adams Avenue (between 1st & Main), north side of Central Avenue (between 1st & 4th Streets), south side of Central Avenue (between 3rd & 4th Streets), north side of Avenue A (between 1st & 4th Streets), south side of Avenue A (Between 1st & 2nd Streets), west half of south side of Avenue A (between 2nd & 4th Streets), south side of Avenue B (between Main & 2nd Streets), east & west side of 1st Street (between Calhoun & Adams Avenue), west side of 4th Street (between Central & Avenue A), north half of the east side of 1st Street (between Central & Avenue A), south half of the east side of 1st Street (between Avenue A & B), east and west side of Main Street (between Calhoun and Avenue B), east and west side of 2nd Street (between Barton & Avenue B), is hereby designated a two-hour parking zone, except as otherwise posted, and appropriate signs shall be erected giving notice of such two-hour limitation, and, except as provided at Subsection (b), it shall be unlawful for any person to leave standing or parked any vehicle for a period of more than two (2) hours, and each successive two (2) hours that a vehicle shall be left continuously parked in such zone shall constitute a separate offense.

—(b) The city manager is authorized to suspend this Section by decree during public events or when the municipal parking lot adjacent to City Hall is closed.

(Ordinance No. 2009-4303, August 20, 2009)

Sec. 37-94. ~~Parking a~~Areas ~~d~~Designated for ~~p~~Persons with ~~d~~Disabilities. ~~Privileged parking; persons with disabilities.~~

- (a) Except as provided in subsection (b), a person may not stop, stand, or park a vehicle in a parking space or area on public or private property that is designated for use by a person with a disability in accordance with applicable law. Parking spaces or areas designated for persons with disabilities on private property do not have to be in compliance with the identification requirements referred to in Chapter 681 (*Privileged Parking*) of the Texas Transportation Code.

(b) This prohibition does not apply if the vehicle is operated by or for a person with a temporary or permanent disability, and the vehicle displays:

(1) License plates for the vehicle issued in accordance with the Texas Transportation Code for use by ~~a~~ persons with disabilities; or

(2) A disabled parking placard issued in accordance with Chapter 681 of the Texas Transportation Code.

(c) A person may not stop, stand, or park a vehicle on public or private property in a manner that blocks an access or curb ramp, accessible pedestrian space between or adjacent to a parking space, or other architectural feature designed to aid a person with a disability.

(d) A peace officer or a person designated by the city under Sec. 681.0101 of the Texas Transportation Code may enforce this section.

— Definitions for this Section:

(1) ~~DISABLED PARKING PLACARD~~ means the placard issued by the state under Section 681.002 of the Texas Transportation Code, as amended.

(2) ~~DISABLED PERSON~~ means a person who has a permanent or temporary disability within the meaning of Section 681.001 of the Texas Transportation Code, as amended, and who has applied for and received:

(A) ~~a disabled person or disabled veteran license plate from the state;~~

(B) ~~a disabled parking placard from the state; or~~

(C) ~~a license plate or placard bearing the international symbol of access issued by a U.S. state or by a state or province of a foreign country.~~

(3) ~~DISABLED PERSON LICENSE PLATE~~ means the specially designed license plate of a vehicle, issued by the state to a permanently disabled person under Section 504.201 of the Texas Transportation Code, as amended.

(4) ~~DISABLED VETERAN LICENSE PLATE~~ means the specially designed license plate of a vehicle, issued by the state to a disabled veteran under Section 504.202 of the Texas Transportation Code, as amended.

(5) ~~INTERNATIONAL SYMBOL OF ACCESS~~ has the meaning assigned in Section 681.001 of the Texas Transportation Code, as amended.

~~— DESIGNATION OF PARKING SPACES OR AREAS FOR DISABLED PERSONS ON PUBLIC AND PRIVATE PROPERTY.~~

~~— (1) The traffic management administrator/transportation director is hereby granted the authority to designate and mark certain parking spaces on the public streets and in the public parking lots of the city for the use of disabled persons in accordance with Section 681.009 of the Texas Transportation Code, as amended.~~

~~— (2) A person who owns or controls property used for parking may designate one or more parking spaces or a parking area for the exclusive use of vehicles transporting disabled persons in accordance with Section 681.009 of the Texas Transportation Code, as amended.~~

~~— (A) The entirety of this Section applies to a parking space or area for disabled persons on private property that is designated in compliance with Section 681.009(b) of the Texas Transportation Code, as amended.~~

~~The city may appoint parking enforcement officials to have the authority to file charges against persons who commit offenses under Chapter 681, Texas Transportation Code, as amended.~~

~~— OFFENSES.~~

~~Violations of disabled parking regulations on public or private property are governed by, and may be enforced pursuant to, Chapter 681 of the Texas Transportation Code, as amended.~~

~~— The city may appoint a parking enforcement official to have authority to file a charge against a person who commits an offense under this Section, pursuant to Section 681.0101 of the Texas Transportation Code.~~

~~(a) Definitions. The provisions and terminologies of Chapter 681 of the Texas Transportation Code are hereby adopted by reference and shall apply to this section.~~

~~(b) Private property. A person who owns or controls private property used for parking may designate one or more parking spaces or a parking area for the exclusive use of vehicles transporting persons with disabilities.~~

~~(c) Political subdivisions. A political subdivision that designates a parking space or area for the exclusive use of vehicles transporting persons with disabilities must conform to the standards and specifications adopted by the Commissioner of Licensing and regulation under Section 5(c), Article 9102, Texas Revised Statutes, relating to the identification and dimensions of parking spaces for persons with disabilities. Copies of these standards and specifications are on file in the Offices of the City Secretary and Construction and Safety Services.~~

~~(d) Offenses. A person commits an offense if the person:~~

~~(1) parks a vehicle not displaying disabled person identification in a parking space~~

~~designated specifically for persons with disabilities.~~

~~———— (2) — is not a person with a disability and is not transporting a person with a disability and parks a vehicle with disabled person identification in a parking space designated specifically for the disabled.~~

~~———— (3) — parks a vehicle so that the vehicle blocks or obstructs an architectural improvement designed to aid persons with disabilities, including an access or curb ramp.~~

~~———— (4) — lends a disabled parking placard issued to the person to another person who uses the placard in violation of this section.~~

~~———— (e) *Applicability.* The offenses defined in this section apply to a parking space or area on public or private property that is designated exclusively for persons with disabilities in compliance with the identification requirements referred to in subsection (c) of this section.~~

~~(e) *Penalty.*~~

~~———— (1) — An offense under this section is a Class C misdemeanor. Except as provided by subdivisions (2)-(6) of this subsection, an offense under this section is punishable by a fine of not less than \$100 or more than \$200.~~

~~———— (2) — If it is shown on the trial of an offense under this section that the person has been previously convicted one time of an offense under this section, the offense is punishable by a fine of not less than \$200 or more than \$300.~~

~~———— (3) — If it is shown on the trial of an offense under this section that the person has been previously convicted two times of an offense under this section, the offense is punishable by a fine of not less than \$300 or more than \$400.~~

~~———— (4) — If it is shown on the trial of an offense under this section that the person has been previously convicted three times of an offense under this section, the offense is punishable by a fine of not less than \$400 or more than \$500.~~

~~———— (5) — If it is shown on the trial of an offense under this section that the person has been previously convicted four times of an offense under this section, the offense is punishable by a fine of \$500.~~

Sec. 37-95. Direction of pParked or sStopped vVehicles

~~———— (a) Every vehicle parked or stopped on any street in the city **must** be parked or stopped parallel with the edge of the roadway, headed in the direction of traffic, and with curb-side wheels of~~

the vehicle within eighteen (18) inches of the curb or edge of the roadway except where streets are appropriately marked for perpendicular or for angle parking.

- (b) Every vehicle parked or stopped on any street in the city in a parking space appropriately marked for perpendicular or angle parking **must** be parked with the front of such vehicle adjacent to the curb or sidewalk.

Sec. 37-96. Compliance with parking space markings

- (a) If a parking space limit line is delineated on a street or parking lot owned or maintained by the city, a person:

- (1) May not park a vehicle on or across the line; and
- (2) **Must** park a vehicle entirely within the delineated area.

- (b) A person may not park a vehicle in a driveway of a parking lot owned or maintained by the city.

~~All vehicles parked or stopped on any street in the city must be parked or stopped entirely within the lines designating the parking space with the front of the vehicle headed in the direction of the curb.~~

- ~~(a) **Reserved.**~~

Sec. 37-976. ~~Permits for loading~~ **Loading or unloading at an angle to the curb.**

Backing of a vehicle to the curb is permitted for the limited purpose of loading or unloading merchandise or other property. In no case shall the stop for loading and unloading merchandise or other property exceed 30 minutes.

- ~~(a) (a) The traffic management administrator is authorized to issue special permits to authorize the backing of a vehicle to the curb for the purpose of loading or unloading property subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property alongside the curb or to the owner of the vehicle and shall grant to such person the privilege as therein stated and herein authorized.~~

- ~~(b) (b) It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.~~

Sec. 37-987. Parking of trucks with more than two axles

The parking of trucks with more than two (2) axles on any street or alley within the corporate limits of the City of Temple, Texas, is hereby prohibited; provided, however, that the prohibition set out in

this section ~~shall~~will not apply to such trucks parked for the purpose of loading or unloading or for the purpose of making emergency repairs.

Sec. 37-998. Parking of Boats, Non-Motor Vehicles and Recreational Vehicles

(a) Definitions. Whenever used in this section, the following terms ~~shall be~~are defined as follows:

(1) Bboat means any watercraft, vessel, or outboard motor.

~~(2) motor vehicle means any vehicle that is self-propelled.~~

~~(3) non-motor vehicle means any vehicle or device without motive power and which is not self-propelled and is designed for use with a self-propelled vehicle and is used to carry property or passengers on its own structure. Non-motor vehicle shall include trailers, utility trailers, trailer-mounted equipment or wheel-mounted machinery.~~

~~(4) recreational vehicle means any motor vehicle primarily designed, equipped or used as temporary dwelling or sleeping quarters for recreational camping or travel use. Recreational vehicle shall include travel trailers, camping trailers, tent trailers, house trailers, motor homes and converted buses, but shall not include truck campers which do not exceed one ton capacity and are not longer than twenty-two (22) feet in length.~~

(2) Public roadway means any public street, alley, road, right-of-way, or other public way, including paved and unpaved portions of the right-of-way.

(b) It ~~shall be~~is unlawful for any person to park or place any boat, non-motor vehicle or recreational vehicle on any public roadway within the city limits of Temple, Texas, unless the boat, non-motor vehicle or recreational vehicle is connected or otherwise secured to a motor vehicle.

(c) It ~~shall be~~is unlawful for any person to park or place any boat, non-motor vehicle or recreational vehicle which is connected or secured to a motor vehicle on any public roadway within the city limits of Temple, Texas for a period of ~~more than~~ more than forty-eight (48) hours at any one place.

(d) For prosecution under subsection (b) or (c) of this section, it is presumed that the registered owner or the owner or occupant of the property adjacent to the location of the offense, ~~if the identity of the registered owner cannot be determined,~~ is the person who parked or placed the boat, non-motor vehicle, or recreational vehicle in violation of subsection (b) or (c) of this section, at the time and place of the offense charged.

~~Sec. 37-99. Parking in city-owned parking lots.~~

~~—(a) Parking spaces in city-owned parking lots shall be marked in accordance with section 37-92 of the Code of Ordinances of the City of Temple, Texas.~~

~~—(b) In areas of city-owned parking lots where parking spaces have been properly marked all vehicles parked in such lots shall be parked within a marked parking space, and it shall be unlawful to park or leave standing a vehicle in such a manner as to take up or obstruct more than one such parking space or in any manner that would obstruct the movement of traffic in said lot.~~

~~—(c) It shall be unlawful for any person to stop, stand, or park any vehicle upon any city-owned parking lot for any of the following purposes:~~

~~——(1) For the primary purpose of offering such vehicle for sale or selling the same.~~

~~——(2) For the primary purpose of displaying advertising; provided that parts (1) and (2) of this section shall not apply to vehicles displaying signs or advertisements which are incidental, and in addition to the primary and regular use of said vehicle as a means of transportation.~~

~~——(3) For the purpose of repairing such vehicle or accessories thereon or attached thereto; provided that part (3) of this section shall not apply to emergency tire repair nor to any other emergency repairs for the purpose of removing the vehicle from said city-owned parking lot.~~

Sec. 37-100. Parking for more than two days prohibited.

It ~~shall be~~ unlawful for any person to park or permit to remain parked or standing any vehicle, ~~as defined in Tex. Rev. Civ. Stat. Ann. Art. 6675a-1 (Vernon 1988),~~ upon any street, alley, or city-owned parking lot within the city for longer than two (2) days at any one place. ~~The term "street" as used in this section shall include the parkway thereof.~~

Sec. 37-101. Parking of vehicles used for transporting liquefied petroleum gases.

(a) Except in an emergency, no tank vehicle containing liquefied petroleum gas ("LPG") ~~shall~~ may be left unattended on any street, highway, avenue or alley, provided that this ~~shall does~~ not prevent a driver from the necessary absence from the truck in connection with the delivery of his or her load, except that during actual discharge of the liquid some responsible person ~~shall must~~ be present at the vehicle, nor ~~shall does~~ it prevent stops for meals during the day or night if the street is lighted at point of parking.;

(b) Tank vehicles used to transport or deliver LPG ~~shall may~~ not be parked out of doors at any one point longer than 1 hour, except on a premises of a facility approved for storing or servicing LPG tank vehicles. The location ~~shall must~~ be off any street, ~~and~~ at least 50 feet from any building, and 25 feet from any property line.

(c) LPG tank vehicles used to transport ~~shall may~~ not be parked or garaged in any building or

near any building other than those specifically approved for such use by the fire official.

Sec. 37-102. Parking near scene of fire.

It ~~shall be~~ unlawful for any operator to park any vehicle within three hundred (300) feet of any burning building or other thing where fire-fighting apparatus is being used for the purpose of extinguishing the same, except under the direction of the chief, ~~or~~ other officer of the fire department, ~~or~~ or a police officer of the city.

Sec. 37-103. Parking in fire lanes.

(a) The marking of fire lanes on private property, devoted to public use, ~~shall will~~ be approved by the fire chief ~~and the police chief~~ of the City ~~of Temple, Texas~~ or his or her designee(s).

(b) The fire chief ~~shall have has~~ the authority, by and with the consent of the city council expressed by resolution, to determine where such fire lanes ~~shall will~~ be required and ~~shall have has~~ the authority to require that such fire lanes be marked and maintained. Such fire lanes ~~shall will~~ be marked by painting the curb red with the words "Fire Lane" stenciled thereon at appropriate intervals together with signs, placed at appropriate distances, which indicate the existence of the fire ~~land lane~~ and that parking in or blocking the fire lane is prohibited.

(c) It ~~shall be is~~ unlawful for any person to park or to allow to be parked any vehicle in a properly marked fire lane or to otherwise obstruct such fire lane.

Sec. 37-104. Parking of vehicles at Draughton-Miller Airport.

(a) It ~~shall be is~~ unlawful for any person to park any motor or non-motor vehicle ~~automobile or other vehicle~~ at Draughton-Miller Airport outside the limits of the designated parking area for the particular kind or type of ~~automobile or~~ vehicle.

(b) No aircraft or vehicle ~~shall may~~ be parked within twenty-five (25) feet of a fire hydrant at Draughton-Miller Airport.

Sec. 37-105. Parking of nNon-mMotor yVehicles and rRecreational yVehicles pProhibited.

(a) Definitions. Whenever used in this section, the following terms ~~shall be are~~ defined as follows:

(1) Corner lot means any triangular portion of a plot of ground defined by measuring thirty (30) feet along the curb line or adjacent streets and whose hypotenuse ~~shall be is~~ the connection of the two (2) points as measured along the curb line.

(2) Private property means any privately owned real property, lot, tract or parcel of land, or portion thereof, including a private driveway, roadway or alley, within the city limits of Temple, Texas.

~~(1) Residential lot means any private lot, tract, or parcel of land or portion thereof that is located within a residential area or territory primarily improved with residences or buildings used for business purposes and residences.~~

~~(2)~~

~~(3) (5) sidewalk means any paved portion of a street between the curb lines and the adjacent property lines which is continuous along the street.~~

~~(4)~~

~~(36) residential lot means any private lot, tract or parcel of land or portion thereof that is located within a residential area or territory primarily improved with residences or buildings used for business purposes and residences.~~

(b) It ~~shall be~~ unlawful for any person to park, place or locate on any private property any non-motor vehicle or recreational vehicle that:

(1) ~~is~~ within six (6) feet from the back of any curb or edge of the pavement if no curb exists;

(2) ~~is~~ in, blocks, or otherwise obstructs any paved sidewalk;

(3) ~~is within a corner lot; or~~

(4) ~~is not secured with wheel stops on the wheels on each side or otherwise secured to adequately hold the vehicle on any grade on which the vehicle is parked.~~

~~(1)~~

~~(3) is within a corner lot.~~

~~(4) is not secured with wheel stops on the wheels on each side or otherwise secured to adequately hold the vehicle on any grade on which the vehicle is parked.~~

~~(a)~~ (c) It is unlawful for any person to use a non-motor vehicle or recreational vehicle for housekeeping, dwelling, or sleeping quarters for any period exceeding two (2) weeks during any six (6) month period.

(d) For prosecution under subsection (b) or (c) of this section, it is presumed that the registered owner or the owner or occupant of the property which is the location of the offense, ~~if the identity of the registered owner cannot be determined,~~ is the person who parked, placed, or used the non-motor vehicle or recreational vehicle in violation of this section.

Sec. 37-106. Passenger and loading zones generally.

(a) The ~~traffic management administrator~~ transportation director is hereby authorized to determine the location of loading zones and passenger loading zones and ~~shall~~ will place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this Code are applicable. In lieu of such signs, such zones may be laid out and designated by yellow-colored lines or marks on the surface of the street or curb, ~~with the words "Loading Zone" painted thereon.~~

(b) No person ~~shall~~may stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of property in any place marked as a loading zone during hours when the provisions applicable to such zones are in effect. In no case ~~shall~~may the stop for the expeditious loading and unloading of property exceed thirty (30) minutes.

(c) The driver of a vehicle may stop temporarily at a loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any vehicle which is waiting to enter or about to enter such zone to load or unload property. In no case may such a stop exceed thirty (30) minutes.

(d) The city manager is authorized to grant permits to persons involved in construction in or near passenger and loading zones to park construction related vehicles in these zones longer than designated by signage or colored markings or lines. Persons who fail to abide by the terms and conditions of the permit may receive a citation for each successive thirty (30) minutes that a vehicle is left continuously parked in these zones in violation of the permit.

Sec. 37-107. Bus stop and taxicab stands

(a) The ~~traffic management administrator~~transportation director is hereby authorized and required to establish bus stops, bus stands, taxicab stands, and stands for other passenger common-carrier motor vehicles on such public streets in such places and in such number as he ~~or she~~shall ~~determines~~ to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand, or other stand ~~shall~~will be designated by appropriate signs.

(b) The operator of a bus ~~shall~~may not stand or park such vehicle upon any street at any place other than a bus stand, bus stop, or passenger loading zone so designated as provided herein, except in case of an emergency.

(c) The operator of a bus ~~shall~~may not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand, or passenger loading zone so designated as provided herein, except in case of an emergency.

(d) The operator of a bus ~~shall~~must enter a bus stop, bus stand, or passenger loading zone on a public street in such a manner that the bus, when stopped to load or unload passengers or baggage, ~~shall~~will be in a position with the right front wheel of such vehicle not farther than eighteen (18) inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(e) The operator of a taxicab ~~shall~~may not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision ~~shall~~does not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of

passengers.

(f) No person ~~shall~~may stop, stand, or park a vehicle other than a bus in a bus stop, bus stand, or passenger loading zone or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

Sec. 37-108. Reserved.

Sec. 37-109. Vehicle parked in violation of city ordinance.

No person ~~shall~~may allow, suffer, or permit any vehicle registered in his name to stand or be parked in, on or upon any street in the City of Temple in violation of any of the ordinances of this city regulating the stopping, standing, or parking of vehicles.

Sec. 37-110. Parking violations made -civil offenses

A violation of a provision of this article governing the stopping, standing, and parking of a vehicle is a civil offense.

Sec. 37-111. Hearing officer powers, duties, and functions.

(a) The city manager, or the city manager's designee, will appoint one or more hearing officers to administratively adjudicate stopping, standing, and parking violations under the Code of Ordinances.

(b) A hearing officer has the authority to:

(1) Administer oaths;

(2) Issue orders compelling the attendance of witnesses and the production of documents, which may be enforced by the municipal court;

(3) Accept admissions and hear and determine contests of parking violations under this article;

(4) Assess civil fines, penalties, and costs for a parking violation in accordance with this articlechapter;

(5) Issue orders of immobilization or impoundment of vehicles;

(6) Set conditions for the release of vehicles immobilized or impounded under this article;

- (7) Administratively terminate citations or dismiss cases arising from possible violations of this article that the hearing officer determines to be uncollectable, unenforceable, or erroneously issued; and
- (8) Preside over, hear evidence, and make findings at immobilization and impoundment hearings under this article.

Sec. 37-112. Citations

- (a) The administrative adjudication process for violations under this article **will** be initiated by the issuance of a citation which may be issued by a peace officer or by a parking enforcement official designated to perform this duty by the Temple Police Department.
- (b) A citation serves as the summons and provides the time and place of an administrative adjudication hearing.
- (c) A citation **will** contain the following information:
 - (1) The nature, date, time, and location of the alleged violation;
 - (2) The state license plate number of the vehicle, or if the license plate number is not visible or legible, other observable identification information, including but not limited to vehicle identification number or the state inspection tag number;
 - (3) The make of the vehicle, if known, or a vehicle description;
 - (4) The appearance date for the citation, including information as to the time and place of the administrative adjudication hearing for the alleged offense committed under this article scheduled on the appearance date;
 - (5) A notification that the person charged with the violation has the right to an instant hearing on or before the appearance date on a day of the week established by the municipal court for the routine operation of the court;
 - (6) A notification that failure to answer the citation or to appear for a hearing on or before the appearance date is considered an admission of liability for the violation and will result in the assessment of civil fines, costs, and fees; and
 - (7) The identification number and/or the initials of the individual issuing the citation.
- (d) The original or a copy of the citation is a governmental record kept in the ordinary course of

city business and is rebuttable proof of the facts it contains.

Sec. 37-113. Service of a citation; presumption of service.

- (a) A citation must be served on the operator of the vehicle or the registered owner of the vehicle by either personal service of the citation or by affixing the citation to the vehicle in a conspicuous place.
- (b) The operator of a vehicle who is not the registered owner but has the express or implied permission to operate the vehicle is considered the registered owner's agent and is authorized to receive a citation.
- (c) The original and all copies, including electronic copies, of a citation are prima facie evidence that the citation was issued and that an attempt at service was made in accordance with this section.

Sec. 37-114. Answering a citation.

(a) A person issued a citation **must** answer the citation not later than the appearance date provided on the citation.

(b) An answer may be made in any of the following ways:

(1) A person may admit liability and pay the applicable civil fines, costs, and fees. A person may pay in person, by mail, by electronic means, or by other method of payment as determined by the municipal court clerk; or

(2) A person may appear before a hearing officer on the appearance date for his or her scheduled administrative hearing or at an instant hearing before the appearance date.-

(c) Payment of civil fines, costs, and fees assessed under this article operates as an admission of liability for the parking violation and is the final disposition of the parking violation charge.

Sec. 37-115. Presumptions

In an administrative adjudication hearing for a citation:

(a) It is presumed that the registered owner of the motor vehicle is the person who parked or stopped the vehicle at the time and place of the offense charged; and

(b) The Texas Department of Motor Vehicles' computer-generated record of the registered vehicle owner is prima facie evidence of the contents of the record.

Sec. 37-116. Hearings for **dis**position of a **ci**tation.

(a) A hearing to adjudicate a parking violation charge under this article **will** be conducted by a hearing officer.

(b) The Texas Rules of Evidence do not apply to a hearing under this article.

(c) No formal or sworn complaint or any other charging instrument is required.

(d) The hearing officer **will** hear and consider:

(1) Evidence presented by the person charged;

(2) Presumptions and prima facie evidence established by this article or other applicable law; and

(3) Evidence presented by the issuing officer, if he or she attends the hearing.

(e) The hearing officer **will** make a decision based on a preponderance of the evidence after considering the presumptions.

(f) All hearings **will** be recorded by an electronic recording device.

(g) The acceptance of documents or real evidence shall be noted on the record. The recorded testimony, documents, and other evidence shall constitute the record for appeal. The **Municipal Court** **will** maintain all exhibits admitted during the proceeding and the official record of the proceeding.

(h) The person who issued the citation is not required to attend an instant hearing, unless ordered to do so by the hearing officer.

(i) It is not required that the prosecuting attorney attend the hearing. If the person is represented by legal counsel at the hearing, the hearing officer **must** notify the prosecuting attorney who **will** have **the** right to appear on behalf of the city at the hearing.

(j) At the conclusion of the hearing, a hearing officer **will** issue an order either:

(1) Finding the person is liable for the parking violation and assessing the applicable civil fines, costs, and fees; or

(2) Finding the person is not liable for the parking violation.

(k) A person charged with a civil offense who fails to answer a citation on or before the appearance date is considered to admit liability for the offense charged, and an order **will** be issued on that basis.

(l) Any orders issued under this article **will** be filed with the municipal court clerk. Orders **will** be kept in a separate index and file. The order may be recorded using microfilm, microfiche, or data processing techniques.

Sec. 37-117. Appeals.

- (a) A person found liable by the hearing officer for a parking or stopping ordinance may appeal the determination to municipal court.
- (b) The appeal must be instituted by filing, not later than the 30th day after the date on which the hearing officer's order is filed, a petition with the clerk of the municipal court and paying a non-refundable filing fee.
- (c) A person who accepts liability or fails to contest liability by the appearance date is not entitled to an appeal hearing.
- (d) Service of notice of appeal under this section does not stay the enforcement and collection of any order of a hearing officer, unless the person found liable, before appealing, posts a cash appeal bond with the municipal court clerk in an amount equal to all civil fines, costs, and fees assessed by hearing officer.
- (e) When an appeal petition is filed, the municipal court clerk **will** schedule an appeal hearing and notify each party of the date, time, and location of the appeal hearing.
- (f) An appeal hearing is conducted by the municipal court judge.
- (g) The judge **will** review the record and hear oral arguments of the parties at the appeal hearing.
- (h) The judge may receive evidence of procedural irregularities alleged to have occurred at the hearing that are not reflected in the record.
- (i) The judge **may** not reverse the hearing officer's decision unless it is determined to be:
 - (1) In violation of law;
 - (2) Not reasonably supported by substantial evidence, based upon a review of the reliable and probative evidence in the record as a whole; or
 - (3) Arbitrary and capricious or characterized by an abuse of discretion.
- (j) If the findings of the hearing officer are affirmed, the civil fines, costs, or fees may not be modified except that additional penalties and other costs or fees may be added according to this article.

(k) The municipal court judge's ruling is final and may not be appealed.

Sec. 37-118. Fine Amounts

(a) Upon a finding of liability, a hearing officer may assess the person a fine ranging from one dollar (\$1.00) to five hundred dollars (\$500.00) in addition to applicable costs and fees.

(b) A late fee will be assessed if:

(1) The person does not answer the citation on or before the appearance date; or

(2) The person fails to pay in full within a specified time period.

(c) A ten dollar (\$10.00) late fee may be assessed every thirty days up to a maximum of sixty dollars (\$60.00) until all applicable fines, costs, and fees are paid in full.

(d) A hearing officer may reduce fine amounts based on an inability to pay or allow liable persons to make payment plans based on ability to pay.

Sec. 37-119. Enforcement of oOrder.

When a person is found liable for violations under this article and has not paid the fines, costs, and fees assessed when due, the fines, costs, and fees assessed for the violations may be enforced by:

(a) Impounding the vehicle if the owner or operator of the vehicle has committed three or more such violations in a calendar year;

(b) Placing a device on the vehicle that prohibits movement of the motor vehicle if the owner or operator of the vehicle has committed three or more such violations in a calendar year or has three or more outstanding or unresolved citations issued under this article;

(c) Imposing an additional fine if the original fine is not paid within a specified time;

(d) Denying issuance of or revoking a parking or operating permit, as applicable; or

(e) Filing an action to collect the fines, costs, or fees in a court of competent jurisdiction.

Sec. 37-120. Impoundment or immobilization of motor vehicles

(a) A hearing officer **will** determine if a vehicle is subject to impoundment or immobilization under this article.

(b) If a hearing officer determines that a vehicle is subject to impoundment or immobilization, the hearing officer **will** send a written notice of the opportunity for a hearing before a written order to impound or immobilize the vehicle is issued. The written notice **will** be mailed to the last address of the registered owner on record with the Texas Department of Motor Vehicles or to the address of the registered owner or operator last known to the hearing officer.

(c) The written notice **will** contain the following information:

(1) The vehicle license plate number;

(2) The name of the last registered owner of the vehicle;

(3) The date issued, fine amounts, costs, and fees for all outstanding or unresolved citations issued under this article;

(4) A statement that a request for a hearing to determine whether or not the motor vehicle will be immobilized or impounded must be made to the municipal court clerk in writing, without requirement of bond, within twenty (20) days after the date the notice was mailed;

(5) A statement that failure to request a hearing before the expiration of the twenty-day period, or failure to appear at a requested hearing will constitute a waiver of the opportunity to oppose the proposed impoundment or immobilization; and

(6) A statement indicating that the registered owner of the vehicle, in addition to being responsible for all outstanding citations issued under this article, will be responsible for all fees and costs incurred in immobilizing and impounding the vehicle, including storage fees.

Sec. 37-121. Hearing before hearing officer regarding impoundment or immobilization of vehicle; issuance of order.

(a) A person may request a hearing before a hearing officer to contest impoundment or immobilization of a vehicle.

(b) A request for a hearing under this section must be submitted in writing to the municipal court clerk not later than the twentieth (20th) business day after the date the notice of impoundment or immobilization was mailed.

(c) A failure to timely request or appear at a hearing under this section waives any objection to the proposed impoundment or immobilization of the vehicle.

(d) The only issue at a hearing under this section is whether the vehicle may be impounded or immobilized under Sec. 37-119.

(e) The hearing officer **will** issue an order of impoundment or immobilization if:

(1) A person does not timely request a hearing under this section;

(2) A person does not appear at a scheduled impoundment or immobilization hearing; or

(3) A hearing officer determines at the hearing that the vehicle is subject to impoundment or immobilization.

(f) An impoundment order and an immobilization order must include the information described in Sec. 37-120 regarding notice requirements.

(g) If a hearing is requested and held, the hearing officer **will** provide the signed order of immobilization or impoundment at the hearing.

(h) If a hearing is not requested, a signed order of immobilization or impoundment will be provided upon request and at no cost to a party to the case.

Sec. 37-122. Interference with impoundment or immobilization prohibited.

(a) A person may not knowingly, intentionally, or recklessly obstruct, prevent, hinder, or interfere with a person executing an order of impoundment or immobilization.

(b) A person may not tamper with, deface, damage, or attempt to remove an immobilization device when it has been installed.

(c) An offense under this Section is a Class C misdemeanor and is punishable by a fine up to five hundred dollars (\$500.00).

Sec. 37-123. Execution of impoundment order.

(a) An impoundment order is executed when the vehicle identified in the order is seized, removed to, and stored at an authorized vehicle depository.

(b) An impoundment order may be executed by:

(1) A certified peace officer;

(2) A city parking enforcement officer;

(3) An authorized city employee; or

(4) An authorized city agent.

(c) If it is necessary for a person executing an order of impoundment to enter a motor vehicle to effectuate its impoundment, entry into the vehicle **will** be made by or in the presence of a certified peace officer. An inventory of the vehicle **will** be conducted by or in the presence of certified peace officer who **will** sign the inventory.

(d) The person executing an order of impoundment **will** promptly notify the municipal court clerk or designee of the date and time of the impoundment.

(e) Nothing under this article **will** be construed to restrict or limit the authority of police officers to tow and impound vehicles under other applicable law.

Sec. 37-124. Execution of immobilization order.

(a) An immobilization order is executed when a device designed to restrict the normal movement of the vehicle has been installed or attached.

(b) An immobilization order may be executed by:

(1) A certified peace officer;

(2) A city parking enforcement officer;

(3) An authorized city employee; or

(4) An authorized city agent.

(c) At the time of immobilization, the person executing the order of immobilization **must** attach to the vehicle a conspicuous written notice, on a form provided by the city, that includes the following information:

(1) Notice that the vehicle has been immobilized under a court order and that attempted movement may cause damage to the vehicle;

(2) Notice that it is unlawful for any person to tamper with, deface, damage, or attempt to remove an immobilization device when it has been installed;

(3) Instructions to obtain a release of the vehicle;

(4) Notice that the vehicle may be towed and impounded if the owner or a person authorized to act on behalf of the owner does not obtain a release of the vehicle from the municipal court, or the Temple Police Department when the municipal court is closed, by 4:00 p.m. on the day the vehicle has been immobilized; and

(5) Notice that if the vehicle is towed and impounded, the owner shall be responsible for payment of applicable fees for towing, impoundment, and storage in addition to the civil fines, costs, and fees under this article.

Sec. 37-125. Reclamation of an impounded or immobilized vehicle.

(a) The owner or other person with legal right of possession of a vehicle that has been impounded or immobilized under an order may reclaim the vehicle by:

(1) Presenting evidence satisfactory to the municipal court clerk during its hours of operation, or the Temple Police Department when the municipal court is closed, that establishes ownership or right of possession; and

(2) Paying in full all accumulated civil fines, costs, and fees, including costs and fees of immobilization or impoundment and storage.

(b) If the owner or other person with legal right of possession cannot provide payment in full, the person may appear before a hearing officer during the municipal court's hours of operation to arrange to pay:

(1) All accumulated civil fines, costs, and fees at a later specified date; or

(2) A specified portion of all accumulated civil fines, costs, and fees at designated intervals.

(c) If the owner or other person with legal right of possession has paid, or arranged to pay, the accumulated civil fines, costs and fees, the owner or other person may reclaim the impounded vehicle or have the immobilization device removed. Upon making such payment or payment arrangements, the owner or other person with legal right of possession of the vehicle **will** receive a signed release order for the vehicle.

- (d) A hearing officer may reissue an impoundment or immobilization order under Sec. 37-121 without additional notice if the owner or other person with legal right of possession of the vehicle fails to comply with a condition imposed under this section.

Sec. 37-126. Release of impounded vehicle.

- (a) A person in actual possession of the impounded vehicle **will** release the vehicle to a person named in the release order if the person named in the order presents the signed release order and proof of identity.
- (b) A person releasing the vehicle **will** indicate the date and time that a vehicle was released on the release order, or on a paper attached to it.
- (c) A release order **must** be signed by the person reclaiming the vehicle and the person releasing the vehicle.
- (d) After the release order is signed, the person releasing the vehicle **must** return the order to the municipal court.
- (e) A person in possession of an impounded vehicle may not request or require the person reclaiming the vehicle to sign a release from liability for damages or loss until the person authorized to reclaim the vehicle has been provided a meaningful opportunity to inspect the vehicle and its contents.
- (f) A release from liability **must**:
- (1) Indicate whether the person reclaiming the vehicle has made an inspection of the vehicle;
 - (2) **Include** an enumeration of the damages, if any, allegedly the result of impounding the vehicle; and
 - (3) **Include** a list of the items, if any, allegedly missing from vehicle.
- (g) A copy or duplicate of the original release **must** be provided to the person that reclaims an impounded vehicle.

Secs. 37-~~127112~~--37-14920. Reserved.

ARTICLE V. RESERVED.

ARTICLE V. HAZARDOUS CARGO ROUTES

Section 37-150. Definitions.

For the purposes of this article, the following words and terms ~~shall~~ have the meanings ascribed to them:

- (a) *Hazardous Materials* means any quantity, group, form or class of material designated as hazardous material in any official publication of the Secretary of Transportation of the United States under the authority of 49 ~~C.F.R. U.S.C.A. Section~~ 171, et seq., as amended, including any such publication issued after the effective date of this ordinance.
- (b) *Requiring Placards* means that the materials to be transported is hazardous and is in sufficient quantity to require placarding in accordance with the Department of Transportation Hazardous Materials Regulations (49 ~~C.F.R. U.S.C.A. Section~~ 171, et seq., as amended), or in accordance with ~~stateTexas law, the Tex. Rev. Civ. Stat. Art. 6701D, Section 139, as amended, or regulations promulgated under the authority of said Section 139, as amended.~~
- (c) *Transport* shall mean to move any vehicle requiring placards upon any public thoroughfare or highway.

Section 37-151. Hazardous ~~c~~Gargo ~~r~~Route.

No person ~~shall~~may knowingly transport materials or knowingly cause hazardous materials to be transported upon any public street and highway within the corporate limits of the City of Temple, Texas, except upon those portions of Interstate Highway 35 and H.K. Dodgen Loop, as more fully shown on a map, attached hereto and made a part hereof for all purposes as Exhibit "A," and on file in the Office of the Director of Public Works of the City of Temple. Provided, however, this section ~~shall~~does not apply to those persons who leave the hazardous cargo route by the most direct route to make a delivery or pickup of hazardous cargo within the corporate limits of the City of Temple.

Section 37-152. Vehicle ~~o~~Operation.

The operator of a vehicle used to transport hazardous materials requiring placards ~~shall~~must:

- (a) Apply and display appropriate placards meeting U.S. Department of Transportation specifications; and
- (b) Keep immediately accessible, complete, and adequate shipping papers for the hazardous

materials being shipped, which papers must specify:

- (1) ~~O~~origin of the shipment;
- (2) ~~destination~~Destination or delivery point of the shipment;
- (3) ~~proper~~Proper shipping name;
- (4) ~~hazard~~Hazard class;
- (5) ~~proper~~Proper identification number;
- (6) ~~total~~Total quantity of material being shipped; and

(c) Before operation, inspect the vehicle and determine that:

- (1) The brakes are in good working condition;
- (2) The steering mechanism is in good working condition;
- (3) The electrical wiring is well insulated and firmly secured;
- (4) The required lights are operative;
- (5) The vehicle is in a safe condition to transport hazardous materials;
- (6) The fire extinguisher is fully charged and operational; and
- (7) All emergency features on bulk transport carriers are installed and operative as outlined in U.S. Department of Transportation specifications and requirements.

Section 37-153. Presumptions; ~~d~~Defenses.

It ~~shall-be~~is presumed for purposes of prosecution under this ordinance that a transporting vehicle contains hazardous materials if it bears a placard. It ~~shall-be~~is a defense to prosecution under this ordinance that the transporting vehicle was empty.

Section 37-154. Enforcement.

The Police Department of the City of Temple is expressly authorized to enforce the provisions of this ordinance.

Revised by Ordinance No. 2015-4738 (12/3/15)

ORDINANCE NO. 2017-4845

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 37, "TRAFFIC," TO INCLUDE A GENERAL UPDATE OF THE CHAPTER AND CHANGES TO THE TWO-HOUR PARKING REGULATIONS; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in a continuing effort to review and update the City's Code of Ordinances, Staff is proposing certain amendments to Chapter 37, "Traffic;"

Whereas, the amendments include changes to outdated State law references and City Staff positions and include changes to the City's two-hour parking regulations which deletes a lengthy description of where two-hour parking zones are located and references to an outdated map;

Whereas, the most significant amendment is a proposed change to the enforcement process for parking violations which states that no person may stand or park a vehicle in, on, or upon any street in the City, or violate any of the regulations regarding stopping, standing, or parking vehicles;

Whereas, violations of parking regulations are a criminal offense under Chapter 37, however, State law allows the City to enforce parking violations through a civil process and the proposed amendments designate parking violations as a civil offense and set forth the civil enforcement process;

Whereas, a hearing officer will be appointed within the City to hear and determine contests of parking violations - the hearing officer will have the authority to administer oaths, issue orders compelling the attendance of witnesses and the production of documents, accept admissions, hear and determine contests of parking violations, and assess civil fines, penalties, and costs of a parking violation;

Whereas, the civil adjudication process for parking violations will begin with a citation issued by a peace officer or by a parking enforcement official designated to perform this duty by the Police Department - the citation will provide a time and place for an administrative hearing;

Whereas, the person issued a citation must answer the citation no later than the date provided for the administrative hearing and the answer must be made in the following ways:

- A person may admit liability and pay the applicable civil fines, costs, and fees; or
- A person may appear before the hearing officer on the appearance date for his or her scheduled administrative hearing or at an instant hearing before the appearance date;

Whereas, a person has the right to an instant hearing which may be held before the appearance date on a day of the week established by the hearing officer and at the conclusion of the hearing, the hearing officer will issue an order either (1) finding the person liable for the parking violation and assessing the applicable civil fines, costs, and fees, or (2) finding the person is not liable for the parking violation;

Whereas, the current fine for parking violations is \$5.00 and the amendments propose a range for fine amounts from \$1.00 to \$500.00;

Whereas, the proposed amendments allow for enforcement of a hearing officer's order in the following ways:

- Impounding the vehicle if the owner or operator of the vehicle has committed three or more parking violations in a calendar year;
- Placing a device on the vehicle that prohibits movement of the vehicle if the owner or operator of the vehicle has committed three or more such violations in a calendar year or has three or more outstanding or unresolved citations;
- Imposing an additional fine if the original fine is not paid within a specified time;
- Denying issuance of or revoking a parking or operating permit, as applicable;
- Filing an action to collect the fines, costs, or fees in a court of competent jurisdiction;

Whereas, the listed enforcement actions are allowed by State law;

Whereas, the remaining amendments include a general cleanup of the language and formatting of the Chapter;

Whereas, Staff recommends Council amend the Code of Ordinances, Chapter 37, "Traffic," to include a general update of the Chapter and changes to the two-hour parking regulations;

Whereas, parking fine violation fees are deposited into the General Fund Account No. 110-0000-452-0361; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Part 2: The City Council amends the Code of Ordinances, Chapter 37, “Traffic,” as attached hereto as Exhibit ‘A,’ and made a part hereof for all purposes.

Part 3: All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **1st** day of **June**, 2017.

PASSED AND APPROVED on Second Reading on the **15th** day of **June**, 2017.

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

06/15/17
Item #9
Regular Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Daniel A. Dunn, Mayor

ITEM DESCRIPTION: Consider adopting a resolution appointing one alternate member to the Bell County Public Health District Board of Directors.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Dr. Ray Ashcraft was appointed to the Bell County Public Health District Board of Directors in June 2009; and does not wish to be reappointed at this time. The Health District has now requested the City appoint a regular member and an alternate member to serve. The appointment of an alternate is provided for in the Cooperative Agreement with the Health District.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Resolution](#)