

MEETING OF THE

TEMPLE CITY COUNCIL &

CITY OF TEMPLE EMPLOYEE BENEFITS TRUST

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd FLOOR – CONFERENCE ROOM

THURSDAY, JULY 20, 2017

3:00 P.M.

AGENDA

<u>CITY OF TEMPLE EMPLOYEE BENEFITS TRUST</u>

- 1. 2017-8720-R: Consider adopting a resolution authorizing the purchase of employee insurance policies from the following vendors for FY2018:
 - A) Metropolitan Life Insurance Company for Dental Insurance;
 - B) Metropolitan Life Insurance Company for Basic Life, AD&D, Voluntary Life, and Voluntary AD&D Insurance;
 - C) Metropolitan Life Insurance Company for Long Term Disability insurance; and
 - D) Scott and White Health Plan for Medical and Prescription Insurance.
- 2. 2017-8721-R: Consider adopting a resolution authorizing the following contracts allowing employees to purchase work site supplemental policies for:
 - A) Accident Critical Illness, and Short Term Disability from the Lincoln Financial Group, Ft. Wayne, IN
 - B) Cancer from The Guardian Life Insurance Company of America, New York, NY
 - C) Hospital Indemnity from Metropolitan Life Insurance Company, New York, NY
 - D) Flexible Spending Account, Dependent Spending Account, and Cafeteria 125 Administration by Discovery Benefits, Fargo, ND.

ADJOURN THE CITY OF TEMPLE EMPLOYEE BENEFITS TRUST MEETING AND CONVENE THE WORKSHOP OF THE TEMPLE CITY COUNCIL

- 1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, July 20, 2017.
- 2. Receive an overview briefing of the FY2018 Preliminary Budget, including, but not limited to, the following strategic and budget related policy issues.
 - a. Public Works Utilities and Infrastructure
 - b. Neighborhood Revitalization Initiative
- 3. Discuss In re Panda Temple Power, LLC, the pending bankruptcy case in which Panda Temple Power has filed for Chapter 11 bankruptcy and the City of Temple has made an appearance.

Pursuant to Texas Government Code Section 551.071, the City Council may meet in executive session to seek the advice of its attorney about pending or contemplated litigation, a settlement offer, or a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.

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 <u>discussion</u> or final action will be taken by the City Council.

III. 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.

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

<u>Minutes</u>

(A) July 6, 2017 Special and Regular Meeting

Contracts, Leases, & Bids

- (B) 2017-8722-R: Consider adopting a resolution authorizing the purchase of resale food items for Lions Junction Family Aquatic Center for FY 2017 in the estimated amount of \$38,000 from Performance Food Group of Temple.
- (C) 2017-8723-R: Consider adopting a resolution authorizing a cost sharing agreement with West Tanglefoot Development, Inc. for the construction of a sewer line extension in the North Gate subdivision.
- (D) 2017-8724-R: Consider adopting a resolution authorizing an agreement with Clark & Fuller, PLLC, in an amount not to exceed \$115,217.68, for professional services required for the Azalea Drainage project.

- (E) 2017-8725-R: Consider adopting a resolution authorizing a Chapter 380 Development Agreement, in an amount not to exceed \$39,906, with Highline Real Estate Group for the construction of a sidewalk along Scott Boulevard and the connection of TMED pedestrian lighting to electrical service for property located at South 31st Street.
- (F) 2017-8726-R: Consider adopting a resolution authorizing a Chapter 380 Development Agreement with Fort Hood Area Habitat for Humanity for fee waivers, release of liens and lot clearing for property located at 1414 South 2nd Street, through the Infill Redevelopment Incentive Program.

Ordinances – Second & Final Reading

- (G) 2017-4849: SECOND READING PUBIC HEARING 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.
- (H) 2017-4851: SECOND & FINAL READING: Consider adopting an ordinance authorizing an amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans to appropriate additional funding for Crossroads Park @ Pepper Creek Trail in FY 2017.

<u>Misc.</u>

- (I) 2017-8727-R: Consider adopting a resolution authorizing the use of the Competitive Sealed Proposal project delivery method for the acquisition of construction services needed for the construction of an airport hangar.
- (J) 2017-8728-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2016-2017.

IV. REGULAR AGENDA

RESOLUTIONS

- 4. 2017-8729-R: P-FY-17-36: Consider adopting a resolution approving the Master Preliminary Plat of North Gate, a 200.035 +/- acres, 528-lots, 20-blocks, residential subdivision with developer requested exception to Unified Development Code Section 8.3: Park Land Dedication for private parks, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, located south and southwest of State Highway 36, North of Prairie View Road, and east of Pea Ridge Road.
- 5. 2017-8730-R: P-FY-17-37: Consider adopting a resolution authorizing approval of the Preliminary Master Plan for South Pointe, a 76.558 +/- acres, 331-lot, 9-block, 6-tract mixed-use subdivision with an exception to Unified Development Code Section 8.2.1D4, street openings. The subdivision is situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, generally located north of S.E. H.K. Dodgen Loop/Highway 36, east of South Martin Luther King JR Drive, and south and west of Case Road.

ORDINANCES – FIRST READING/PUBLIC HEARING

- 6. 2017-4852: FIRST READING PUBLIC HEARING Z-FY-17-29: Consider adopting an ordinance rezoning from Two Family zoning district to Planned Development-Two Family zoning district and its Site Development Plan, on 5.078 +/- acres, situated in the Maximo Moreno Survey, Abstract 14, Bell County, Texas, located at 1109 and 1203 East Downs Avenue.
- 2017-4853: FIRST READING PUBLIC HEARING Z-FY-17-30: Consider adopting an ordinance authorizing rezoning from Agricultural & Single Family One zoning districts to Single Family One zoning district, on 42.13 +/- acres, of the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, generally located north of Drexel Loop and west of Hartrick Bluff Road.
- 8. 2017-4854: FIRST READING PUBLIC HEARING Z-FY-17-31: Consider adopting an ordinance and accompanying Site Development Plan for rezoning from Agricultural zoning district to Planned Development-Two Family district, on 3.420 +/- acres, situated in the Baldwin Robertson Survey, Abstract No. 17, Blocks 2717-A and 2812-A Bell County, located at 9218 and 9260 Hogan Road, Temple, Texas.
- 2017-4855: FIRST READING PUBLIC HEARING Z-FY-17-32: Consider an ordinance adopting a rezoning from Agricultural zoning to Planned Development-Urban Estates zoning district and its Planned Development Site Plan, on 86.91 +/- acres, situated in the Redding Roberts Survey, Abstract 692, Bell County, Texas, located southeast of FM 93 and Southwood Drive, 3093 West FM 93.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 4:30 pm, on Monday, July 14, 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.



EMPLOYEE BENEFITS TRUST AGENDA ITEM MEMORANDUM

07/20/17 Item #1 EBT Agenda Page 1 of 3

DEPT. /DIVISION SUBMISSION & REVIEW:

Sandra Esqueda, Director of Human Resources

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of employee insurance policies from the following vendors for FY2018:

- (A) Metropolitan Life Insurance Company for Dental Insurance;
- (B) Metropolitan Life Insurance Company for Basic Life, AD&D, Voluntary Life, and Voluntary AD&D Insurance;
- (C) Metropolitan Life Insurance Company for Long Term Disability insurance; and
- (D) Scott and White Health Plan for Medical and Prescription Insurance.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Dental: On June 3, 2014, the City received seven proposals for dental insurance. The proposals were reviewed by the City's benefits consultant, Burke Sunday of Gallagher Benefits Services, and it was determined that Metropolitan Life Insurance Company (MetLife) provided the best value to the City and its employees, and accordingly, the Trustees authorized a one year contract with MetLife for Dental Insurance.

On August 6, 2015, the Trustees authorized a two year extension to the Dental Insurance agreement with MetLife at a fixed rate increase of 3% for FY 2016 and 3% for FY 2017.

MetLife has proposed a zero increase in rates for Dental Insurance for FY 2018. As such, staff is recommending that the Trustees authorize another one year extension of the Dental Insurance agreement with MetLife for FY 2018. This will leave the Trustees with one remaining one year renewal option for FY 2019.

<u>Basic Life, AD&D, and Voluntary Life</u>: On June 3, 2014, the City received seven proposals for Life Insurance. The City's consultant, Burke Sunday of Gallagher Benefits Services, reviewed the proposals. The proposal from Metropolitan Life Insurance Company (MetLife) was selected as providing the best value to the City and its employees, and accordingly, the Trustees authorized a one year contract with MetLife for Life Insurance.

On August 6, 2015 and July 21, 2016, the Trustees authorized one year extensions to the Life Insurance agreement.

MetLife has proposed a zero increase in rates for Life Insurance for FY 2018. As such, staff is recommending that the Trustees authorize another one year extension of the Life Insurance agreement with MetLife for FY 2018. This will leave the Trustees with one remaining one year renewal option for FY 2019.

Long Term Disability: On June 3, 2014, the City received five proposals for Long Term Disability Insurance. The City's consultant, Burke Sunday of Gallagher Benefits Services, reviewed the proposals. The proposal from Metropolitan Life Insurance Company (MetLife) was selected as providing the best value to the City and its employees, and accordingly, the Trustees authorized a one year contract with MetLife for Long Term Disability Insurance.

On August 6, 2015 and July 21, 2016, the Trustees authorized one year extensions to the Long Term Disability Insurance agreement.

Based on high claims in recent years, MetLife has proposed a +30.08% increase in rates for long term disability insurance for FY 2018. Even though the increase is high, Mr. Sunday recommends that the City renew the Long Term Disability Insurance agreement with MetLife as he does not foresee getting a better value if we solicited new proposals. As such, staff is recommending that the Trustees authorize another one year extension of the Long Term Disability Insurance agreement with MetLife for FY 2018. This will leave the Trustees with one remaining one year renewal option for FY 2019.

<u>Medical and Prescription Insurance:</u> On May 9, 2013, the City received five proposals for providing City employees with Medical and Prescription Insurance for fully-insured and self-funded plans to replicate the employees' current medical benefits. The City's insurance consultant and staff reviewed the proposals, and in 2013, recommended that the Trustees authorize a two-year contract with the Scott and White Health Plan (SWHP) for a fully insured medical and prescription plan that would be in effect through September 30, 2015. The contract with SWHP allowed for yearly extensions if proposed rates were acceptable to both the City and SWHP.

On August 6, 2015, th<u>e Trustees authorized a one year renewal with</u> SWHP with a +4.5% increase. Then on July 21, 2017, the Trustees authorized a one year renewal with SWHP for FY 2017 where the rates remained the same as FY 2016.

Based on high recent claim experience, SWHP has proposed a +19.1% increase in rates for Medical and Prescription Insurance for FY 2018. Even though the increase is high, Mr. Sunday recommends that the City renew the Medical and Prescription Insurance agreement with SWHP as he does not foresee getting a better value if we solicited new proposals. As such, staff is recommending that the Trustees authorize a final one year extension to the Medical and Prescription Insurance agreement with SWHP for FY 2018. There will be no remaining renewals available under the agreement after FY2018.

<u>Voluntary Vision</u>: Trustees approved a contract with Avesis through FY 2019 at its August 6, 2015 meeting, with zero rate changes.

<u>ACTION REQUIRED:</u> The Trustees (all Councilmember's) will conduct the business of the Trust as shown on the Trust Agenda, including awarding contracts to the various vendors. No action is required of the Council on this item. The Trustees perform all action.

FISCAL IMPACT: Funding of the contracts awarded by the Trust will be accomplished at a Council meeting in August when the budget is adopted.

(NOTE: The Trust was established in order to eliminate the premium tax that is passed on from the insurance companies.)

Proposed FY 18 Budget Amount	Insurance Type	
Employees:		
\$ 4,019,562	Medical/Prescription	
64,977	Dental	
55,022	Basic Life	
11,618	AD&D	
100,296	Long Term Disability	
Retirees:		
\$ 165,110	Medical/Prescription - Retirees < age 65	
3,800	Dental - Retirees < age 65	
\$ 4,420,386	TOTAL	

ATTACHMENTS:

Resolution

RESOLUTION NO. <u>2017-8720-R</u>

A RESOLUTION OF THE CITY OF TEMPLE, TEXAS, EMPLOYEE BENEFITS TRUST, AUTHORIZING THE PURCHASE OF EMPLOYEE INSURANCE POLICIES FOR DENTAL INSURANCE, BASIC LIFE INSURANCE, ACCIDENTAL DEATH AND DISMEMBERMENT, VOLUNTARY LIFE, VOLUNTARY ACCIDENTAL DEATH AND DISMEMBERMENT, AND LONG TERM DISABILITY INSURANCE THROUGH METROPOLITAN LIFE INSURANCE COMPANY, AND MEDICAL AND PRESCRIPTION INSURANCE THROUGH SCOTT AND WHITE HEALTH PLAN; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on June 3, 2014, the City received seven proposals for Dental Insurance, Basic Life Insurance, Accidental Death and Dismemberment Insurance and Voluntary Life insurance and five proposals for Long Term Disability Insurance through Metropolitan Life Insurance Company ("MetLife");

Whereas, all of the proposals were reviewed by the City's consultant, Burke Sunday of Gallagher Benefits Services - MetLife was selected as providing the best value to the City;

Whereas, on August 6, 2016, the Trustees approved a one-year extension to the current contract and Mr. Sunday and Staff recommend that the Trustees authorize a third one-year extension to the original contract with MetLife for Dental Insurance, Basic Life, Accidental Death and Dismemberment, Voluntary Life, Accidental Death and Dismemberment and Long Term Disability;

Whereas, on May 9, 2013, the City received five proposals for Medical and Prescription Insurance - the proposals were reviewed by the City's consultant, Burke Sunday of Gallagher Benefits Services and Mr. Sunday as well as Staff believed the proposal from Scott and White Health Plan provided the best value to the City and now recommends that the Trustees authorize the final 1-year extension to the contract with Scott and White Health Plan for a fully insured medical and prescription plan – there will be no remaining renewals available under this agreement;

Whereas, rates for the fiscal year 2018 were reviewed and negotiated and the City and Mr. Sunday believe these rates to be the best value for the City;

Whereas, funding of the contracts awarded by the Trust will be accomplished at a Council meeting in August when the budget is adopted; and

Whereas, the City of Temple Employee Benefits Trust has considered the matter and deems it in the public interest to authorize this action.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF TEMPLE, EMPLOYEE BENEFITS TRUST, THAT:

<u>**Part 1**</u>: **Findings.** All of the above premises are hereby found to be true and correct findings of the Employee Benefits Trust, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

<u>**Part 2:**</u> The City of Temple Employee Benefits Trust authorizes the purchase of insurance policies for dental, basic life, accidental death and dismemberment, voluntary life, voluntary accidental death and dismemberment and long term disability, through Metropolitan Life Insurance Company through fiscal year 2018.

<u>**Part 2:</u>** The City of Temple Employee Benefits Trust authorizes the purchase of medical and prescription insurance through Scott and White Health Plan through fiscal year 2018.</u>

<u>**Part 3:**</u> 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 **20th** day of **July**, 2017.

THE CITY OF TEMPLE, TEXAS EMPLOYEE BENEFITS TRUST

DANIEL A. DUNN

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Kayla Landeros City Attorney



EMPLOYEE BENEFITS TRUST AGENDA ITEM MEMORANDUM

07/20/17 Item #2 EBT Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Sandra Esqueda, Director of Human Resources

ITEM DESCRIPTION: Consider adopting a resolution authorizing the following contracts allowing employees to purchase work site supplemental policies for:

- A) Accident Critical Illness, and Short Term Disability from the Lincoln Financial Group, Ft. Wayne, IN
- B) Cancer from The Guardian Life Insurance Company of America, New York, NY
- C) Hospital Indemnity from Metropolitan Life Insurance Company, New York, NY
- D) Flexible Spending Account, Dependent Spending Account, and Cafeteria 125 Administration by Discovery Benefits, Fargo, ND.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City currently provides worksite benefits through multiple vendors. The current administrator of the Cafeteria 125 plan is Discovery. In 2014, the City's benefits consultant, Burke Sunday of Gallagher Benefits Services, received six responses to the request to replicate the worksite benefits typically offered to employees. The responses from the vendors were reviewed by Mr. Sunday and staff. The recommended vendors, as specified in the above Item Description, submitted responses that provided an equal or greater benefit to the employee's with lower cost or minimal increase. In addition, Discovery Benefits offered employees enhanced management of their FSA and DSA.

At its July 17, 2014 meeting, the Trustees authorized a two year contract with the worksite benefits vendors identified in the Item Description above for a coverage period of October 1, 2014 thru September 30, 2016. Each of the contracts allowed for three one year extensions.

On August 18, 2016, the Trustees authorized a one year extension to the worksite benefit agreements as originally authorized by the Trustees on July 17, 2014. Staff is recommending that the Trustees authorize a second one year extension to the worksite benefit agreements that will cover the period of October 1, 2017 thru September 30, 2018, with no changes in rates and provisions.

FISCAL IMPACT: There is no cost to the City for these services.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2017-8721-R

A RESOLUTION OF THE CITY OF TEMPLE, TEXAS, EMPLOYEE BENEFITS TRUST, AUTHORIZING THE PURCHASE OF VARIOUS WORKSITE SUPPLEMENTAL POLICIES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, at its July 17, 2014 meeting, the Trustees authorized a 2-year contract with the various worksite benefits vendors for a coverage period of October 1, 2014 thru September 30, 2016 and each of those contracts allowed for three 1-year extensions;

Whereas, on August 18, 2016, the Trustees authorized a 1-year extension to the worksite benefit agreements as originally authorized by the Trustees and Staff is recommending that the Trustees authorize a second 1-year extension which will cover the period of October 1, 2017 through September 30, 2018, with no changes in rates and provisions;

Whereas, the worksite supplemental policy vendors are:

- Accidental Critical Illness and Short Term Disability from Lincoln Financial Group, Fort Wayne, Indiana;
- Cancer from The Guardian Life Insurance Company of America, New York, New York;
- Hospital Indemnity from Metropolitan Life Insurance Company, New York, New York;
- Flexible Spending Account, Dependent Spending Account, and Cafeteria 125 Administration by Discovery Benefits, Fargo, North Dakota;

Whereas, Staff recommends that the Trustees authorize a one year extension to the worksite benefit agreements as listed above; and

Whereas, the City of Temple Employee Benefits Trust has considered the matter and deems it in the public interest to authorize this action.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF TEMPLE, TEXAS, EMPLOYEE BENEFITS TRUST, THAT:

<u>Part 1</u>: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the Employee Benefits Trust 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.

<u>**Part 2:**</u> The City of Temple Employee Benefits Trust authorizes a one-year contract for the purchase of worksite supplemental policies for and through the following vendors:

• Accidental Critical Illness and Short Term Disability from Lincoln Financial Group, Fort Wayne, Indiana;

- Cancer from The Guardian Life Insurance Company of America, New York, New York;
- Hospital Indemnity from Metropolitan Life Insurance Company, New York, New York;
- Flexible Spending Account, Dependent Spending Account, and Cafeteria 125 Administration by Discovery Benefits, Fargo, North Dakota;

<u>**Part 3:**</u> 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 **20th** day of **July**, 2017.

CITY OF TEMPLE, TEXAS, EMPLOYEE BENEFITS TRUST

DANIEL A. DUNN, Trustee

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Kayla Landeros City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/20/17 Item #3(A) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

- (A) July 6, 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: July 6, 2017 Special and Regular Meeting



COUNCIL AGENDA ITEM MEMORANDUM

07/20/17 Item #3(B) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kevin Beavers, Director, Parks and Recreation

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of resale food items for Lions Junction Family Aquatic Center for FY 2017, in the estimated amount of \$38,000 from Performance Food Group of Temple.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: One of the projects approved in the 2015 Parks Bond Election was the addition of a deep water pool to complement the existing attractions at Lion's Junction Family Aquatic Center.

The addition of the deep water pool generated a significant increase in visitation, and as a result, an increase in food and beverage sales. In 2015, prior to the existence of the deep water pool food and beverage sales were \$88,626. In 2016 food and beverage sales reached a record high of \$103,075. Purchases from Performance Food Group (PFG) have been in excess of \$25,000 per season since 2015 and staff is anticipating the need to purchase approximately \$38,000 in resale food items from PFG for the FY 2017 summer season.

Per the Local Government Code 252.022(a)(14), goods purchased for subsequent retail sale are exempt from competitive bidding. Accordingly, no competitive bidding is required related to these food item purchases. Staff, however, carefully shops products with various vendors to achieve the best value.

FISCAL IMPACT: A budget adjustment is being presented to Council in the amount of \$4,000 to appropriate additional revenue and cost of goods sold for Lions Junction Family Aquatic Center. This will bring the total amount of funding for the purchase of resale food items to \$45,000. Funding for the purchase of the resale food items from Performance Food Group will be available in account 110-3221-551-2721.

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.

			+	-
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE
110-3221-551-27-21		Food Products/Preperation	4,000	
110-0000-445-20-04		Lions Food & Beverage Sales	4,000	
TOTAL			. \$ 8,000	\$-
			φ 8,000	<u>-</u>
account are available.		REQUEST- Include justification for increases		
Additional funds are needed in these expenses.	n Costs of Foo	ods Sold for Lions Junction Waterpark. Revenue	es in food & bever	age sales will cover
DOES THIS REQUEST REQ DATE OF COUNCIL MEETIN		CIL APPROVAL? X	Yes	No
WITH AGENDA ITEM?	$\overline{}$		Yes]No
Department Head/Division	n Director		7	Approved Disapproved
Finance	i i	Date		Approved Disapproved
City Manager		Date		Approved Disapproved
Revised form - 10/27/06				

RESOLUTION NO. 2017-8722-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF RESALE FOOD ITEMS FOR LIONS JUNCTION FAMILY AQUATIC CENTER IN THE ESTIMATED AMOUNT OF \$38,000, FROM PERFORMANCE FOOD GROUP OF TEMPLE, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, one of the projects approved in the 2015 Parks Bond Election was the addition of a deep water pool to complement the existing attractions at Lion's Junction Family Aquatic Center;

Whereas, the addition of the deep water pool generated a significant increase in visitation, and as a result, an increase in food and beverage sales;

Whereas, in 2015, prior to the existence of the deep water pool, food and beverage sales were approximately \$88,626 and in 2016 food and beverage sales reached a record high of \$103,075;

Whereas, purchases from Performance Food Group (PFG) have been in excess of \$25,000 per season since 2015 and Staff anticipates the need to purchase approximately \$38,000 in resale food items from PFG for the fiscal year 2017 summer season;

Whereas, per Local Government Code 252.022(a)(14), goods purchased for subsequent retail sale are exempt from competitive bidding and accordingly, no competitive bidding is required related to these food item purchases;

Whereas, Staff carefully shops products with various vendors to achieve the best value for the City;

Whereas, Staff recommends Council authorize the purchase of resale food items for Lions Junction Family Aquatic Center in the estimated amount of \$38,000, from Performance Food Group of Temple;

Whereas, funds are available for this purchase, but an amendment to the fiscal year 2017 budget needs to be approved to transfer the funds to Account No. 110-3221-551-2721; 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:

<u>Part 1</u>: 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.

<u>**Part 2:**</u> The City Council authorizes the Interim City Manager, or her designee, after approval as to form by the City Attorney, to authorize the purchase of resale food items for Lions Junction Family Aquatic Center in the estimated amount of \$38,000, from Performance Food Group of Temple.

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.'

<u>Part 4</u>: 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 **20th** 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

07/20/17 Item #3(C) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a cost sharing agreement with West Tanglefoot Development, Inc. for the construction of a sewer line extension in the North Gate subdivision.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: West Tanglefoot Development, Inc. ("Developer") is the developer of the North Gate subdivision located north of Prairie View Road and south of Airport Road. As part of the development, the Developer will be constructing several public improvements, including roadways, water lines, and sewer lines. At completion, the development will consist of 528 single family homes. The development will be phased over the next four to six years with Phase I already being complete. Phase II and Phase III are under design with the total public infrastructure improvements estimated by the Developer to be \$2,799,768.

The Developer has requested that the City consider entering into a cost sharing agreement for the construction of a sewer line extension. The proposed sewer line extension will have the capacity to serve the North Gate Development, as well as other surrounding properties. The extension will also allow the City to take one lift station out of service and allow for gravity flow in this area.

Under Chapter 212 of the Local Government Code, the City may enter into a cost sharing agreement with a developer for the construction of public improvements. The City's participation may not exceed 30% of the total contract price for the public improvements. The Developer has requested City participation in the amount of \$440,460.40 which will cover the cost of constructing the new line. The requested amount is less than 30% of the total estimated contract price for the public improvements.

Staff has reviewed the request and recommends approval.

FISCAL IMPACT: A budget adjustment is being presented to Council to appropriate funding for a cost sharing agreement with West Tanglefoot Development, Inc., for the construction of a sewer line extension in the North Gate subdivision in the amount of \$440,461 in account 520-5900-535-6368, project 101719.

The FY 2017 Operating Budget includes funding in the amount of \$500,000 for cost sharing agreements as allowed Under Chapter 212 of the Local Government Code. After funding the cost sharing agreement with West Tanglefoot Development, Inc., \$59,539 will remain available to fund any future cost sharing agreements during FY 2017.

Remaining Approach Main Funding	\$ 59,539
West Tanglefoot Development, Inc Cost Sharing Agreement	(440,461)
Approach Mains Budget	\$ 500,000

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.

				+ -	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION		INCREASE	DECREASE
520-5900-535-63-68	101719	Capital Bldg & Grounds/Sewer Line Ext/Nor	th Gate	\$ 440,461	
520-5000-535-63-69	101558	Capital Bldg & Grounds/Approach Mains			440,461
TOTAL				\$ 440,461	\$ 440,461
are available.		REQUEST- Include justification for increas	es and rea	ason wny iunus in	decreased account
To reallocate and appropriate		ost sharing agreement with West Tanglefoot	Developm	ent, Inc. for the co	onstruction of a sewer
line extension in the North Gate subdivision.					
DOES THIS REQUEST REQU			х	Yes	No
DATE OF COUNCIL MEETIN	G	7/20/2017	_		
WITH AGENDA ITEM?			Х	Yes	No
					A
Department Head/Divisio	n Director	·	Date		Approved Disapproved
			Det		Approved
Finance			Date		Disapproved
					Approved
City Manager			Date		Disapproved

Revised form - 10/27/06

RESOLUTION NO. 2017-8723-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A COST SHARING AGREEMENT WITH WEST TANGLEFOOT DEVELOPMENT, INC. FOR THE CONSTRUCTION OF A SEWER LINE EXTENSION IN THE NORTH GATE SUBDIVISION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, West Tanglefoot Development, Inc. ("Developer") is the developer of the North Gate subdivision located north of Prairie View Road and south of Airport Road and as part of the development, the Developer will be constructing several public improvements, including roadways, water lines, and sewer lines;

Whereas, at completion of the improvements, the development will consist of 528 single family homes;

Whereas, the development will be phased over the next four to six years with Phase I already being complete and Phase II and III still under design - the total public infrastructure improvements estimated by the Developer for Phases II and III are approximately \$2,799,768;

Whereas, the Developer has requested that the City consider entering into a cost sharing agreement for the construction of a sewer line extension which will have the capacity to serve the North Gate Development, as well as other surrounding properties;

Whereas, the extension will also allow the City to take one lift station out of service and allow for gravity flow in this area;

Whereas, under Chapter 212 of the Local Government Code, the City may enter into a cost sharing agreement with a developer for the construction of public improvements and the City's participation may not exceed 30% of the total contract price for the public improvements;

Whereas, the Developer has requested City participation in the amount of \$440,460.40 which will cover the cost of constructing the new sewer line extension - the requested amount is less than 30% of the total estimated contract price for the public improvements;

Whereas, Staff has reviewed the Developer's request and recommends Council authorize a cost sharing agreement with West Tanglefoot Development, Inc. for the construction of a sewer line extension in the North Gate subdivision; 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:

<u>Part 1</u>: 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.

<u>**Part 2**</u>: The City Council authorizes the Interim City Manager, or her designee, after approval as to form by the City Attorney, to execute a cost sharing agreement with West Tanglefoot Development, Inc. for the construction of a sewer line extension in the North Gate subdivision.

<u>**Part 3:**</u> 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 **20th** 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

07/20/17 Item #3(D) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing an agreement with Clark & Fuller, PLLC, in an amount not to exceed \$115,217.68, for professional services required for the Azalea Drainage project.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The 2008-2009 Drainage Master Plan identified improvements to mitigate flooding in the vicinity of Azalea Drive. A map of the area attached. Public Works staff identified this project as a priority in response to a history of flooding and drainage issues.

Time required for design is 90 calendar days from Notice to Proceed. Per the attached Proposal, the professional engineering services are:

Basic Services		
Surveying	\$	20,400.00
Civil Design	\$	71,317.68
Contract Bidding Phase	\$	950.00
Construction Administration	\$	6,500.00
Easements	\$	3,800.00
Inspection Services	<u>\$</u>	12,250.00

Total <u>\$ 115,217.68</u>

The Engineer's preliminary opinion of probable construction cost is \$1,097,195, resulting in a total estimated project cost of about \$1.2M.

FISCAL IMPACT: Funding is appropriated for the professional services agreement with Clark & Fuller, PLLC, for the Azalea Drainage project in the amount of \$115,217.68 in account 292-2900-534-6312, project 101636, as follows:

Project Budget	\$ 123,468
Encumbered/Committed to Date	(8,250)
Clark & Fuller, PLLC	 (115,218)
Remaining Funds Available	\$ 0

Funding for the construction of this project will be from the future issuance of Certificate of Obligation bonds. It is anticipated the bond will be sold in the Fall of 2017. On December 15, 2016, Council authorized an increase in drainage fees to fund Drainage Capital Projects. The additional revenue generated will be used to pay the debt service on these bonds.

ATTACHMENTS:

Engineer's Proposal Map Resolution July 5, 2017



Don Bond, PE, CFM City Engineer City of Temple 3210 E. Ave. H, Bldg. A Temple, Texas 76501

RE: Proposal for Professional Engineering & Surveying Consulting Services To support the City of Temple – 2017 Azalea Drainage Improvements Engineering & Surveying Services

Mr. Bond:

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

This project will consist of approximately 1,075 linear feet of new 60" HDPE Storm Sewer, 825 linear feet of 48" RCP Storm Sewer, 1,025 linear feet of new 24" RCP Storm Sewer, and new Concrete Curb Inlets to alleviate existing drainage issues within the project area (Refer to attached drawing for additional information.)

Clark & Fuller, PLLC will complete design topography surveys, new storm sewer designs, construction document preparation, temporary construction easement preparation, drainage easement preparation, provide construction administration, daily on-site project representation and inspection services, and post construction record drawings.

The proposed timeline for the project design phase is 90 calendar days from the authorization to proceed. Furthermore we estimate the contractor's time to construct to be 150 calendar days.

Clark & Fuller, PLLC, hereinafter Engineer, proposes to the City of Temple, hereinafter Client, Professional Civil Engineering and Surveying Services for a Lump Sum Amount not to exceed \$115,217.68. We estimate the total cost of construction to be \$ 1,097,195.00 and we estimate the total cost of construction including professional services and contingencies to be \$ 1,212,412.68. (Please refer to attached Maps, Exhibits, and the Preliminary Opinion of Probable Cost for an itemized breakdown and scope of services)

Please contact us if you require additional information or have further questions regarding this proposal.





\$ 20,400.00

\$71,317.68

950.00

6,500.00

EXHIBIT "A" Proposal for 2017 City of Temple Azalea Drainage Improvements Engineering & Surveying Services

Surveying Services:

- Provide Project Elevation Benchmark
- Locate Existing Rights of Ways and Property Boundaries
- . Prepare Design Topography Surveys
- Obtain Rights of Entry
- Provide Construction Staking .
 - Storm Sewer, Curb Inlets, and Junction Boxes 0

Civil Engineering Design Phase:

- **Research Existing Utilities**
- Prepare Final Design Construction Documents .
- Technical Specifications •
- Provide Engineers Opinion of Construction Cost and Probable Days to Complete Project . Construction
- . Attend and Facilitate Project Coordination with the City Staff and the Texas Department of Transportation
- Attendance at Project and Neighborhood Meetings .
- Provide Miscellaneous Maps and Exhibit Drawings (As Required) .

Project Bidding Phase:

Construction Phase:

- **Review all Contractor Submittals** •
- Provide Construction Administration and Project "Site" Visits to assist contractor with field construction questions
- Assist the City of Temple with Construction Questions and Respond to Requests for Information • (RFI's)
- Review Contractor Applications for Payment and insure conformance with percentage of construction complete
- Execute Necessary Change Orders
- Monthly Contractor Review •
 - Quality and Timeliness of Work 0
 - Cooperation with Project Team and General Public 0
- Attend Final Project Inspection
- Project Acceptance Letter .
- Provide Final Inspection Punch List
- Prepare Record Drawings (Tolerance: 1' Horizontal and 0.25" vertical for critical elevations) •

Temporary Construction Easement Preparation (2 @ \$950.00 per easement) 1,900.00 \$

- Preparation of Surveyors Field Notes and Easement Exhibit for City of Temple use in acquiring • new Temporary Construction Easements.

S 1,900.00

Drainage Easement Preparation (2 @ \$950.00 per easement) Preparation of Surveyors Field Notes and Easement Exhibit for City of Temple use in acquiring new Permanent Drainage Easements.

Daily Onsite Construction Inspection Services

Provide Daily On-Site Project Representation and Inspection Services •

\$ 12,250.00



PROFESSIONAL FEE SCHEDULE

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



PRELIMINARY OPINION OF PROBABLE COST

2017 City of Temple - Azalea Drainage Improvements Project

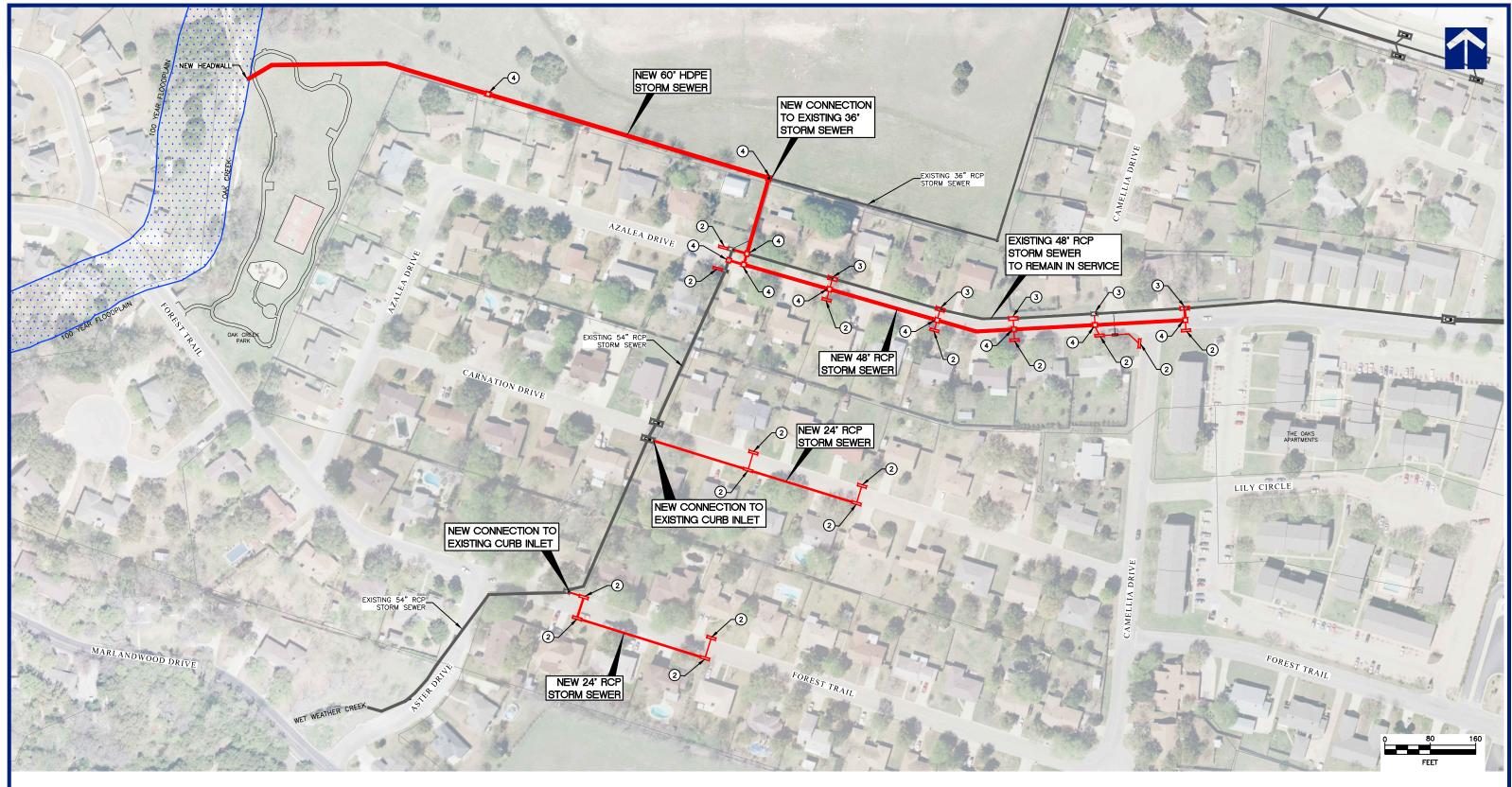
Item Description	Unit		Unit Cost	Quantity	Total
1. Site Preparation and Clearing (incl. sod/landsc. removal & replace)	STA.	\$	550.00	26	\$ 14,300.00
2. Site Mobilization, Bonding, and Insurance	L.S.	\$	34,250.00	100%	\$ 34,250.00
 Traffic Control Plan & Implementation 	L.S.	\$	7,500.00	100%	\$ 7,500.00
 Erosion Control Plan & Implementation 	L.S.	\$	4,250.00	100%	\$ 4,250.00
5. Trench Safety	L.S.	\$	6,475.00	100%	\$ 6,475.00
5. New Headwall	EA.	\$	12,500.00	1	\$ 12,500.00
 Demolish and Remove Existing Storm Sewer 	L.S.	\$	3,500.00	100%	\$ 3,500.00
 Sawcut, Remove, and Replace HMAC Pavement 	S.Y.	\$	48.00	1025	\$ 49,200.00
Sawcut, Remove, and Replace Concrete Pavement	S.Y.	\$	85.00	275	\$ 23,375.00
0. Sawcut, Remove, and Replace Curb & Gutter	L.F.	\$	27.00	375	\$ 10,125.00
1. Connection to Existing Storm Sewer	EA.	\$	2,150.00	8	\$ 17,200.00
2. 24" RCP Storm Sewer	L.F.	\$	75.00	1025	\$ 76,875.00
3. 48" RCP Storm Sewer	L.F.	\$	214.00	825	\$ 176,550.00
5. 60" HDPE Storm Sewer	L.F.	\$	258.00	1075	\$ 277,350.00
8. 15' Precast Curb Inlet	EA.	\$	9,750.00	16	\$ 156,000.00
9. 15' Cast in Place Curb Inlet	EA.	\$	13,500.00	4	\$ 54,000.00
20. 5'x5' Junction Box	EA.	\$	6,500.00	7	\$ 45,500.00
21. 6'x6' Junction Box	EA.	\$	9,500.00	3	\$ 28,500.00
				SUBTOTAL:	\$ 997,450.00
	1	0% C		ONTINGENCY:	\$ 99,745.00
			TOTAL CO	NSTRUCTION:	\$ 1,097,195.00
Design, Analysis, and Construction Document Preparation					

Design, Analysis, and Construction Document Preparation		
6.5% Professional Civil Engineering Services	:	\$ 71,317.68
Professional Surveying Services (Topographic Survey)	5	\$ 14,250.00
Bid Document Preparation, Bidding Assistance, Advertising	5	\$ 950.00
Construction Staking (New Storm)	5	\$ 6,150.00
Construction Administration & Record Drawings	5	\$ 6,500.00
Inspection Services	5	\$ 12,250.00
Temporary Construction Easement Preparation (2 @ \$950.00 Each)	5	\$ 1,900.00
Drainage Easement Preparation (2 @ \$950.00 Each)	ş	\$ 1,900.00
тс	TAL PROFESSIONAL SERVICES:	\$ 115,217.68

TOTAL CONSTRUCTION AND PROFESSIONAL SERVICES: \$ 1,212,412.68



Not Included within this cost estimate: * Easement Procurement 7/5/2017





LEGEND



KEYED NOTES (1)

1. NEW 10' PRECAST CURB INLET

- 2. NEW 15' PRECAST CURB INLET
- 3. NEW 15' CAST IN PLACE CURB INLET AND CONNECTION TO EXISTING 48" STORM SEWER

4. NEW JUNCTION BOX

CITY OF TEMPLE AZALEA DRAINAGE IMPROVEMENTS PHASE I ANALYSIS





RESOLUTION NO. 2017-8724-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$115,217.68, WITH CLARK & FULLER, PLLC OF TEMPLE, TEXAS, FOR DESIGN SERVICES REQUIRED FOR THE AZALEA DRAINAGE PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the 2008-2009 Drainage Master Plan identified improvements to mitigate flooding in the vicinity of Azalea Drive - the Public Works Staff identified this project as a priority in response to a history of flooding and drainage issues;

Whereas, Public Works Staff recommends Council authorize a professional services agreement in the amount of \$115,217.68, with Clark & Fuller, PLLC of Temple, Texas for design services required for the Azalea Drainage Project;

Whereas, funding for this agreement is available in Account No. 292-2900-534-6312, Project No. 101636; 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:

<u>**Part 1**</u>: **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.

<u>Part 2</u>: The City Council authorizes the Interim City Manager, or her designee, after approval as to form by the City Attorney, to execute a professional services agreement in the amount of \$115,218 with Clark & Fuller, PLLC of Temple, Texas for design services required for the Azalea Drainage Project.

<u>**Part 3**</u>: 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 **20th** day of **July**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

Kayla Landeros City Attorney

ATTEST:

Lacy Borgeson City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

07/20/17 Item #3(E) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Chapter 380 Development Agreement, in an amount not to exceed \$39,906, with Highline Real Estate Group for the construction of a sidewalk along Scott Boulevard and the connection of TMED pedestrian lighting to electrical service for property located at South 31st Street.

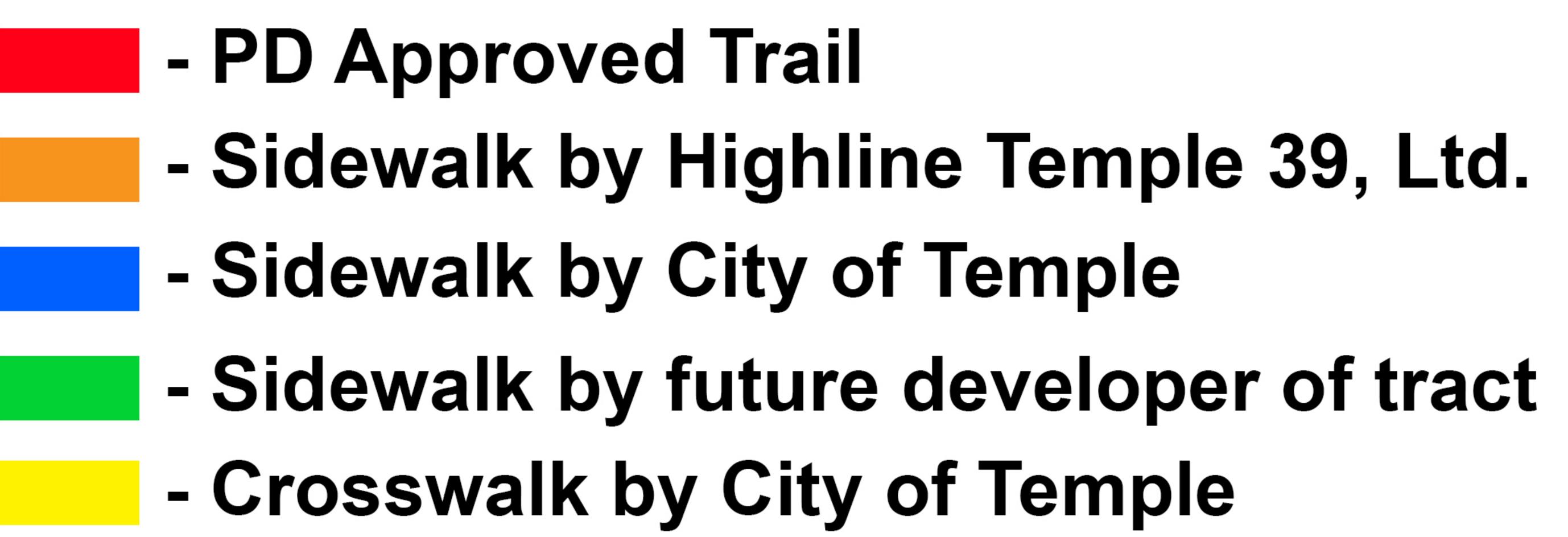
STAFF RECOMMENDATION: Adopt resolution as presented in item description.

BACKGROUND: Highline Real Estate Group, the developer for the retail project at the northwest corner of Scott Boulevard and South 31st Street, agree to install the wiring, meter box and pedestal for the TMED pedestrian lighting (cost estimate of \$6,406), as well as a 150 linear feet length of sidewalk across a drainage area (estimated not to exceed \$33,500 including a hand rail) to west of their development along Scott Boulevard. The City has agreed to reimburse for the cost of both improvements to improve pedestrian safety and access, including ultimately providing a sidewalk connection to Jaycee Park.

FISCAL IMPACT: Funding for the Chapter 380 Development Agreement with Highline Real Estate Group for the construction of a sidewalk along Scott Boulevard and the connection of TMED pedestrian lighting to the electrical service for the property located at South 31st Street is available in account 365-3400-531-6315, project 101720, in an amount not to exceed \$39,906.

ATTACHMENTS:

Sidewalk map Lighting cost estimate Resolution





STEC	PROPOSAL SPECIFICATIONS & ESTIMATE
www.shallowford.com Veteran Owned Small Business	rom: Richard Ring IB Number: RR170503 Pate: 24-May-2017 Page: ^{1 of 1}
Highline Temple 39, LTDF3131 Turtle Creek Blvd, Suite 850EDallas, Texas 75219J	elephone:(972) 982-2730ext.ax:(214) 960-4442Mobile: (512) 663-0318-Mail:rgarner@inbox.comob Name:Highline Temple Retail Centerocation:Temple, Texas 76503
We hereby propose to furnish materials a	and labor necessary for the completion of:
Highline Retail Meter Box & Pedestal f	or TMED Lights @ AVE T & 31st Street
Furnish & Install Electrical Equipment to power TMED lights Furnish & install 5'X5'X6" concrete equipment pad Includes PVC stub up for power to meter box by Furnish & install pedestal adjacent to existing signal power Furnish & Install meter box at power pedestal Connect conduit and wire for new TMED lights installed un	y others pedestal
	Labor & Equipment: \$4,280.00 Materials: \$1,290.00 Subtotal: \$5,570.00 Overhead and Profit (15%): \$835.50
	Total Bid: \$6,405.50
 Notes: Conduit, wire, and connection to provide power to the meter Work items not specifically described above are excluded. Taxes are included All original contract exclusions apply. 	r box by others.
Ve propose to furnish material and labor, complete in accordance with above specifications	s, for the sum of: \$6,405.50
Payments to be made as follows: Payment due no later than 15 days from receipt of invoice All material is guaranteed to be as specified. All work to be completed in a substantial work nanner according to Specifications per standard practices. Any alteration or deviation from above specifications involving extra costs will only be execu vritten orders/authorization, and will become an extra charge over and above the estimate/ Amount. This proposal is subject to negotiation of a mutually agreeable Subcontract Agreen All agreements are contingent upon strikes, accidents, and or delays beyond our control. On	manlike Proposal Issued: 24-May-17 This proposal may be withdrawn by us if not accepted by: 23-Jun-17 Contract SFC Authorized Signature:
o carry Builders Risk insurance. Company has Workers Comp, and Liability Insurance.	0 , 1
The above prices, specifications and conditions are satisfa You are authorized to do the work as specified. Payment v	, , ,
Customer Signature:	Date:

RESOLUTION NO. 2017-8725-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 DEVELOPMENT AGREEMENT WITH HIGHLINE REAL ESTATE GROUP, IN AN AMOUNT NOT TO EXCEED \$39,906, FOR THE CONSTRUCTION OF A SIDEWALK ALONG SCOTT BOULEVARD AND THE CONNECTION OF TMED PEDESTRIAN LIGHTING TO ELECTRICAL SERVICE ON PROPERTY LOCATED AT SOUTH 31ST STREET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Highline Real Estate Group, the developer for the retail project at the northwest corner of Scott Boulevard and South 31st Street, has agreed to install the wiring, meter box and pedestal for the TMED pedestrian lighting, as well as approximately 150 linear feet of sidewalk across a drainage area to the west of their development along Scott Boulevard;

Whereas, the City has agreed to reimburse Highline Real Estate Group for the cost of both improvements which will improve pedestrian safety and access, including ultimately providing a sidewalk connection to Jaycee Park;

Whereas, Staff recommends Council authorize a Chapter 380 Development Agreement with Highline Real Estate Group, in an amount not to exceed \$39,906, for the construction of a sidewalk along Scott Boulevard and the connection of TMED pedestrian lighting to electrical service for property located at South 31st Street;

Whereas, funding for the Chapter 380 Development Agreement with Highline Real Estate Group is available in Account No. 365-3400-531-6315, Project No. 101720; 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:

<u>**Part 1**</u>: **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.

<u>**Part 2:**</u> The City Council authorizes the Interim City Manager, or her designee, after approval as to form by the City Attorney, to execute a Chapter 380 Development Agreement with Highline Real Estate Group, in an amount not to exceed \$39,906, for the construction of a sidewalk along Scott Boulevard and the connection of TMED pedestrian lighting to electrical service for property located at South 31st Street.

<u>**Part 3:**</u> 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 **20th** day of **July**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN MAYOR

APPROVED AS TO FORM:

ATTEST:

Kayla Landeros City Attorney

Lacy Borgeson City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

07/20/17 Item #3(F) Consent Agenda Page 1 of 1

DEPT. / DIVISION SUBMISSION & REVIEW:

Ashley Williams, Director of General Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Chapter 380 Development Agreement with Fort Hood Area Habitat for Humanity for fee waivers, release of liens and lot clearing for property located at 1414 South 2nd Street, through the Infill Redevelopment Incentive Program.

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 Fort Hood Area Habitat for Humanity, through which the City would provide fee waivers, release of liens and lot clearing for infill development located at 1414 South 2nd Street.

The applicant requested fee waivers through Infill Redevelopment Incentive Program. The applicant will build a three bedroom, 1,116 square foot house for \$85,000. While this address is outside the boundaries of the targeted infill redevelopment area, the Infill Redevelopment Incentive Program guidelines adopted by City Council allow the City to consider offering similar economic incentives for development within other areas of the City, when deemed appropriate.

In order to receive assistance, the applicant must enter into a development agreement with the City prior to commencing work. 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: Current liens for mowing charges by the City on the property located at 1414 South 2nd Street total \$1,200. Through the Infill Redevelopment Program, and adherence to the Chapter 380 Development Agreement, the City will release the liens and forgive the mowing charges and waive future fees as allowed related to construction on the property.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2017-8726-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 DEVELOPMENT AGREEMENT WITH FORT HOOD AREA HABITAT FOR HUMANITY FOR FEE WAIVERS, RELEASE OF LIENS AND LOT CLEARING THROUGH THE INFILL REDEVELOPMENT INCENTIVE PROGRAM, FOR PROPERTY LOCATED AT 1414 SOUTH 2ND STREET, TEMPLE, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, Fort Hood Area Habitat for Humanity, has requested fee waivers, release of liens and lot clearing through the Infill Redevelopment Incentive Program;

Whereas, the applicant has proposed to build a 3 bedroom, 1,116 square foot house at 1414 South 2nd Street in Temple, Texas, for approximately \$85,000;

Whereas, in order to receive assistance, the applicant must enter into a Chapter 380 Development Agreement with the City prior to commencing work - 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;

Whereas, Staff recommends Council authorize a Chapter 380 Development Agreement with Fort Hood Area Habitat for Humanity for fee waivers, release of liens and lot clearing through the Infill Redevelopment Incentive Program;

Whereas, current mowing leans total \$1,200 – through the Infill Redevelopment Program and adherence to the Chapter 380 Development Agreement, the City will release the liens. forgive the mowing charges and waive future fees as allowed and related to the construction of 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:

<u>**Part 1**</u>: **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.

<u>**Part 2:**</u> The City Council authorizes the Interim City Manager, or her designee, after approval as to form by the City Attorney, to execute a Chapter 380 Development Agreement with Fort Hood Area Habitat for Humanity through the Infill Redevelopment Incentive Program, for fee waivers, release of liens and lot clearing for property located at 1414 South 2nd Street, Temple, Texas.

<u>**Part 3:**</u> 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 **20th** 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

07/06/17 Item #3(G) Consent Agenda Page 1 of 3

DEPARTMENT/DIVISION SUBMISSION & REVIEW:

Brian Chandler, Planning Director

ITEM DESCRIPTION: SECOND READING – PUBIC HEARING - 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 stakeholder input and 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, which includes:

- 1. Deferring discussion related to land uses within the Freeway Retail/Commercial and Industrial sub-districts to Phase 2 of the Overlay amendments;
- 2. Deferring discussion related to buffering and screening to Phase 2; and
- 3. Allowing the use of ACM (Aluminum Composite Material) for freestanding signs if a building has been approved to use ACM as the primary exterior or as an accent material.

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 (PDs) 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

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- 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
- Amendments related to buffering and screening for different land uses
- 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

<u>PUBLIC NOTICE</u>: 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 Land Use Amendments Summary I-35 Corridor Overlay Appeal Summary Table UDC Draft Code Amendments (with "tracked changes") Ordinance

Proposed Land Use Amendments Summary

<u>Convention</u>

- Childcare facility
- Hotel
- Restaurant (no drivethrough)
- Retail shop, gift, apparel, accessory and similar items
- Multiple-family dwelling (apartments)

<u>Gateway</u>

- 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
Mueller			V				
2 Tranum Expansion*		v			V		v
3 Johnson Brothers Ford*	v	v	V				
4 Longhorn International Trucking*	v		v	v	v		
5 Starbucks*	V	V	V	V			
Mac Haik	V		V	v			
Old Albertsons*	V			V			
3 Texas Roadhouse*	V			v			
Gateway Center*	v	٧					
0 Garlyn Shelton	v		٧	v			
1 Golden Corral	v		V	v	V	v	
2 Mattress Firm	v		V			v	
3 Tem-Tex Solvents*	v		V				
4 Ashley Furniture*		v					
5 Hampton Inn*		V					
6 McDonald's	V	v			V		V
7 Garlyn Shelton*		V					
8 Goodyear*		v					
9 Caliber Collision*		V					
20 Ringler Chevrolet and Toyota*	v			v	V		
21 Automax Hyundai	v	v	V	v		v	
2 BS&W Distribution Center	V						
23 BS&W Distribution Center*		v					
24 Best Quality Meats*		v					
25 Garlyn Shelton BMW	V		V			v	
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. Sec. 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: <u>Convention, Retail, Industrial and Gateway, which are denoted by a separate</u> <u>zoning prefix, for example I-35-Gateway GR (General Retail) or I-35-Industrial</u> <u>LI (Light Industrial)</u>. 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



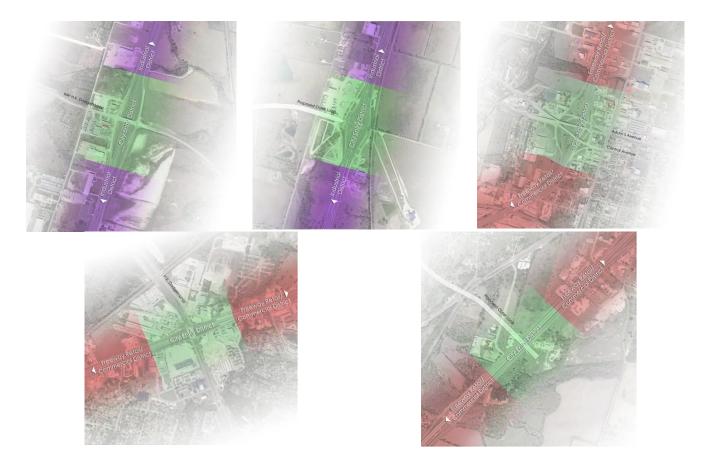
Nugent Avenue on the east. It is interrupted by city entry sub-districts, with stricter standards, at the north outer loop and NE H.K. Dodgen Loop.

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 loopLoop.

D. City EntryGateway Sub-District (prefix of "I-35-Gateway")

There are five <u>City EntryGateway</u> 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. <u>The table provides a menu of architecture and</u> <u>landscaping requirements that are proportional to the project scope for exterior</u> <u>building renovations or building expansions</u>. <u>Improvements to existing</u>

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.

The General Design Requirements and the regulations for Sub-Districts apply to new construction and to site modifications that affect tree preservation, parking, fencing, screening, landscape, signs, lighting and utilities.

A. Architectural Design requirements apply in proportion to the project scope for exterior building modifications and expansion of building footprint. Thresholds for proportional compliance apply as shown in the following table:

	PROJECT SCOPE	Building Materials	Primary Entrance	Architectural Elements
SI SI	Cost equal to 10% - 24% of the assessed value of improvements per the current tax roll	N/A	N/A	N/A
Exterior Building Modifications	Cost equal to 25% - 49% of the assessed value of improvements per the current tax roll	Applies	N/A	N/A
Ed S	Cost equal to or greater than 50% of the assessed value of improvements per the current tax roll	Applies	N/A N/A N/A N/A	N/A
in Area	10% - 24% increase in GFA	Applies	N/A	N/A
Increase i Gross Floor A	25% - 49% increase in GFA	Applies	Applies	N/A
Grö, F	50% or greater increase in GFA	Applies	Applies	Applies

B. Landscape design requirements apply in proportion to the project scope for exterior building modifications and expansion of building footprint. The Director of Planning is authorized to approve adjustments to landscaping compliance for a project where unique site characteristics constrain full compliance. The applicant's request and the Director's decision must be made in writing. The Director may substitute one or more inapplicable requirements for one or more applicable requirements, guided by order of priority established in the table below. Options 5 and 6 are appropriate choices only for sites that are too small to achieve Options 1–4.

	PROJECT SCOPE		OPTIONS IN ORDER OF PRIORITY				
	Exterior Building Modifications Excluding Painting	1 Front landscape buffer*	2 Side landscape buffers*	3 Parking Islands with Trees	4 Front Foundation Plantings	5 Curbing & Landscaping of Parking Lot Deadspace	6 ROW Landscaping**
	Cost equal to 10% - 24% of the assessed value of improvements per the current tax roll	Applies					
Exterior Modifications	Cost equal to 25% - 49% of the assessed value of improvements per the current tax roll	Applies	Applies				
Exte	Cost equal to or greater than 50% of the assessed value of improvements per the current tax roll	Applies	Applies	Applies			
Increase in Gross Floor Area	10% - 24% increase in GFA	Applies	Applies				
	25% - 49% increase in GFA	Applies	Applies	Applies			
	50% or greater increase in GFA	Applies	Applies	Applies	Applies		

*Options 1 and 2 include parking screening when parking screening applies to the type of development.

**Approval by IxDQI is required for landscaping along General Bruce Drive frontage.

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 <u>four-three</u> steps:
 - a. Design Orientation;
 - b. Conceptual Preliminary Design Review;
 - c. Preliminary Design Review; and
 - d. Construction Documents ReviewPermitting.
- 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 thea 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) <u>At least two pP</u>rincipal 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<u>(if applicable)</u>
 - (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 <u>identified in Sec. 7.4.5.B of the</u> <u>Unified Development Code (approved tree list)</u> measuring six inches or greater in diameter, measured at breast height, not including Bois D' Arc, Ashe Junipers, Hackberry, Willow, <u>Cottonwood and Mesquite trees</u>.

4.3. Construction DocumentsPermitting

- 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 decisionpermitting. 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, airconditioning units and irrigation controllers; and
 - v.<u>i.</u> 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 subdistricts.

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 <u>six-eight</u> 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 <u>on-site</u> after the required landscape elements are added. Tree mitigation requirements and fees <u>do not apply to Bois D' Arc, Ashe Junipers,</u> Hackberry, Willow, Cottonwood and Mesquite trees on the site<u>only apply to trees listed in Sec. 7.4.5.B</u>. The tree mitigation requirements <u>within the floodplain</u> do not count toward required landscaping<u>e in Sec. <u>DE</u> below. However, tree preservation in areas outside the floodplain can count towards landscaping requirements. Tree mitigation requirements are as follows:</u>

- 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 <u>sixeight</u>-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 whateverby 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.

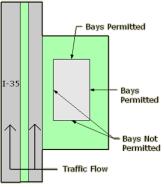
1. Curb and gutter six inches in height is are required around the perimeter of the parking area and all landscaped parking islands.

- 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

 Storage in connexes, shipping containers and semi-trailers is not permitted. Portable buildings may not be made into permanent structures in any form.



2. 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

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 <u>threetwo</u>-inch <u>DBH</u> caliper hardwood canopy trees, and five-gallon shrubs, as described in the Plant List in subsection EEF below.

- 3. No outside storage and display, sales, leasing or operation of merchandise outside of sales areas for dealerships for new-trucks, cars, recreational vehicles, boats and motorcycles_are permitted unless such activity is visually screened with a continuous solid screening device 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.
- 4. Any public utility stations, such as lift stations and electric substations, must be screened from public view with a masonry wall matching the architectural style and color of the building.
- 5. 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. 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 <u>adequately screened according to the standards</u> <u>below</u>.

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

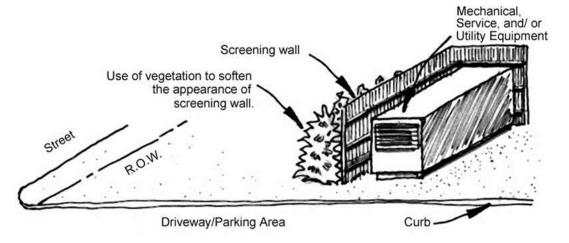
Refuse storage and compactors must be enclosed on three sides by a solid <u>masonry</u> wall of wood or masonry to match the color and style of the building and be a minimum of one foot taller than the equipment being screened. The enclosure must have a minimum eight-foot self-closing gate. The enclosure must be

1

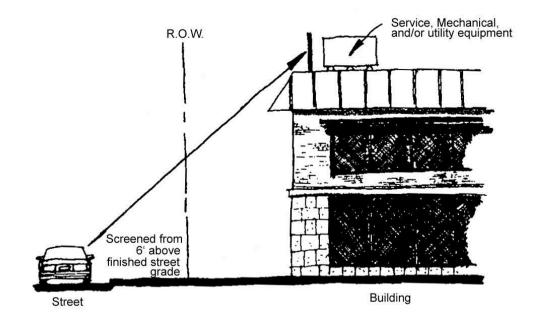
designed to contain all refuse generated on-site between solid waste collections. The refuse storage and compactors <u>must-may</u> not be located in required setbacks.

c. Mechanical and Utility Equipment

- 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-ofway, 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.



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.



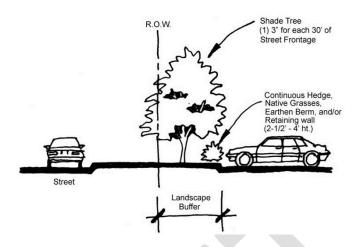
E.D. Landscape

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.B. 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 <u>good-living</u> condition after installation. The owner must replace any plant material that becomes diseased, deteriorated or dies<u>within 30 days</u>. <u>The</u> <u>replacement of landscaping must be done within 30 days unless</u> <u>approved by the Planning Director to allow deferral of planting to a</u> <u>more optimal planting season</u>.
- 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 6inch 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-ofway based on the sub-district's Area Regulations and as follows.
 - a. One minimum threetwo-inch caliper <u>DBH</u> canopy tree, as set forth in the City's Approved Tree List found in the City's Plan ListSec.
 <u>7.4.5.B.</u>, 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 clusterscan be clustered.
- <u>c.</u> 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
 - <u>v. Mulch</u>
- 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<u>mix of</u> evergreen with year around foliage<u>and deciduous trees are encouraged</u>.
- 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 <u>required encouraged</u> in the landscape buffer, covering a minimum of 50 percent of the buffer area, <u>and shall result in exemption from parking island</u> <u>requirements adjacent to the berm</u>.
- 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 <u>Sidewalks</u> 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
 - Along any street that intersects or runs immediately parallel with I-35, if the Trails Master Plan recommends a sidewalk adjacent to the property;
 - 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.
- <u>10:11.</u> 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

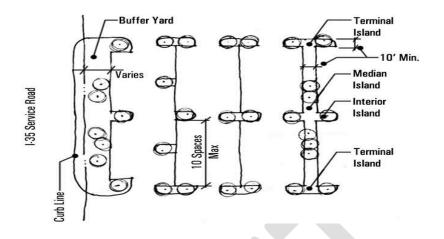
A curbed landscape island must be provided for every 10 parking spaces. Each island must be a minimum of 170 square feet in area and 10 feet in width back-of-curb to back-of-curb<u>and may</u> <u>include a 2 foot wide strip of additional concrete, stone or pavers</u> <u>adjacent to parking spaces for safely stepping out of a vehicle</u>. 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 <u>threetwo</u>-inch caliper trees.

c. Median Islands

A curbed median island a minimum of 10 feet in width back-ofcurb 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 centerrequires 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 <u>from Sec. 7.4</u> are preferable to reduce water requirements. <u>Other drought-tolerant or native grass</u>, <u>shrubs and trees can be approved by the Planning Director or by the</u> 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.<u>G.</u> Approved Shrubs See Article 7; General Development Standards; Section 7.4 Landscaping; Subsection 7.4.5. General Planting Criteria; D Approved Groundcover List.
- 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 Sign <u>s</u> Faces	Max. Height	Max. Area (per sign face)	Min. Setback (from property line)	Min. Spacing Between Signs
All Permitted Uses	Wall Sign	l per public <u>street-</u> <u>facing</u> façade <u>for</u> <u>facades up</u> <u>to 300 feet</u> <u>in length</u> (max. 2)per <u>business;</u> <u>maximum</u> <u>of 2 for</u> <u>facades</u> <u>exceeding</u> <u>300 feet in</u> <u>length</u>	NA (no projection above building)	10% of façade face or 300 sq ft max (whichever is greater)	NA	NA
All Permitted Uses	Window Sign	NA	NA	20% of window area	NA	NA
All Permitted Uses	Monument Sign	2 <u>1 per</u> private or public access driveway	8'	50 sq ft	0'	25'
All Permitted Uses	Pylon Sign	2 <u>1 per</u> <u>public</u> <u>access</u> <u>driveway</u>	25 <u>' to 35'*</u>	200 sq ft	<u>+0°0' (*1 foot</u> <u>height increase</u> <u>for each foot of</u> <u>setback-max of</u> <u>35' tall)</u>	50'
Travel Related Uses (Fuel Sales, Overnight Accommodations, and Restaurant Uses)	Pylon Sign	2	40'	300 sq ft	15'	-100'
Multi-Tenant Site	Monument Sign	2 <u>1 per</u> private or public <u>access</u> driveway	10'	65 sq ft	0'	25'
Multi-Tenant Site	Pylon Sign	2 <u>1 per</u> <u>public</u> <u>access</u> <u>driveway</u>	4 <u>0'35' to</u> <u>45'*</u>	400 sq ft	<u>0' (*1 foot</u> <u>height increase</u> <u>for each foot of</u> <u>setback-max of</u> <u>45' tall)</u> 15'	300'

2. Maximum Signs per Site

All sites are permitted one freestanding sign (monument or pylon, <u>single-tenant or multi-tenant</u>) per <u>site-private or public access</u> <u>driveway</u>unless they are part of a development requiring multi-tenant signs.

3. Multi-Tenant Sign Provisions

- a. 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.
- 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:
 - 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 <u>signs sign bases</u> must be <u>finished clad</u> in <u>the either the</u> same <u>masonry material found on the primary building exterior</u> 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 <u>either 1</u>) a minimum height to width ratio of $1 \div \underline{to 0}$.15 for the <u>masonry or ACM</u> support structure or base or 2) consist of a 2-legged sign clad with <u>masonry that incorporates the following standards</u>:

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 miniumum 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 droughttolerant 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;

e.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.<u>a.</u> 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.<u>b.</u> 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.<u>f.</u> 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 footcandles 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 <u>full</u> <u>cutoff fixtures</u>, 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 topmounted lights pointed downward. A sign may not be illuminated with fixtures that are unshielded from upward transmission of light. Onsite 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:

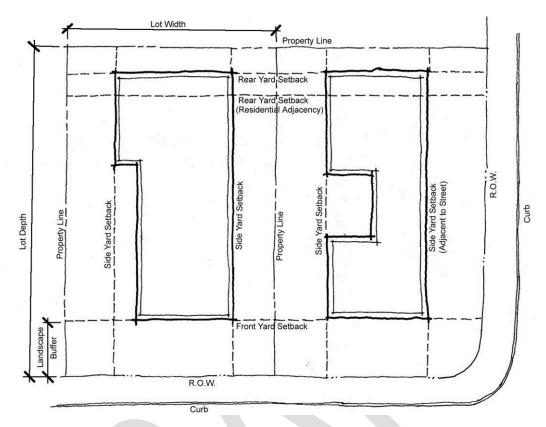
- a. Swimming pools and other water features, monuments, historic structures, or flags;
- b. Stairs and ramps, as required by the Building Code;
- c. Signs must meet the requirements in Sec. <u>7.6.3</u>7.6.3 of this UDC, but all signs are recommended to be fully shielded;
- d. Holiday and temporary lighting must meet the requirements in Sec. 7.6.8 7.6.8 of this UDC;
- e.<u>d.</u> 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

<u>For new construction</u>, <u>Aa</u>ll 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 <u>Civic-Convention</u> 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 <u>Sec. 3.5</u> in the <u>Civic-Convention</u> 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		1	
Convent or monastery	\checkmark		
Single-family attached		\checkmark	5.3.5
dwelling			0.0.0
Single-family detached		\checkmark	
dwelling			
Multiple-family dwelling		\checkmark	
<u>(apartment)</u>		_	
Nonresidential			
Art gallery or museum	✓		
Accessory building	✓		
Child care facility	<u> </u>		
Day camp for children	,	\checkmark	
Community center	✓		
Hotel	\checkmark		
Mortuary or funeral home	,	\checkmark	
Park or playground	✓		
Place of worship	\checkmark		
Personal Wireless Service	≁		5.4.3
Facilities-Freestanding Facilities			
Pre-school	✓		5.3.11
<u>Restaurant (not drive-in)</u>	<u> </u>		
<u>Retail shop, gift, apparel,</u>	\checkmark		
accessory and similar items	_		
School, elementary or		\checkmark	
secondary (public or private)			
Swimming pool (private)	✓		

[Ord. 2015-4707]

B. Dimensional Standards

Dimensional standards for the base zoning districts as found in <u>Sec. 4.5</u> of this UDC apply except that the following regulations supersede such requirements for properties in the <u>Civic-Convention</u> 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.

Regulation	Measurement
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 <u>(for new</u>
	constructionsee Table 6.7.4 for existing
	<u>buildings)</u>
Min. Landscape Buffer	<u>1. 5 feet average (for</u>
Front	15,000 sf sites or less)
	<u>2. 10 feet average (15,001-1</u>
	acresites)
	<u>3. 15 feet average (1.01-2</u>
	$\frac{\text{acres}}{20 \text{ foot}}$
	4. 20 feet average (2.01-3
	<u>acres)</u> 5. 25 feet average (3+
	acres)
	25 ft. front and adjacent to public street
Sides and Rear	<u>1. 5 feet average (2 acres</u>
	or less)
	2. 10 feet average (2+
	acres)
	<u>10 ft. rear</u> (20 ft. adjacent to residential)
Maxi. FAR	10 ft. side
Max. Building Coverage Max.	60%
Building Height	

C. Additional Landscape Landscaping

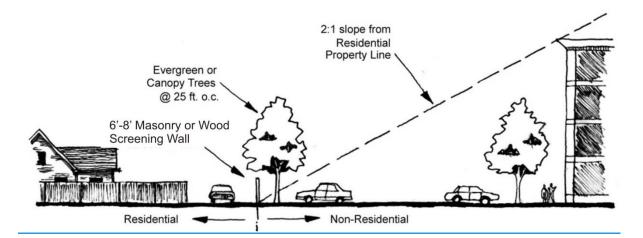
The following landscape requirements are required in addition to those requirements described in Sec. <u>6.7.7.D.</u>, Landscape, above.

- 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.

D. Architectural Design

1. Site Development

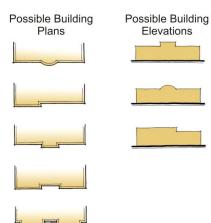
- a. Development must be sited as to maximize street presence.
- b. The location and placement of buildings on individual sites must reflect consideration for roadway access, the preservation of major existing natural vegetation, visual impact and the relationship to surrounding developments.
- c. In 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 Dimensions Standards table above.



2. Exterior Appearance of Buildings and Structures

<u>All buildings in the Industrial sub-district must be architecturally</u>
 <u>finished on the front and side facades with same materials.</u>
 <u>detailing and features</u>. As long as the rear façade is not visible
 <u>from a public street or residential property and is painted to</u>
 <u>match the rest of the building, it is exempt from these</u>
 <u>architectural requirements</u>.

- 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.



 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:
 - . Window canopies, window awnings, balconies, porches, stoops or porticos;
 - ii. Minimum of 3-foot roof overhangs;
 - <u>iii. Building wall plane recesses or projections (minimum of 2-</u> <u>feet deep and 10-feet long);</u>
 - iv. Arcades;
 - v. Peaked roof forms;
 - <u>vi. Arches;</u>
 - 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

<u>All buildings must be designed and constructed in tri-partite</u> <u>architecture to express a base, midsection and top. The heaviest</u> <u>building material must be used as the base. All facades must include:</u>

- 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.
- <u>b.</u> 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.
- <u>f.</u> 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</u> <u>window %)</u>	Accent Materials: Max. 40%, Min. 20% <u>(excluding</u> <u>window %)</u>
Architectural metal	Cast Stone
Brick	Cementitious siding
Cast stone	Glass block
Color integrated split face block	Granite
Stone	Marble
Stucco <u>(EIFS with a minimum of</u>	Textured or patterned concrete
a 3-foot stone or brick wainscot)	Tile
Smooth insulated wall panel	Wood
Textured painted tilt wall	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 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 <u>Sec. 5.1</u>, 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	\checkmark		
Animal shelter (public or private)		\checkmark	

Use	Prohibited Use	Conditional Use	Standards
		Conaliional Use	Siandaras
Auto storage or auto auction	•	✓	
Boat sales or repair	✓	•	E 2 07
Body Piercing Studio	•	✓	5.3.27
Bottling works		✓ ✓	
Building material sales		v 	
Carwash		v	
Child care facility	✓		
Contractor storage and		\checkmark	
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	v		
Hatchery, poultry	✓		
Heavy machinery sales,			
storage and repair		v	
Industrial Uses listed in the use			
table in Sec. 5.1		v	
Kennel		✓	
Livestock auction	✓		
Major vehicle repair		\checkmark	5.3.22 5.3.22
Milk depot, dairy or ice cream		 Image: A second s	
plant		v	
Minor vehicle servicing		✓	5.3.235.3.23
Motorcycle or scooter sales		~	
and repair		v	
Open storage of furniture,	×		
appliances or machinery	v		
Paint shop		√	
Sexually oriented business	~		
Shooting range (outdoor)	✓		
Stable, residential or	1		
noncommercial	v		
Tattoo Studio	✓		5.3.27
Trailer, recreational vehicle,			
portable building or HUD-		\checkmark	
Code manufactured home			
sales or rental			
Transitional or emergency	✓		
shelter	· · · · · · · · · · · · · · · · · · ·		
Upholstery shop		✓	
Veterinarian hospital (kennels)		✓	
Wrecking or salvage yard	\checkmark		5.3.24

C. Dimensional Standards

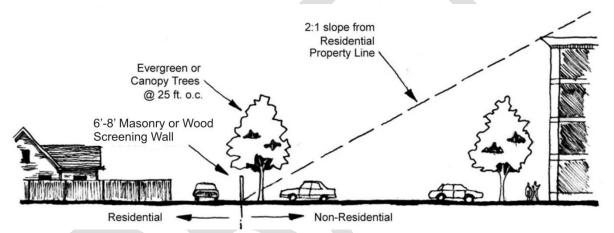
Dimensional standards for the base zoning districts as found in Sec. 4.5 of this UDC apply except that the following regulations supersede such requirements for properties in the Industrial Sub–District. Nonconforming lots of record that are smaller than the minimum required lot area may be developed 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 <u>(for new</u>
	constructionsee Table 6.7.4 for existing
	<u>buildings)</u>
Min. Landscape Buffer	Front 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 (3.01+ acres) 5. 25 feet average (3.01+ acres) Sides and Rear 1. 5 feet average (2 acres or less) 2. 10 feet average (2+ acres) 2. 10 feet average (2+ acres) 3. 15 feet average (2+ acres) 3. 10 feet average (2+
Max. Building Coverage	50%
Max. FAR	1 to 1
Max. Building Height	42-50 ft. including mechanical and roof <u>structure(does not apply to a hotel or</u> <u>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.



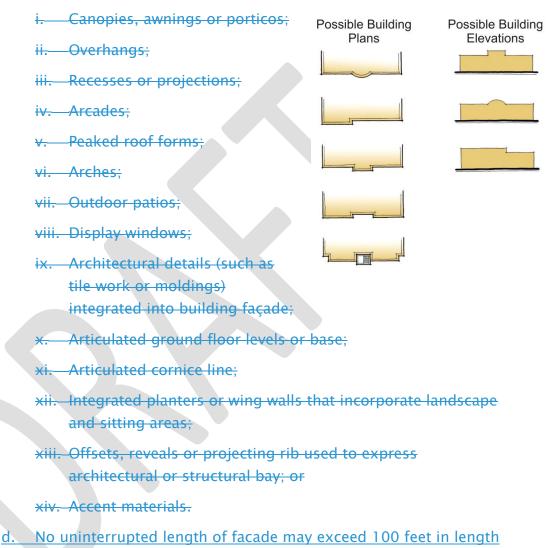
2. Exterior Appearance of Buildings and Structures

- 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 facade 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:
 - <u>iii. Building wall plane recesses or projections (minimum of 2-</u> <u>feet deep and 10-feet long);</u>
 - 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.



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.

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.
- <u>f.</u> 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.

<u>f.g.</u>

Primary Materials: Max. 100%, Min. 80% <u>(excluding</u> <u>window %)</u>	Accent Materials: Max. 20% <u>(excluding window</u> <u>%)</u>
Architectural metal	Cast stone
Stone	Wood
Brick	Glass block
<u>Cast stone</u>	Tile
Stucco (EIFS with a 3-foot stone	Granite
<u>or brick wainscot)</u>	Marble
Color integrated split face block	Textured or patterned concrete
Painted tilt wall	<u>Cementitious siding</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 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, the following uses are prohibited or require a Conditional Use Permit in accordance with Sec. 3.5.

Use	Prohibited Use	Conditional Use	Standards
Residential	riombiled ofe	Containontai Ose	orandaras
All Residential Uses listed in the			
use table in Sec. 5.1 Sec. 5.1	\checkmark		
except as follows:			
Multiple-family dwelling	,		
(apartment)	\checkmark		5.3.3
Recreational vehicle park	✓		
Nonresidential			
Animal feed lot	✓		
Animal shelter (public or		,	
private)		\checkmark	
Auto storage or auto auction	✓		
Boat sales or repair		✓	
Body Piercing Studio	✓		5.3.27
Bottling works	✓		0.0.27
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	✓		0.0.20
Drag strip or commercial			
racing	\checkmark		
Flea market (outdoors)	✓		
Greenhouse or nursery (retail)		✓	
Hatchery, fish or shrimp, fish			
farm	\checkmark		
Hatchery, poultry	✓		
Heavy machinery sales,		,	
storage and repair		\checkmark	
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	,	1	=
plant	\checkmark		
Minor vehicle servicing		✓	
Open storage of furniture,	,	1	
appliances or machinery	\checkmark		
Paint shop		✓	
Sexually oriented business	✓		
Shooting range (outdoor)	✓		
Stable, residential or	,	1	
noncommercial	✓		
Trailer, recreational vehicle		✓	
	L	1	1

Use	Prohibited Use	Conditional Use	Standards
sales or rental			
Transitional or emergency			
shelter	v		
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 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.

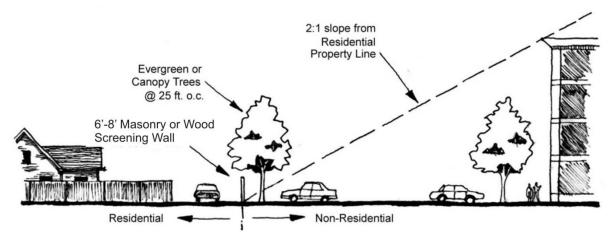
Regulation	Measurement
Min. Lot Area	12,500 sf.
Min. Lot Width	80 ft.
Min. Lot Depth	80 ft.
Min. Front Yard Setback	25 ft.
Min. Side Yard Setback	20 ft.
Min. Side Yard Setback at Street	25 ft.
Min. Rear Yard Setback	10 ft. (20 ft. adjacent to residential)
Min. Landscape	15% of lot area <u>(for new</u>
	constructionsee Table X for existing
	buildings)
Min. Landscape Buffer	 <u>○ 5 feet average (for 15,000 sf sites or less)</u> <u>○ 10 feet average (15,001-1 acre sites)</u> <u>○ 15 feet average (1.01-2 acres)</u> <u>○ 20 feet average (2-3 acres)</u> <u>○ 25 feet average (3+ acres)</u>
	Sides and Rear <u> o 5 feet average (2 acres</u> <u> or less)</u> <u> o 10 feet average (2+</u> <u> acres)</u> <u> (20 feet adjacent to</u> residential)

Regulation	Measurement
	507
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

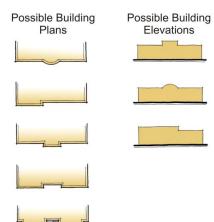
- a. Development must be sited as to maximize street presence.
- b. The location and placement of buildings on individual sites must reflect consideration for roadway access, the preservation of major existing natural vegetation, visual impact and the relationship to surrounding developments.
- c. In 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 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.



c. Primary Bbuilding (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.

- e.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. <u>Window c</u>€anopies, <u>window</u> awnings, <u>balconies</u>, <u>porches</u>, <u>stoops</u> or porticos;
 - ii. <u>Minimum of 3-foot roof Oo</u>verhangs;
 - iii. <u>Building wall plane Recesses recesses or projections</u> (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;
- 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 eavesA midsection that can be defined by storefront/display windows and window canopies or awnings; and
 - iii. <u>A top that can be defined by Aarticulated cornice lines, a</u> <u>change in material, parapet, etc</u>.



- Two-story tripartite example
- No more than 3 exterior wall materials
- <u>Use of deep roof overhangs and eaves, articulated cornice lines, a masonry</u> wainscot, a metal canopy and storefront windows
- e.<u>f.</u> 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 <u>15</u> percent and up to a maximum of 80 percent of windows on each building elevation, excluding the rear elevation<u>of the front</u> 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.

[Ord. No. 2014-4631]

3. Building Materials and Colors

- a. Conceptual facade <u>plans,elevations and</u> color palette <u>and sample</u> <u>boards</u>-must be submitted <u>with the Preliminary Site Plan</u> <u>applicationto staff for preliminary review</u>. Final facade plan and <u>sample boards must be submitted with final site plan application</u> 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</u> <u>window %)</u>	Accent Materials: Max. 30%, Min. 10% <u>(excluding</u> <u>window %)</u>
Stone	Cast stone
Architectural metal	Wood
<u>Cast stone</u>	Glass block
Brick	Tile
Stucco	Granite
Granite	Marble
Marble	Textured or patterned concrete
Painted Tilt Wall	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, <u>heavy machinery sales</u>, leasing or rental establishment, the following standards apply as exceptions to the general landscape provisions in Sec. <u>6.7.7D</u>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. <u>Evergreen-Drought-tolerant</u> shrubs <u>per Sec. 7.4.C.</u> a minimum of five gallons in size must completely fill the island area.
- 2.3. Four ornamental trees can be substited 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, <u>motorcycle</u> 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

- 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.
- A wing wall or opaque landscaping is not required to screen garage and service bays as required in Sec. <u>6.7.7.C.</u> <u>1.1.6C6.7.5D</u>, 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 EntryGateway 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. 5.1Sec. 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 $\frac{\text{Sec. 5.1}}{\text{Sec. 5.1}}$, the following uses are prohibited or require a Conditional Use Permit in accordance with $\frac{\text{Sec. 3.5}}{\text{Sec. 3.5}}$.

Use	Prohibited Use	Conditional Use	Standards
Residential	Prohibiled Use	Conditional Use	Siandaras
All Residential Uses listed in the			
use table in $\frac{Sec. 5.1}{Sec. 5.1}$	✓		
except as follows:	•		
Multiple-family dwelling			
(apartment)		\checkmark	5.3.3 5.3.3
Recreational vehicle park	✓		
Nonresidential	· ·		
Animal feed lot	✓		
Animal shelter (public or			
private)	\checkmark		
Auto storage or auto auction	✓		
Boat sales or repair	· · · · · · · · · · · · · · · · · · ·		
Body Piercing Studio	· ·		5.3.27
Body Flercing studio Bottling works	·		5.5.2/
Building material sales	· ·		
Car wash		✓	
Child care facility	✓		5.3.9 and 5.3.10
Contractor storage and	<u>·</u>		5.5.7 and 5.5.10
equipment yard	\checkmark		
Correctional facility	\checkmark		
Credit Access Business			5.3.26
Day camp for children			<u>J.J.20</u>
Drag strip or commercial			
racing	✓		
Flea market (outdoors)	✓		
Greenhouse or nursery (retail)		1	
Hatchery, fish or shrimp, fish			
farm	\checkmark		
Hatchery, poultry	\checkmark		
Heavy machinery sales,			
storage and repair	\checkmark		
Industrial Uses listed in the use			
table in Sec. 5.1 $\frac{\text{Sec. 5.1}}{\text{Sec. 5.1}}$	\checkmark		
Kennel	✓		
Livestock auction	✓		
Major vehicle repair	✓		
Milk depot, dairy or ice cream			
plant	\checkmark		
Minor vehicle servicing		✓	5.3.23 5.3.23
Motorcycle or scooter sales		,	
and repair		\checkmark	
Open storage of furniture,	,		
appliances or machinery	\checkmark		
Paint shop		✓	
Sexually oriented business	✓		
Shooting range (outdoor)	✓		
<u>Stable, residential or</u>	✓		
<u>0.0.01071001001110101</u>	I —	1	1

Use	Prohibited Use	Conditional Use	Standards
noncommercial			
Tattoo Studio	\checkmark		5.3.27
Trailer, recreational vehicle, portable building or HUD- Code manufactured home sales or rental sales or rental	4		
Transitional or emergency shelter	✓		
<u>Upholstery shop</u>	\checkmark		
Veterinarian hospital (kennels)	\checkmark		
Wrecking or salvage yard	\checkmark		

[Ord. 2012-4505]

C. Dimensional Standards

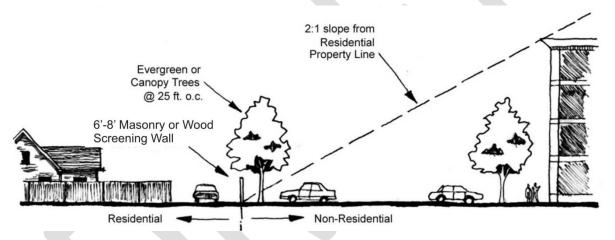
Dimensional standards for the base zoning districts as found in Sec. 4.5 of this UDC apply except that the following regulations supersede such requirements for properties in the <u>City EntryGateway</u> Sub-District. Nonconforming lots of record that are smaller than the minimum required lot area may 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 constructionsee Table 6.7.4	
	for existing buildings)	
Min. Landscape Buffer	Front • 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 • 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

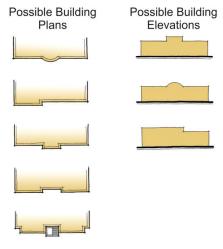
- a. Development must be sited as to maximize street presence.
- b. The location and placement of buildings on individual sites must reflect consideration for roadway access, the preservation of major existing natural vegetation, visual impact and the relationship to surrounding developments.
- c. In 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 <u>"out"accessory</u> 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 Bbuilding 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.



- 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;
 - <u>iii. Building wall plane recesses or projections (minimum of 2-</u> <u>feet deep and 10-feet long);</u>
 - 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

<u>xvi. Parapets</u>

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
- <u>iii. A top that can be defined by articulated cornice lines, a</u> <u>change in material, parapet, etc.</u>



- 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. <u>Buildings must contain a minimum of 40 percent and up to a</u> 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 planselevations and, color palettes and sample boards must be submitted with the Preliminary Site Plan applicationto 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</u> <u>window %)</u>	Accent Materials: Max. 30%, Min. 10% <u>(excluding</u> <u>window %)</u>
Stone	• Wood
Brick	Cast Stone
Painted Tilt Wall	Glass Block
	Architectural Metal
	• Tile
	• Granite
	• Marble
	 Textured or Patterned
	Concrete
	Cementitious siding
	All Primary Materials (other than
	material used to achieve the min. 70%)

E. LandscapeAdditional Landscaping

The following landscape requirements are required in addition to those requirements described in Sec. <u>6.7.7.D.</u> <u>1.1.6D</u>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 <u>and stained</u> 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.

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. <u>2017-4849</u>

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:

<u>**Part 1**</u>: **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.

<u>**Part 2:**</u> 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.

<u>**Part 3**</u>: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

<u>Part 4</u>: 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.

<u>**Part 5:**</u> 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.

<u>**Part 6**</u>: 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 APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson City Secretary Kayla Landeros City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/20/17 Item #3(H) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: SECOND & FINAL READING: Consider adopting an ordinance authorizing an amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans to appropriate additional funding for Crossroads Park @ Pepper Creek Trail in FY 2017.

<u>STAFF RECOMMENDATION</u>: Adopt ordinance as presented in item description on second and final reading on July 20, 2017.

ITEM SUMMARY: The Reinvestment Zone No. 1 Project Committee met on June 15th to recommend a change to the Financing and Project Plans. The proposed amendment allocates funding for the following project:

• Additional funding of \$750,000 for construction of Crossroads Park @ Pepper Creek Trail

The additional funding is available from the 31st Street/Loop 363 Improvements/Monumentation project. The construction of Phase III – [intersection enhancements] of this project will be deferred to a future year due to new development and temporary traffic routes in the area. Project funding and timing will be evaluated in a future financing plan amendment.

The Reinvestment Zone No. 1 Board approved these amendments at its June 28, 2017 board meeting.

FISCAL IMPACT: The proposed amendment allocates funding within the FY 2017 Financing and Project Plans as shown below:

Line #	Descriptio	n	F	FY 2017
207	Crossroads Park @ Pepper Cre	ek Trail	\$	750,000
459	31st Street/Loop 363 Improveme	ents/Monumentation	\$	(750,000)
	Net change		\$	-

ATTACHMENTS:

Financing Plan Summary Financing Plan with Detailed Project Plan Budget Adjustment Ordinance

FINANCING PLAN Page 1 of 5

	cing Plan - 06/28/17 to Zone Board		Revised						- ••	ge 1 of 5
	DESCRIPTION		Y/E 9/30/17 Year 35	Y/E 9/30/18 Year 36	,	Y/E 9/30/19 Year 37	•	Y/E 9/30/20 Year 38	Y/E 9/30/21 Year 39	Y/E 9/30/22 Year 40
	"Taxable Increment"	\$	435,256,703	\$ 382,863,680	\$	370,649,604	\$	377,916,559 \$	382,213,195 \$	427,532,778
	FUND BALANCE, Begin	\$	27,838,651	\$ 3,988,025	\$	2,841,256	\$	5,576,198 \$	1,626,227 \$	3,075,793
2	Adjustments to Debt Service Reserve Fund Balance Available for Appropriation	\$	27,838,651	\$ 3,988,025	\$	2,841,256	\$	5,576,198 \$	1,626,227 \$	3,075,793
	SOURCES OF FUNDS:									
	Tax Revenues		19,371,450	16,265,121		15,459,007		15,659,726	15,823,016	16,519,039
	Allowance for Uncollected Taxes [1.5% of Tax Revenues]		(290,572)	(243,977)		(231,885)		(234,896)	(237,345)	(247,786)
	Interest Income-Other		50,000	50,000		40,000		40,000	30,000	10,000
)	Grant Funds		1,170,000	-		-		-	-	-
2	License Fee - Central Texas Railway		36,000	36,000		36,000		36,000	36,000	36,000
1	Other Revenues		150,000	-		-		-	-	-
7	Bond Proceeds		19,000,000	-		-		-	-	-
	Total Sources of Funds	\$	39,486,878	\$ 16,107,144	\$	15,303,122	\$	15,500,830 \$	15,651,671 \$	16,317,253
5	TOTAL AVAILABLE FOR APPROPRIATION	\$	67,325,529	\$ 20,095,169	\$	18,144,378	\$	21,077,028 \$	17,277,898 \$	19,393,046
	USE OF FUNDS:									
	DEBT SERVICE									
7	2009 Bond Refunding		1,510,150	1,488,750		1,485,000		-	-	-
3	2008 Bond Issue-Taxable {\$10.365 mil}		1,240,096	1,241,957		1,241,173		1,237,744	1,241,670	1,242,422
)	Debt Service - 2011A Issue {Refunding}		912,200	908,350		915,950		2,497,800	2,497,550	2,494,950
	Debt Service - 2012 Issue {Refunding}		76,400	79,600		77,650		80,050	77,250	78,750
	Debt Service - 2013 Issue {\$25.260 mil}		2,034,894	2,047,694		2,048,344		2,047,944	2,046,494	2,031,494
	Debt Service - 2017 Issue {\$19 mil}		344,583	1,452,000		1,454,500		1,451,700	1,452,200	1,452,100
	Paying Agent Services		1,700	 1,700		1,700		1,700	1,700	1,700
	Subtotal-Debt Service		6,120,023	7,220,051		7,224,317		7,316,938	7,316,864	7,301,416
	OPERATING EXPENDITURES									
)	Prof Svcs/Proj Mgmt		175,000	175,000		175,000		175,000	175,000	175,000
,	Legal/Audit		1,300	1,300		1,300		1,300	1,300	1,400
	Zone Park Maintenance [mowing, utilities, botanical supplies]		330,000	330,000		330,000		330,000	330,000	330,000
	Rail Maintenance		214,390	100,000		100,000		100,000	100,000	100,000
•	Road/Signage Maintenance		238,243	100,000		100,000		100,000	100,000	100,000
)	Contractual Payments [TEDC - Marketing]		200,000	200,000		200,000		200,000	200,000	200,000
2	TISD-Reimbursement [per contract]		26,250	 27,563		27,563		27,563	28,941	28,941
5	Subtotal-Operating Expenditures		1,185,183	933,863		933,863		933,863	935,241	935,341
			, ,							
0	TOTAL DEBT & OPERATING EXPENDITURES	\$	7,305,206	\$ 8,153,914	\$	8,158,180	\$	8,250,801 \$	8,252,105 \$	8,236,757
	TOTAL DEBT & OPERATING EXPENDITURES	\$ \$		8,153,914 11,941,256		8,158,180 9,986,198		8,250,801 \$ 12,826,227 \$	8,252,105 \$ 9,025,793 \$	8,236,757 11,156,289
		\$ \$	7,305,206							· · ·
2	Funds Available for Projects	\$ \$	7,305,206							· · ·
, ,	Funds Available for Projects PROJECTS	\$ \$	7,305,206 60,020,323	11,941,256						· · ·
0	Funds Available for Projects PROJECTS Temple Industrial Park	\$	7,305,206 60,020,323 696,509	11,941,256						· · ·
י ס ס	Funds Available for Projects PROJECTS Temple Industrial Park Corporate Campus Park	\$	7,305,206 60,020,323 696,509 1,651,520 5,564,692 21,229,812	11,941,256 400,000						· · ·
	Funds Available for Projects PROJECTS Temple Industrial Park Corporate Campus Park Bioscience Park Research Parkway Synergy Park	\$	7,305,206 60,020,323 696,509 1,651,520 5,564,692 21,229,812 501,701	11,941,256 400,000 - - 1,000,000 -		9,986,198 - - - - - - - -		12,826,227 \$ - - - 10,750,000 -	9,025,793 \$ - - - - - - - - - -	11,156,289 - - - - - - - -
	Funds Available for Projects PROJECTS Temple Industrial Park Corporate Campus Park Bioscience Park Research Parkway Synergy Park Downtown	\$ \$	7,305,206 60,020,323 696,509 1,651,520 5,564,692 21,229,812 501,701 17,886,895	11,941,256 400,000 - -		9,986,198 - - - - - - 450,000		12,826,227 \$ - - -		· · ·
	Funds Available for Projects PROJECTS Temple Industrial Park Corporate Campus Park Bioscience Park Research Parkway Synergy Park Downtown TMED	\$ \$	7,305,206 60,020,323 696,509 1,651,520 5,564,692 21,229,812 501,701 17,886,895 6,554,245	11,941,256 400,000 - - 1,000,000 -		9,986,198 - - - - - - - -		12,826,227 \$ - - - 10,750,000 -	9,025,793 \$ - - - - - - - - - -	11,156,289 - - - - - - - -
) 0 0 0 0 0 0 0 0	Funds Available for Projects PROJECTS Temple Industrial Park Corporate Campus Park Bioscience Park Research Parkway Synergy Park Downtown TMED Airport Park	\$	7,305,206 60,020,323 696,509 1,651,520 5,564,692 21,229,812 501,701 17,886,895	11,941,256 400,000 - - 1,000,000 -		9,986,198 - - - - - - 450,000		12,826,227 \$ - - - 10,750,000 -	9,025,793 \$ - - - - 450,000 - -	- - - - - - - 450,000 - -
	Funds Available for Projects PROJECTS Temple Industrial Park Corporate Campus Park Bioscience Park Research Parkway Synergy Park Downtown TMED Airport Park Public Improvements	\$	7,305,206 60,020,323 696,509 1,651,520 5,564,692 21,229,812 501,701 17,886,895 6,554,245 1,946,924	11,941,256 400,000 - - 1,000,000 - 7,700,000 - - - - -		9,986,198 450,000 3,960,000		12,826,227 \$ - - 10,750,000 - 450,000 - - - -	9,025,793 \$ - - - - 450,000 - - 5,500,000	11,156,289 - - - - - 450,000 - - - 7,000,000
30 50 50 50 50 50 50	Funds Available for Projects PROJECTS Temple Industrial Park Corporate Campus Park Bioscience Park Research Parkway Synergy Park Downtown TMED Airport Park Public Improvements Subtotal-Projects	\$	7,305,206 60,020,323 696,509 1,651,520 5,564,692 21,229,812 501,701 17,886,895 6,554,245 1,946,924 - 56,032,298	\$ 11,941,256 400,000 - - 1,000,000 - 7,700,000 - - - - 9,100,000	\$	9,986,198 - - - - 450,000 3,960,000 - - 4,410,000	\$	12,826,227 \$ - - 10,750,000 - 450,000 - - - - 11,200,000	9,025,793 \$ - - - - 450,000 - - 5,500,000 5,950,000	11,156,289 - - - - 450,000 - - 7,000,000 7,450,000
50 00 50 50 50 50 50	Funds Available for Projects PROJECTS Temple Industrial Park Corporate Campus Park Bioscience Park Research Parkway Synergy Park Downtown TMED Airport Park Public Improvements	\$ \$	7,305,206 60,020,323 696,509 1,651,520 5,564,692 21,229,812 501,701 17,886,895 6,554,245 1,946,924	\$ 11,941,256 400,000 - - 1,000,000 - 7,700,000 - - - - -	\$	9,986,198 450,000 3,960,000	\$	12,826,227 \$ - - 10,750,000 - 450,000 - - - -	9,025,793 \$ - - - - 450,000 - - 5,500,000	11,156,289 - - - - - 450,000 - - - 7,000,000

G:\Traci's Files\RZ # 1 (TIF)\!Financing & Project Plans\Financing & Project Plan 06-28-17

Financing Plan - 06/28/17 to Zone Board

												5
	DESCRIPTION		2023 41	2024 42	2025 43	2026 44	2027 45	2028 46	2029 47	2030 48	2031 49	2032 50
1	'Taxable Increment''	\$	450,142,634 \$	496,141,511 \$	537,771,984 \$	660,938,023 \$	689,548,837 \$	696,444,325 \$	703,408,769 \$	710,442,856 \$	717,547,285 \$	724,722,758
1	FUND BALANCE, Begin	\$	3,706,289 \$	2,549,157 \$	2,589,183 \$	2,759,223 \$	2,850,949 \$	3,161,901 \$	3,169,415 \$	3,385,358 \$	3,794,771 \$	3,906,806
	Adjustments to Debt Service Reserve		-		-	-	-	-	-	-	-	-
3	Fund Balance Available for Appropriation	\$	3,706,289 \$	2,549,157 \$	2,589,183 \$	2,759,223 \$	2,850,949 \$	3,161,901 \$	3,169,415 \$	3,385,358 \$	3,794,771 \$	3,906,806
[SOURCES OF FUNDS:											
-	Fax Revenues		16,921,830	17,628,841	18,280,346	19,989,672	20,474,693	20,679,426	20,886,206	21,095,054	21,305,990	21,519,035
6	Allowance for Uncollected Taxes [1.5% of Tax Revenues]		(253,827)	(264,433)	(274,205)	(299,845)	(307,120)	(310,191)	(313,293)	(316,426)	(319,590)	(322,786)
8	nterest Income-Other		10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
10	Grant Funds		-	-	-	-	-	-	-	-	-	-
12	icense Fee - Central Texas Railway		36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000
14	Other Revenues		-	-	-	-	-	-	-	-	-	-
17	Bond Proceeds		-	-	-	-	-	-	-	-	-	-
20	Total Sources of Funds	\$	16,714,003 \$	17,410,408 \$	18,052,141 \$	19,735,827 \$	20,213,573 \$	20,415,235 \$	20,618,913 \$	20,824,628 \$	21,032,400 \$	21,242,249
25	TOTAL AVAILABLE FOR APPROPRIATION	۱ <u></u>	20,420,292 \$	19,959,565 \$	20,641,324 \$	22,495,050 \$	23,064,521 \$	23,577,135 \$	23,788,328 \$	24,209,986 \$	24,827,171 \$	25,149,056
Γ	JSE OF FUNDS:											
-	DEBT SERVICE	_										
27	2009 Bond Refunding	_	-	-	-	-	-	-	-	-	-	-
	2008 Bond Issue-Taxable {\$10.365 mil}		-	-	-	-	-	-	-	-	-	-
	Debt Service - 2011A Issue {Refunding}		-	-	-	-	-	-	-	-	-	-
	Debt Service - 2012 Issue {Refunding}		-	-	-	-	-	-	-	-	-	-
31	Debt Service - 2013 Issue {\$25.260 mil}		2,030,094	2,026,694	2,038,413	2,051,613	2,059,113	2,061,713	2,061,713	2,069,113	2,073,513	2,084,913
32	Debt Service - 2017 Issue {\$19 mil}		1,454,500	1,455,700	1,455,700	1,454,500	1,454,000	1,456,500	1,451,750	1,455,000	1,455,750	1,454,000
35	Paying Agent Services		1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
40	Subtotal-Debt Service		3,485,794	3,483,594	3,495,313	3,507,313	3,514,313	3,519,413	3,514,663	3,525,313	3,530,463	3,540,113
	OPERATING EXPENDITURES											
-	Prof Svcs/Proj Mgmt	_	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000
	Legal/Audit		1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400
	Zone Park Maintenance [mowing, utilities, botanical supplies]		330,000	330,000	330,000	330,000	330,000	330,000	330,000	330,000	330,000	330,000
	Rail Maintenance		100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
	Road/Signage Maintenance		100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
	Contractual Payments [TEDC - Marketing]		200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000
	[ISD-Reimbursement [per contract]		28,941	30,388	30,388	30,388	31,907	31,907	31,907	33,502	33,502	33,502
65	Subtotal-Operating Expenditures		935,341	936,788	936,788	936,788	938,307	938,307	938,307	939,902	939,902	939,902
70	TOTAL DEBT & OPERATING EXPENDITURES	S\$	4,421,135 \$	4,420,382 \$	4,432,101 \$	4,444,101 \$	4,452,620 \$	4,457,720 \$	4,452,970 \$	4,465,215 \$	4,470,365 \$	4,480,015
	Tundo Aveilable for Deciseto	¢	15 000 157 ¢	15 500 100 ¢	16 000 000 \$	19.050.040 \$	10 611 001 \$	10 110 415 \$	10 225 259 \$	10 744 771 \$		20.660.041
80	Funds Available for Projects	\$	15,999,157 \$	15,539,183 \$	16,209,223 \$	18,050,949 \$	18,611,901 \$	19,119,415 \$	19,335,358 \$	19,744,771 \$	20,356,806 \$	20,669,041
	PROJECTS	_										
150	Femple Industrial Park	_	-	-	-	-	-	-	-	-	-	-
200	Corporate Campus Park		-	-	-	-	-	-	-	-	-	-
250	Bioscience Park		-	-	-	-	-	-	-	-	-	-
350	Research Parkway		-	-	-	-	-	-	-	-	-	-
400	Synergy Park		-	-	-	-	-	-	-	-	-	-
450	Downtown		450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000
500	TMED		-	-	-	-	-	-	-	-	-	-
	Airport Park		-	-	-	-	-	-	-	-	-	-
610	Public Improvements		13,000,000	12,500,000	13,000,000	14,750,000	15,000,000	15,500,000	15,500,000	15,500,000	16,000,000	16,000,000
	Subtotal-Projects		13,450,000	12,950,000	13,450,000	15,200,000	15,450,000	15,950,000	15,950,000	15,950,000	16,450,000	16,450,000
	TOTAL USE OF FUNDS	\$	17,871,135 \$	17,370,382 \$	17,882,101 \$	19,644,101 \$	19,902,620 \$	20,407,720 \$	20,402,970 \$	20,415,215 \$	20,920,365 \$	20,930,015
700	FUND BALANCE, End	\$	2,549,157 \$	2,589,183 \$	2,759,223 \$	2,850,949 \$	3,161,901 \$	3,169,415 \$	3,385,358 \$	3,794,771 \$	3,906,806 \$	4,219,041
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FINANCING PLAN Page 2 of 5

Financing Plan - 06/28/17 to Zone Board

DESCRIPTION	2033 51	2034 52	2035 53	2036 54	2037 55	2038 56	2039 57	2040 58	2041 59	2042 60
"Taxable Increment"	5 731,969,985 \$	739,289,685 \$	746,682,582 \$	754,149,408 \$	761,690,902 \$	769,307,811 \$	777,000,889 \$	784,770,898 \$	792,618,607 \$	800,544,7
FUND BALANCE, Begin	6 4,219,041 \$	4,232,799 \$	4,055,537 \$	4,594,235 \$	4,597,294 \$	4,823,108 \$	4,975,932 \$	4,851,896 \$	4,955,097 \$	4,787,80
Adjustments to Debt Service Reserve Fund Balance Available for Appropriation	- 4,219,041 \$	- 4,232,799 \$	4,055,537 \$	4,594,235 \$	4,597,294 \$	4,823,108 \$	4,975,932 \$	4,851,896 \$	4,955,097 \$	4,787,80
SOURCES OF FUNDS:										
Tax Revenues	21,734,211	21,951,539	22,171,040	22,392,736	22,616,650	22,842,802	23,071,215	23,301,913	23,534,918	23,770,2
Allowance for Uncollected Taxes [1.5% of Tax Revenues]	(326,013)	(329,273)	(332,566)	(335,891)	(339,250)	(342,642)	(346,068)	(349,529)	(353,024)	(356,5
Interest Income-Other	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,
Grant Funds	-	-	-	-	-	-	-	-	-	
License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,
Other Revenues	-	-	-	-	-	-	-	-	-	
Bond Proceeds	-	-	-	-	-	-	-	-	-	
Total Sources of Funds	21,454,198 \$	21,668,266 \$	21,884,474 \$	22,102,845 \$	22,323,400 \$	22,546,160 \$	22,771,147 \$	22,998,384 \$	23,227,894 \$	23,459,
TOTAL AVAILABLE FOR APPROPRIATION	\$ 25,673,239 \$	25,901,064 \$	25,940,012 \$	26,697,080 \$	26,920,694 \$	27,369,268 \$	27,747,079 \$	27,850,280 \$	28,182,992 \$	28,247,
USE OF FUNDS:										
DEBT SERVICE										
2009 Bond Refunding			_	_	_	_	_	_	_	
2009 Bond Retunding 2008 Bond Issue-Taxable {\$10.365 mil}	-	-	-	-	-	-	-	-	-	
	-	-	-	-	-	-	-	-	-	
Debt Service - 2012 Issue (Refunding)	-	-	-	-	-	-	-	-	-	
Debt Service - 2012 Issue {Refunding}	-	-	-	-	-	-	-	-	-	
Debt Service - 2013 Issue {\$25.260 mil}	2,092,913	-	-	-	-	-	-	-	-	
Debt Service - 2017 Issue {\$19 mil}	1,454,750	1,452,750	1,453,000	1,455,250	1,454,250	-	-	-	-	
Paying Agent Services	1,200 3,548,863	1,200 1,453,950	1,200 1,454,200	1,200 1,456,450	1,454,250	-	-	-	-	
—		,,	, - ,	, ,	, - ,					
OPERATING EXPENDITURES										
Prof Svcs/Proj Mgmt	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,
Legal/Audit	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,
Zone Park Maintenance [mowing, utilities, botanical supplies]	330,000	330,000	330,000	330,000	330,000	330,000	330,000	330,000	330,000	330,
Rail Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100
Road/Signage Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100
Contractual Payments [TEDC - Marketing]	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200
TISD-Reimbursement [per contract]	35,177	35,177	35,177	36,936	36,936	36,936	38,783	38,783	38,783	40,
Subtotal-Operating Expenditures	941,577	941,577	941,577	943,336	943,336	943,336	945,183	945,183	945,183	947
TOTAL DEBT & OPERATING EXPENDITURES _\$	s 4,490,440 \$	2,395,527 \$	2,395,777 \$	2,399,786 \$	2,397,586 \$	943,336 \$	945,183 \$	945,183 \$	945,183 \$	947,
Funds Available for Projects	6 21,182,799 \$	23,505,537 \$	23,544,235 \$	24,297,294 \$	24,523,108 \$	26,425,932 \$	26,801,896 \$	26,905,097 \$	27,237,809 \$	27,300,
PROJECTS										
Temple Industrial Park	-	-	-	-	-	-	-	-	-	
Corporate Campus Park	-	-	-	-	-	-	-	-	-	
Bioscience Park	-	-	-	-	-	-	-	-	-	
Research Parkway	-	-	_	_	_	-	_	_	-	
Synergy Park	-	_	-	-	_	-	_	_	-	
Downtown	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450
TMED		-	-	-	-	-	-	-	-	+00
Airport Park	-	-	-	-	-	-	-	-	-	
Public Improvements	16,500,000	- 19,000,000	18,500,000	19,250,000	19,250,000	21,000,000	21,500,000	21,500,000	22,000,000	22,000
Subtotal-Projects	16,950,000	19,450,000	18,950,000	19,700,000	19,700,000	21,450,000	21,950,000	21,950,000	22,450,000	22,000
TOTAL USE OF FUNDS	6 21,440,440 \$	21,845,527 \$	21,345,777 \$	22,099,786 \$	22,097,586 \$	22,393,336 \$	22,895,183 \$	22,895,183 \$	23,395,183 \$	23,397

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FINANCING PLAN Page 3 of 5

Financing Plan - 06/28/17 to Zone Board

DESCRIPTION	2043 61	2044 62	2045 63	2046 64	2047 65	2048 66	2049 67	2050 68	2051 69	2052 70
"Taxable Increment"	\$ 808,550,241 \$	816,635,743 \$	824,802,101 \$	833,050,122 \$	841,380,623 \$	849,794,429 \$	858,292,373 \$	866,875,297 \$	875,544,050 \$	884,299,4
	\$ 4,850,386 \$	5,183,512 \$	5,217,019 \$	5,450,771 \$	5,388,829 \$	5,533,234 \$	5,383,913 \$	5,445,088 \$	5,218,864 \$	5,205,1
Adjustments to Debt Service Reserve Fund Balance Available for Appropriation	\$ 4,850,386 \$	5,183,512 \$	5,217,019 \$	5,450,771 \$	5,388,829 \$	5,533,234 \$	5,383,913 \$	5,445,088 \$	5,218,864 \$	5,205,1
SOURCES OF FUNDS:										
Tax Revenues	20,334,364	20,537,694	20,743,056	20,950,473	21,159,963	21,371,548	21,585,250	21,801,088	22,019,084	22,239,2
Allowance for Uncollected Taxes [1.5% of Tax Revenues]	(305,015)	(308,065)	(311,146)	(314,257)	(317,399)	(320,573)	(323,779)	(327,016)	(330,286)	(333,
Interest Income-Other	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,
Grant Funds	-	-	-	-	-	-	-	-	-	
License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36
Other Revenues	-	-	-	-	-	-	-	-	-	
Bond Proceeds	-	-	-	-	-	-	-	-	-	
Total Sources of Funds	\$ 20,075,349 \$	20,275,629 \$	20,477,910 \$	20,682,216 \$	20,888,564 \$	21,096,975 \$	21,307,471 \$	21,520,072 \$	21,734,798 \$	21,951
TOTAL AVAILABLE FOR APPROPRIATION	\$ 24,925,734 \$	25,459,141 \$	25,694,929 \$	26,132,987 \$	26,277,392 \$	26,630,209 \$	26,691,384 \$	26,965,160 \$	26,953,662 \$	27,156
USE OF FUNDS:										
DEBT SERVICE										
2009 Bond Refunding	-	-	-	-	-	-	-	-	-	
2008 Bond Issue-Taxable {\$10.365 mil}	-	-	-	-	-	-	-	-	-	
Debt Service - 2011A Issue {Refunding}	-	-	-	-	-	-	-	-	-	
Debt Service - 2012 Issue {Refunding}	-	-	-	-	-	_	-	-	-	
Debt Service - 2013 Issue {\$25.260 mil}	-	-	-	-	-	-	-	-	-	
Debt Service - 2017 Issue {\$19 mil}	-	-	-	-	-	-	-	-	-	
Paying Agent Services	-	-	-	-	-	-	-	-	-	
Subtotal-Debt Service	-	-	-	-	-	-	-	-	-	
OPERATING EXPENDITURES										
Prof Svcs/Proj Mgmt	175,100	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175
Legal/Audit	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1
Zone Park Maintenance [mowing, utilities, botanical supplies]	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150
Rail Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100
Road/Signage Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100
Contractual Payments [TEDC - Marketing]	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200
TISD-Reimbursement [per contract]	40,722	40,722	42,758	42,758	42,758	44,896	44,896	44,896	47,141	47
Subtotal-Operating Expenditures	792,222	792,122	794,158	794,158	794,158	796,296	796,296	796,296	798,541	798
TOTAL DEBT & OPERATING EXPENDITURES	\$ 792,222 \$	792,122 \$	794,158 \$	794,158 \$	794,158 \$	796,296 \$	796,296 \$	796,296 \$	798,541 \$	798
Funds Available for Projects	\$ 24,133,512 \$	24,667,019 \$	24,900,771 \$	25,338,829 \$	25,483,234 \$	25,833,913 \$	25,895,088 \$	26,168,864 \$	26,155,121 \$	26,358
-										
PROJECTS										
Temple Industrial Park	-	-	-	-	-	-	-	-	-	
Corporate Campus Park	-	-	-	-	-	-	-	-	-	
Bioscience Park	-	-	-	-	-	-	-	-	-	
Research Parkway	-	-	-	-	-	-	-	-	-	
Synergy Park	-	-	-	-	-	-	-	-	-	
Downtown	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450
TMED	-	-	-	-	-	-	-	-	-	
Airport Park	-	-	-	-	-	-	-	-	-	
Public Improvements	18,500,000	19,000,000	19,000,000	19,500,000	19,500,000	20,000,000	20,000,000	20,500,000	20,500,000	20,500
Subtotal-Projects	18,950,000	19,450,000	19,450,000	19,950,000	19,950,000	20,450,000	20,450,000	20,950,000	20,950,000	20,950
	\$ 19,742,222 \$	20,242,122 \$	20,244,158 \$	20,744,158 \$	20,744,158 \$	21,246,296 \$	21,246,296 \$	21,746,296 \$	21,748,541 \$	21,748
TOTAL USE OF FUNDS	φ 19,742,222 φ	20,242,122 ψ	20,244,100 φ	20,744,100 φ	20,744,100 φ	21,240,250 φ	<i>L</i> 1, <i>L</i> +0, <i>L</i> 00 φ	<u></u>		,

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Financing Plan - 06/28/17 to Zone Board

DESCRIPTION	2053 71	2054 72	2055 73	2056 74	2057 75	2058 76	2059 77	2060 78	2061 79	2062 80
"Taxable Increment"	893,142,486 \$	902,073,910 \$	911,094,650 \$	920,205,596 \$	929,407,652 \$	938,701,729 \$	948,088,746 \$	957,569,633 \$	967,145,330 \$	976,816,78
FUND BALANCE, Begin \$	5,408,252 \$	5,330,426 \$	5,471,475 \$	5,335,970 \$	5,426,145 \$	5,241,781 \$	5,287,634 \$	5,566,005 \$	5,576,621 \$	5,324,42
2 Adjustments to Debt Service Reserve 3 Fund Balance Available for Appropriation	5,408,252 \$	- 5,330,426 \$	5,471,475 \$	- 5,335,970 \$	- 5,426,145 \$	- 5,241,781 \$	- 5,287,634 \$	- 5,566,005 \$	- 5,576,621 \$	5,324,427
SOURCES OF FUNDS:										
Tax Revenues	22,461,639	22,686,241	22,913,089	23,142,206	23,373,614	23,607,336	23,843,395	24,081,814	24,322,618	24,565,830
Allowance for Uncollected Taxes [1.5% of Tax Revenues]	(336,925)	(340,294)	(343,696)	(347,133)	(350,604)	(354,110)	(357,651)	(361,227)	(364,839)	(368,48
Interest Income-Other	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,00
9 Grant Funds	-	-	-	-	-	-	-	-	-	-
2 License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,00
Other Revenues	-	-	-	-	-	-	-	-	-	-
7 Bond Proceeds	-	-	-	-	-	-	-	-	-	-
Total Sources of Funds	22,170,714 \$	22,391,947 \$	22,615,393 \$	22,841,073 \$	23,069,010 \$	23,299,226 \$	23,531,744 \$	23,766,587 \$	24,003,779 \$	24,243,34
	6 27,578,967 \$	27,722,373 \$	28,086,868 \$	28,177,043 \$	28,495,154 \$	28,541,007 \$	28,819,378 \$	29,332,592 \$	29,580,399 \$	29,567,77
USE OF FUNDS:										
DEBT SERVICE										
7 2009 Bond Refunding	-	-	-	-	-	-	-	-	-	-
2008 Bond Issue-Taxable {\$10.365 mil}	-	-	-	-	-	-	-	-	-	-
Debt Service - 2011A Issue {Refunding}	_	_	_	_	_	-	_	-	_	-
Debt Service - 2012 Issue {Refunding}	_		_			_	_	_	_	_
Debt Service - 2012 Issue {\$25.260 mil}	-	-	-	-	-	-	-	-	-	_
Debt Service - 2013 Issue {\$23.200 mil} Debt Service - 2017 Issue {\$19 mil}	-	-	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-	-	-
Paying Agent Services Subtotal-Debt Service	-	-	-	-	-	-			-	-
OPERATING EXPENDITURES										
Prof Svcs/Proj Mgmt	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,00
Legal/Audit	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,40
Zone Park Maintenance [mowing, utilities, botanical supplies]	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,0
Rail Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,0
Road/Signage Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,0
Contractual Payments [TEDC - Marketing]	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,00
TISD-Reimbursement [per contract]	47,141	49,498	49,498	49,498	51,973	51,973	51,973	54,572	54,572	54,57
Subtotal-Operating Expenditures	798,541	800,898	800,898	800,898	803,373	803,373	803,373	805,972	805,972	805,97
TOTAL DEBT & OPERATING EXPENDITURES \$	798,541 \$	800,898 \$	800,898 \$	800,898 \$	803,373 \$	803,373 \$	803,373 \$	805,972 \$	805,972 \$	805,97
Funds Available for Projects \$	26,780,426 \$	26,921,475 \$	27,285,970 \$	27,376,145 \$	27,691,781 \$	27,737,634 \$	28,016,005 \$	28,526,621 \$	28,774,427 \$	28,761,79
PROJECTS										
7 Temple Industrial Park	-	-	-	-	-	-	-	-	-	-
Corporate Campus Park	-	-	-	-	-	-	-	-	-	
Bioscience Park	-	-	-	-	-	-	-	-	-	-
P Research Parkway	-	-	-	-	-	-	-	-	-	-
Synergy Park	_	_	_	_	_	-	_	-	_	-
Downtown	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,0
TMED	-	-	-	-	-30,000	-	-	-		-00,0
Airport Park	-	-	-	-	_	-	-	-	-	-
Public Improvements	21,000,000	21,000,000	- 21,500,000	- 21,500,000	- 22,000,000	22,000,000	- 22,000,000	- 22,500,000	- 23,000,000	- 28,311,7
Subtotal-Projects	21,450,000	21,450,000	21,950,000	21,950,000	22,450,000	22,450,000	22,450,000	22,950,000	23,450,000	28,761,7
TOTAL USE OF FUNDS	22,248,541 \$	22,250,898 \$	22,750,898 \$	22,750,898 \$	23,253,373 \$	23,253,373 \$	23,253,373 \$	23,755,972 \$	24,255,972 \$	29,567,7
© FUND BALANCE, End \$	5,330,426 \$	5,471,475 \$	5,335,970 \$	5,426,145 \$	5,241,781 \$	5,287,634 \$	5,566,005 \$	5,576,621 \$	5,324,427 \$	

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FINANCING PLAN Page 5 of 5

TIF Reinvestment Zone #1 Summary Financing Plan with Detailed Project Plan

Project Plan - 06/28/17 - to Zone Board

\$ 19,000,000

Bond Proceeds

	SUMMARY FINANCING PLAN		Bona Proceeds				
<u> </u>		Revised 2017	2018	2019	2020	2021	2022
1	Beginning Available Fund Balance, Oct 1	\$ 27,838,651	\$ 3,988,025	\$ 2,841,256	\$ 5,576,198	\$ 1,626,227	\$ 3,075,793
20	Total Sources of Funds	39,486,878	16,107,144	15,303,122	15,500,830	15,651,671	16,317,253
2	Adjustments to Debt Service Reserve		-	-	-	-	-
25	Net Available for Appropriation	67,325,529	20,095,169	18,144,378	21,077,028	17,277,898	19,393,046
50/52	General Administrative Expenditures	176,300	176,300	176,300	176,300	176,300	176,400
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	330,000	330,000	330,000	330,000	330,000	330,000
56	Rail Maintenance	214,390	100,000	100,000	100,000	100,000	100,000
58	Road/Signage Maintenance	238,243	100,000	100,000	100,000	100,000	100,000
60	Contractual Payments (TEDC - Marketing)	200,000	200,000	200,000	200,000	200,000	200,000
62	TISD-Reimbursement [per contract]	26,250	27,563	27,563	27,563	28,941	28,941
27	Debt Service - 2009 Issue {Refunding}	1,510,150	1,488,750	1,485,000	-	-	-
28	Debt Service - 2008 Taxable Issue {\$10.365 mil}	1,240,096	1,241,957	1,241,173	1,237,744	1,241,670	1,242,422
29	Debt Service - 2011A Issue {Refunding}	912,200	908,350	915,950	2,497,800	2,497,550	2,494,950
30	Debt Service - 2012 Issue {Refunding}	76,400	79,600	77,650	80,050	77,250	78,750
31	Debt Service - 2013 Issue {\$25.260 mil}	2,034,894	2,047,694	2,048,344	2,047,944	2,046,494	2,031,494
32	Debt Service - 2017 Issue {\$19 mil}	344,583	1,452,000	1,454,500	1,451,700	1,452,200	1,452,100
33	Paying Agent Services	1,700	1,700	1,700	1,700	1,700	1,700
70	Total Debt & Operating Expenditures	7,305,206	8,153,914	8,158,180	8,250,801	8,252,105	8,236,757
80	Funds Available for Projects	\$ 60,020,323	\$ 11,941,256	\$ 9,986,198	\$ 12,826,227	\$ 9,025,793	\$ 11,156,289

PROJECT PLAN

	PROJECT PLAN		T				
		Revised 2017	2018	2019	2020	2021	2022
	TEMPLE INDUSTRIAL PARK:						
101	o y (t)	107,500	400,000	-	-	-	-
102	,	186,655					
108		52,354	-	-	-	-	-
109		350,000	-	-	-	-	-
150	Total North Zone/Rail Park (including Enterprise Park)	696,509	400,000	-	-	-	-
	CORPORATE CAMPUS PARK:						
155	Pepper Creek Trail Hwy 36 to McLane Parkway	1,651,520	-	-	-	-	-
200	Total Corporate Campus Park	1,651,520	-	-	-	-	-
	BIOSCIENCE PARK:						
207		5,564,692	-	-	-	-	-
250		5,564,692	-	-	-	-	-
005	RESEARCH PARKWAY	1 005 000					
305	, , ,	1,925,000	-	-	-	-	-
305		1,202,056	1,000,000	-	-	-	-
305	Research Pkwy (Wendland to McLane Pkwy)	1,081,176	-	-	-	-	-
310		1,021,580	-	-	-	-	-
315	Outer Loop (135 South)	400,000	-	-	-	-	-
320	Outer Loop (135 South) Outer Loop (135 South) {bond funded}	2,100,000	-	-	10,750,000	-	-
<i>320</i> 350		2,100,000	1,000,000	-	10,750,000	-	-
351	<u>SYNERGY PARK:</u> Lorraine Drive (Southeast Industrial Park) - [\$1.5M total project cost]	13,975	_	_	_	_	_
352		487,726	_	_	_	_	_
400	•	501,701	-	-	-	-	-
101	DOWNTOWN:	601 100	450,000	450.000	450.000	450.000	450.00
401	Downtown Improvements {Transformation Team} Santa Fe Plaza	681,100 8 020 222	450,000	450,000	450,000	450,000	450,00
404 404	Santa Fe Plaza {bond funded}	8,039,332	1,500,000	-	-	-	-
404 406	Intersection Improvements at Central & North 4th Street	-	750.000	-	-	-	-
406 407	Santa Fe Market Trail	- 716,463	750,000	-	-	-	-
407	Santa Fe Market Trail {bond funded}	1,500,000	-	-	-	-	_
407		50,000	-	-	-	-	-
408 409		5,000,000	5,000,000	-	-	-	-
403		3,000,000	3,000,000	450.000	450.000	450.000	450.00

409		3,000,000	3,000,000	_	_	-	_
450	Total Downtown	17,886,895	7,700,000	450,000	450,000	450,000	450,000
	TMED:						
458	Loop 363 Frontage Rd (UPRR to 5th TIRZ portion)	182,935	-	-	-	-	-
459	31st Street/Loop 363 Improvements/Monumentation	1,287,205	-	-	-	-	-
460	Ave U TMED Ave. to 1st Street	2,884,670	-	-	-	-	-
461	TMED Master Plan (Health Care Campus)	20,150	-	-	-	-	-
462	TMED Master Plan & Thoroughfare Plan	55,000	-	-	-	-	-
464	Veteran's Memorial Blvd. Phase II	804,285	-	3,960,000	-	-	-
465	1st Street @ Temple College Pedestrian Bridge	-	-	-	-	-	-
466	South 1st Street	1,320,000	-	-	-	-	-
500	Total TMED	6,554,245	-	3,960,000	-	-	-
	AIRPORT PARK:						
507	Taxiway for Airport	63,700	-	-	-	-	-
508	Corporate Hangar Phase II	263,224	-	-	-	-	-
509	Airport RAMP Grant	-	-	-	-	-	-
510	Corporate Hangar	1,620,000					
550	Total Airport Park	1,946,924	-	-	-	-	-
610	Public Improvements		-	-	-	5,500,000	7,000,000
	Total Planned Project Expenditures	56,032,298	9,100,000	4,410,000	11,200,000	5,950,000	7,450,000
700	Available Fund Balance at Year End	\$ 3,988,025 \$	2,841,256 \$	5,576,198 \$	1,626,227 \$	3,075,793 \$	3,706,289

|--|

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
795-9800-531-68-67	101005	CROSS ROADS PARK @ PEPPER CREEK TRAIL	\$ 750,000	
795-9800-531-68-73	101011	31ST STREET/LOOP 363/MONUMENTATION		\$ 750,000
TOTAL			\$ 750,000	\$ 750,000
EXPLANATION OF AD.	JUSTMENT	REQUEST- Include justification for increases AND reason why fur he Reinvestment Zone No. 1 Board at its 06.28.17 meeting and as ap	nds in decreased acc	count are available.
07.20.17.	Infinencied by t	ne Kenvesiment Zone No. 1 Doard at its 00.20.17 meeting and as ap	proved on second re	
DOES THIS REQUEST REQ	UIRE COUNC	CIL APPROVAL?	Yes	No
DATE OF COUNCIL MEETIN	IG	7/20/2017		
WITH AGENDA ITEM?		x	Yes	No
				Approved
Department Head/Divisio	n Director	Date		Disapproved
				- 1
Finance		Date		Approved Disapproved
		Date		-
Oit: Managar				Approved
City Manager		Date		Disapproved

ORDINANCE NO. 2017-4851

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE TAX INCREMENT FINANCING REINVESTMENT ZONE NO. 1 FINANCING AND PROJECT PLANS TO APPROPRIATE ADDITIONAL FUNDING FOR CROSSROADS PARK AT PEPPER CREEK TRAIL IN FISCAL YEAR 2017; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; DECLARING FINDINGS OF FACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City Council (the "Council") of the City of Temple, Texas, (the "City") created Reinvestment Zone Number One, City of Temple, Texas (the "Zone") by Ordinance No. 1457 adopted on September 16, 1982;

Whereas, the Council adopted a Project Plan and Reinvestment Zone Financing Plan for the Zone by Ordinance No. 1525 adopted on December 22, 1983, and thereafter amended such plans by Ordinance No. 1664 adopted on June 20, 1985, Ordinance No. 1719 adopted on November 21, 1985, Ordinance No. 1888 adopted on December 21, 1987, Ordinance No. 1945 adopted on October 20, 1988; Ordinance No. 1961 adopted on December 1, 1988; Ordinance No. 2039 adopted on April 19, 1990; Ordinance No. 91-2119 adopted on December 5, 1991; Ordinance No. 92-2138 adopted on April 7, 1992; Ordinance No. 94-2260 adopted on March 3, 1994; Ordinance No. 95-2351 adopted on June 15, 1995; Ordinance No. 98-2542 adopted on February 5, 1998; Ordinance No. 98-2582 adopted on November 19, 1998; Ordinance No. 99-2619 adopted on March 18, 1999; Ordinance No. 99-2629 adopted on May 6, 1999; Ordinance No. 99-2631 adopted on May 20, 1999; Ordinance No. 99-2647 adopted on August 19, 1999; Ordinance No. 99-2678 adopted on December 16, 1999; Ordinance No. 2000-2682 adopted on January 6, 2000; Ordinance No. 2000-2729 adopted on October 19, 2000; Ordinance No. 2001-2772 adopted on June 7, 2001; Ordinance No. 2001-2782 adopted on July 19, 2001; Ordinance No. 2001-2793 adopted on September 20, 2001; Ordinance No. 2001-2807 on November 15, 2001; Ordinance No. 2001-2813 on December 20, 2001; Ordinance No. 2002-2833 on March 21, 2002; Ordinance No. 2002-2838 on April 18, 2002; Ordinance No. 2002-3847 on June 20, 2002; Ordinance No. 2002-3848 on June 20, 2002; Ordinance No. 2002-3868 on October 17, 2002; Ordinance No. 2003- 3888 on February 20, 2003; Ordinance No. 2003-3894 on April 17, 2003; Ordinance No 2003-3926 on September 18, 2003; Ordinance No. 2004-3695 on July 1, 2004; Ordinance No. 2004-3975 on August 19, 2004; Ordinance No. 2004-3981 on September 16, 2004; Ordinance No. 2005-4001 on May 5, 2005; Ordinance No. 2005-4038 on September 15, 2005; Ordinance No. 2006-4051 on January 5, 2006; Ordinance No. 2006-4076 on the 18th day of May, 2006; Ordinance No. 2006-4118; Ordinance No. 2007-4141 on the 19th day of April, 2007; Ordinance No. 2007-4155 on July 19, 2007; Ordinance No. 2007-4172 on the 20th day of September, 2007; Ordinance No. 2007-4173 on October 25, 2007; Ordinance No. 2008-4201 on the 21st day of February, 2008; and Ordinance No. 2008-4217 the 15th day of May, 2008; Ordinance No. 2008-4242 the 21st day of August, 2008; Ordinance No. 2009-4290 on the 16th day of April, 2009; Ordinance No. 2009-4294 on the 21st day of May, 2009; Ordinance No. 2009-4316 on the 17th day of September, 2009; Ordinance No. 2009-4320 on the 15th day of October, 2009; Ordinance No. 2010-4338 on the 18th day of February, 2010; Ordinance No. 2010-4373 on the 19th day of August, 2010; Ordinance No. 2010-4405 on November 4, 2010; Ordinance No. 2011-4429 on March 17,

2011; Ordinance No. 2011-4455 on July 21, 2011; Ordinance No. 2011-4477 on October 20, 2011; Ordinance No. 2012-4540 on June 21, 2012; and Ordinance No. 2012-4546 on July 19, 2012; Ordinance No. 2012-4554 on September 20, 2012; Ordinance No. 2012-4566 on November 15, 2012; Ordinance No. 2013-4595 on June 20, 2013; Ordinance No. 2014-4665 on May 15, 2014; Ordinance No. 2014-4676 on July 17, 2014; Ordinance No. 2014-4683 on September 18, 2014; Ordinance No. 2014-4695 on December 18, 2014; Ordinance No. 2015-4705 on April 16, 2015; Ordinance No. 2015-4734 on October 17, 2015; Ordinance No. 2016-4789 on July 21, 2016; Ordinance No. 2016-4809 on October 20, 2016; Ordinance No. 2017-4838 on April 20, 2017; Ordinance No. 2017-4851 on July 20, 2017;

Whereas, the Board of Directors of the Zone has adopted an additional amendment to the Reinvestment Zone Financing and Project Plans for the Zone and forwarded such amendment to the Council for appropriate action;

Whereas, the Council finds it necessary to amend the Reinvestment Zone Financing and Project Plans for the Zone to include financial information as hereinafter set forth;

Whereas, the Council finds that such amendment to the Reinvestment Zone Financing and Project Plans is feasible and conforms to the Comprehensive Plan of the City, and that this action will promote economic development within the City of Temple; and

Now, Therefore, Be it Ordained by the City Council of the City of Temple, Texas That:

<u>**Part 1: Findings.**</u> The statements contained in the preamble of this Ordinance are true and correct and are adopted as findings of fact hereby.

<u>Part 2:</u> Reinvestment Zone Financing and Project Plans. The amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans, heretofore adopted by the Board of Directors of the Zone and referred to in the preamble of this ordinance, is hereby approved and adopted, as set forth in the Amendments to Reinvestment Zone Number 1, City of Temple, Texas, attached hereto as Exhibits A and B.

<u>Part 3:</u> Plans Effective. The Financing Plan and Project Plans for the Zone heretofore in effect shall remain in full force and effect according to the terms and provisions thereof, except as specifically amended hereby.

<u>Part 4:</u> Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance 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.

<u>Part 5:</u> Effective Date. 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.

<u>**Part 6: Open Meetings.**</u> 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 Meeting Act.

PASSED AND APPROVED on First Reading and Public Hearing on the 6th day of July, 2017.

PASSED AND APPROVED on Second Reading on the **20th** 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

07/20/17 Item #3(I) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing the use of the Competitive Sealed Proposal project delivery method for the acquisition of construction services needed for the construction of an airport hangar.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Included in the Tax Increment Financing Reinvestment Zone No. 1 FY 2017 Project Plan is the construction of a 12,580 square foot airport corporate hangar.

The City has an executed contract with Kasberg, Patrick & Associates, LP for the design of the hangar. Staff believes that the best value for the construction of this project can be obtained if Staff and Council are able to evaluate general contractor offers to construct this project against several factors, in addition to price. Accordingly, Staff is recommending that the Competitive Sealed Proposal (CSP) method, per Texas Government Code Chapter 2269, Subchapter D, be used for the procurement of the construction of the hangar.

In accordance with the Texas Government Code Chapter 2269 and the Local Government Code §252.021, before a municipality enters into a contract that requires competitive sealed bidding, the governing body may consider using a method other than competitive sealed bidding in order to achieve the best value for the municipality.

The proposed evaluation criteria related to the Request for Competitive Sealed Proposals (RCSP) are as follows: 60%, price to construct; 10%, contractor's experience in constructing like-kind projects (including the experience of assigned project team); 10%, contractor's reputation in successfully completing like-kind projects on-time and on-budget; 10%, compatibility of proposed pre-engineered metal building to City's desired specifications; and 10%, proposed timeline;

If authorized by the Council, Staff will proceed with releasing a RCSP on July 24, 2017, related to the corporate hangar project. Staff anticipates coming back to Council in September or October 2017 with a recommendation for a contract related to the hangar project, with construction of the project to commence shortly thereafter.

FISCAL IMPACT: Funding in the amount of \$1,620,000 for the design and construction of the Corporate Hangar Development Project Phase III is available in the Reinvestment Zone No. 1 Financing Plan, Airport Park, account # 795-9500-531-6523, project 101586. In addition to funding from the Reinvestment Zone, this project is being funded with grant funds in the amount of \$200,000 and an anticipated minimum contribution from others in the amount of \$150,000. The "net" cost to the Reinvestment Zone No. 1 is \$1,270,000.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2017-8727-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE USE OF THE COMPETITIVE SEALED PROPOSAL PROJECT DELIVERY METHOD FOR THE ACQUISITION OF CONSTRUCTION SERVICES NEEDED FOR THE CONSTRUCTION OF AN AIRPORT HANGER; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, included in the Tax Increment Financing Reinvestment Zone No. 1 fiscal year 2017 Project Plan is the construction of a 12,580 square foot airport corporate hangar;

Whereas, the City has an executed contract with Kasberg, Patrick & Associates, LP for the design of the hangar and Staff believes the best value for the construction of this project can be obtained if Staff is able to evaluate general contractor offers against several factors, in addition to price;

Whereas, in accordance with the Texas Government Code Chapter 2269 and the Local Government Code §252.021, before a municipality enters into a contract that requires competitive sealed bidding, the governing body may consider using a method other than competitive sealed bidding in order to achieve the best value for the municipality;

Whereas, Staff is recommending Council authorize the use of the Competitive Sealed Proposal method, per Texas Government Code Chapter 2269, Subchapter D, for the procurement of the construction of an airport hangar;

Whereas, funding for the design and construction of the airport hangar is available in the Reinvestment Zone No. 1 Financing Plan, Airport Park, Account No. 795-9500-531-6523, Project No. 101586 - in addition to funding from the Reinvestment Zone, this project is being funded with grant funds; 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:

<u>**Part 1**</u>: **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.

<u>**Part 2:**</u> The City Council authorizes the use of the Competitive Sealed Proposal method, per Texas Government Code Chapter 2269, Subchapter D, for the procurement of the construction of an airport hangar.

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 **20th** day of **July**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN MAYOR

APPROVED AS TO FORM:

Lacy Borgeson City Secretary

ATTEST:

Kayla Landeros City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/20/17 Item #3(J) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing budget amendments for fiscal year 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 \$258,392.

ATTACHMENTS: Budget Amendments Resolution

Į.		CITY OF TEMPLE				
		BUDGET AMENDMENTS FOR FY 2017 BUDGET July 20, 2017				
				APPROP	RIA ⁻	
ACCOUNT #	PROJECT #	DESCRIPTION	¢	Debit		Credit
260-2000-521-6218 260-0000-431-0163	101718	Capital Equipment / Computer Hardware Federal Grants / Federal Grants	\$	66,060	\$	52,848
260-0000-431-0103		Transfer In / General Fund			ф \$	13,212
110-9100-591-8160		Transfer Out / Grant Fund	\$	13,212	Ψ	13,212
110-0000-313-0330		Reserved for Drug Enforcement / Reserve for Seized Funds - State	Ψ	10,212	\$	13,212
		To allocate funding for the purchase of camera storage and backup for body-worn cameras utilized by the Police Department. Grant funds in the amount of \$52,848 were awarded through the Body-Worn Camera Program with the Criminal Justice Division of the Governor's Office. The required 20% minimum match by the City will be funded with State				
110-3500-552-6310	101630	Seized Funds. Capital Buildings & Grounds / Swings - Valley Ranch Park	\$	3,820		
110-0000-445-1587		Recreational Services / Donations - Parks			\$	3,820
		To appropriate a donation received from Belfair Development for swings to be installed at Valley Ranch Park.				
110-2011-521-2514		Other Services / Travel & Training	\$	3,300		
110-0000-442-0722		Police Revenue / Police Donations/Gifts			\$	3,300
		To appropriate a donation received from the Temple Business League to pay for a police officer to attend the Police Supervisory Training.				
110-2320-540-2649		Contracted Services / Landfill Tipping Fees	\$	60,000		
110-2330-540-2649		Contracted Services / Landfill Tipping Fees	\$	15,000		
110-2370-540-2649		Contracted Services / Landfill Tipping Fees	\$	97,000		
110-0000-444-1051		Solid Waste Revenue / Residential	Ŧ	,	\$	15,000
110-0000-444-2053		Solid Waste Revenue / Roll Off			\$	157,000
		To appropriate additional revenues and landfill tipping fees for Solid Waste Residential and Roll Off services.				
		TOTAL AMENDMENTS	\$	258,392	\$	258,392
		TOTAL AMENDMENTS GENERAL FUND	\$	258,392	\$	258,392
		GENERAL FUND Beginning Contingency Balance	\$	258,392	\$ \$	258,392
		GENERAL FUND Beginning Contingency Balance Added to Contingency Sweep Account	\$	258,392		258,392
		GENERAL FUND Beginning Contingency Balance Added to Contingency Sweep Account Carry forward from Prior Year	\$	258,392		258,392
		GENERAL FUND Beginning Contingency Balance Added to Contingency Sweep Account	\$	258,392		258,392
		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 Added to Contingency Judgments & Damages from Council Contingency	\$	258,392	\$	-
		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 Added to Contingency Judgments & Damages from Council Contingency Taken From Judgments & Damages	\$	258,392	\$	5,257
		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 Added to Contingency Judgments & Damages from Council Contingency	\$	258,392	\$	5,257
		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 Added to Contingency Judgments & Damages from Council Contingency Taken From Judgments & Damages	\$	258,392	\$	5,257 5,257
		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 Added to Contingency Judgments & Damages from Council Contingency Taken From Judgments & Damages Net Balance of Judgments & Damages Net Balance of Judgments & Damages Contingency Account Beginning Compensation Contingency Added to Compensation Contingency	\$	258,392	\$ \$ \$ \$	5,257 5,257 5,257 560,000
		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 Added to Contingency Judgments & Damages from Council Contingency Taken From Judgments & Damages Net Balance of Judgments & Damages Contingency Account Beginning Compensation Contingency Added to Compensation Contingency Taken From Compensation Contingency	\$	258,392	\$ \$ \$ \$	5,257 5,257 5,257 560,000
		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 Added to Contingency Judgments & Damages from Council Contingency Taken From Judgments & Damages Net Balance of Judgments & Damages Contingency Account Beginning Compensation Contingency Added to Compensation Contingency Taken From Compensation Contingency Net Balance of Compensation Contingency Net Balance of Compensation Contingency Net Balance of Compensation Contingency	\$	258,392	\$ \$ \$ \$	258,392

CITY OF TEMPLE BUDGET AMENDMENTS FOR FY 2017 BUDGET July 20, 2017

		July 20, 2017		
			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION Del	bit	Credit
		WATER & SEWER FUND	¢	50.000
		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
			Ψ.	120,042
		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	\$	24.200
			φ	24,300
		Added to Compensation Contingency		-
		Taken From Compensation Contingency Net Balance of Compensation Contingency Account	\$	24,300
		Net Dalance of Compensation Contingency Account	Ψ	24,300
		Net Balance Drainage Fund Contingency	\$	24,300
		FED/STATE GRANT FUND		
		Beginning Contingency Balance	\$	
		Carry forward from Prior Year	φ	14,947
		Added to Contingency Sweep Account		22,397
		Taken From Contingency		22,397
		raken nom contingency		-
		Net Balance Fed/State Grant Fund Contingency	\$	37,344

RESOLUTION NO. 2017-8728-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:

<u>Part 1</u>: 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.

<u>**Part 2:**</u> 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.

<u>**Part 3**</u>: 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 **20th** day of **July**, 2017.

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

07/20/17 Item #4 Regular Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: P-FY-17-36: Consider adopting a resolution approving the Master Preliminary Plat of North Gate, a 200.035 +/- acres, 528-lots, 20-blocks, residential subdivision with developer requested exception to Unified Development Code Section 8.3: Park Land Dedication for private parks, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, located south and southwest of State Highway 36, North of Prairie View Road, and east of Pea Ridge Road.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its June 19, 2017, meeting the Planning and Zoning Commission voted seven to zero to recommend approval of the Master Preliminary Plat of North Gate with the developer's requested exception to UDC Section 8.3: Park Land Dedication for private parks.

STAFF RECOMMENDATION: Staff recommends approval of the Master Preliminary Plat of North Gate with the developer's requested exception to Unified Development Code (UDC) Section 8.3: Park Land Dedication for private parks.

ITEM SUMMARY: The Development Review Committee reviewed the Master Preliminary Plat of North Gate on June 8, 2017 and June 12, 2017. It was deemed administratively complete on June 15, 2017.

The Master Preliminary Plat of North Gate is a 528-lots, 20-blocks, residential subdivision. The proposed Master Preliminary Plat of North Gate is in agreement with the Planned Development site plan for Z-FY-17-26, approved by City Council Ordinance 2017-4844 on June 1, 2017.

The developer, John Kiella, requests an exception to Unified Development Code Section 8.3: Park Land Dedication to allow the developer to present his own master plan for parkland development within the proposed North Gate community to be privately owned and maintained by the North Gate Home Owners Association. The developer proposes approximately 15.979 acres of green space of which 5.258 acres will be designated specifically as park areas. Water will be provided to the subdivision through proposed eight-inch water lines. Sewer will be provided to the subdivision through eight-inch sanitary sewer lines. Drainage will be through a series of Tracts designated for detention ponds. Tract H will be used as a utility easement, as well as a drainage easement.

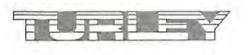
Lot 53, Block 13 is to be used as a future street extension, per UDC Section 8.2.D.4.

City Council is the final plat authority since the applicant requests an exception to the Unified Development Code.

FISCAL IMPACT: N/A

ATTACHMENTS:

Letter of Requested Exception Plat exhibits Resolution



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

June 15, 2017

City of Temple Brian Chandler Planning Director 2 North Main Street Temple, TX 76501

RE: P-FY-17-36 Master Preliminary Plat for North Gate

Dear Mr. Chandler:

On behalf of our client, Turley Associates, Inc. requests that the City Council grant an exception to Section 8.3 of the Unified Development Code's Parkland requirements. The developer would like to present his own master plan for parkland for the North Gate community. This request is similar to the exception that was granted for Groves at Lakewood Ranch Preliminary Plat.

All parkland and subsequent improvements will be privately owned and maintained by the North Gate Home Owners Association. There is approximately 15.979 acres of green space with in the 200.035 acre development of which 5.258 acres will be designated specifically as park areas. The developer has plans to install sidewalks or trails as shown in the attached preliminary concept plan to connect majority of the green areas and parks.

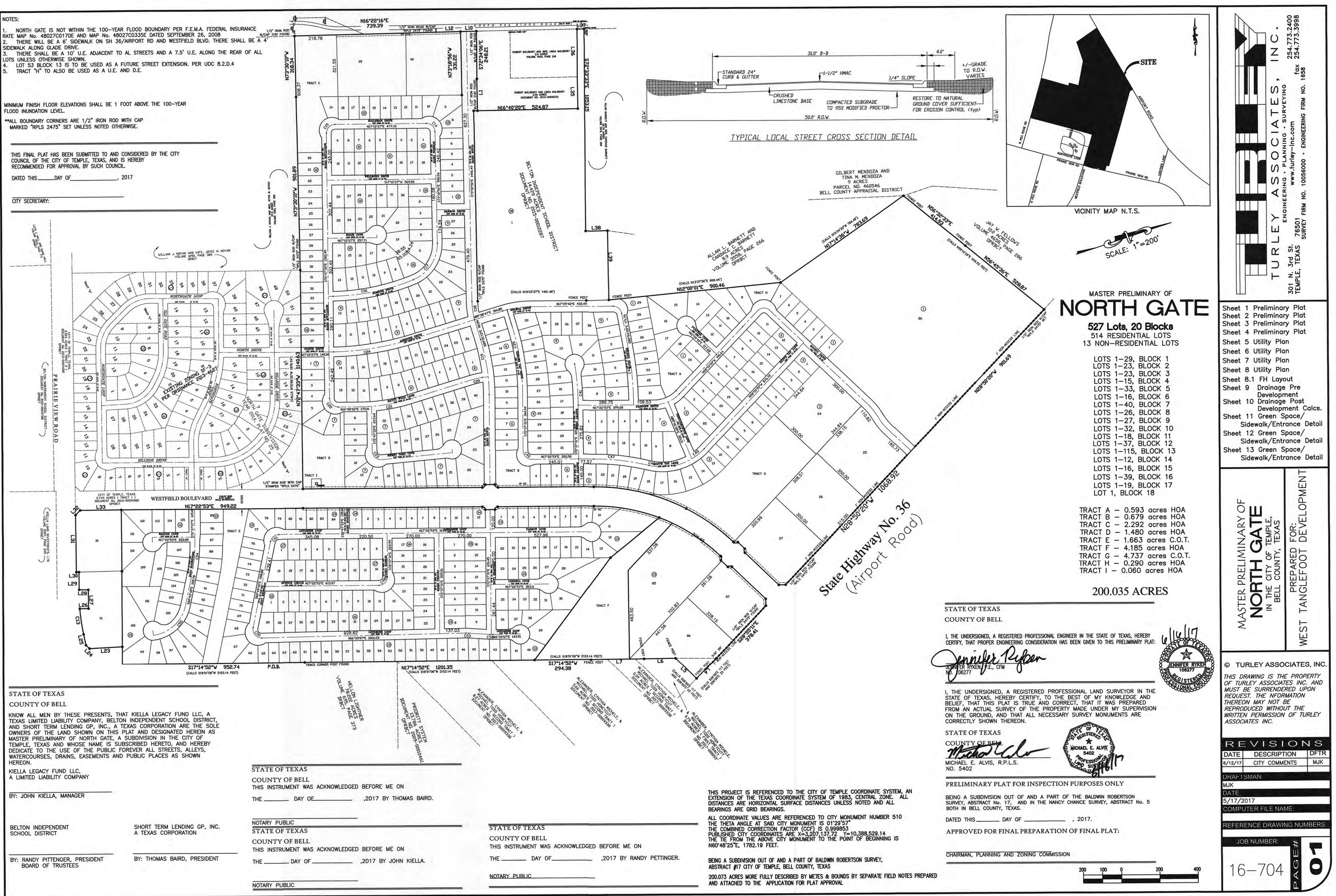
At this time phasing and lot counts for the Final Plats have not been determined. As part of the exception being requested the developer would like the City to look at the system of parks and trails as a whole for the 528 lot community. We ask that instead of piecing the parks and trails together on a per plat or per home built basis that everyone looks at the bigger picture. The park and trail system will be an ongoing process and the developer requests that the improvements not be specifically timed to phasing.

An exception to the Parkland Requirements will enable the developer to provide a family friendly master park and trail system within the North Gate community to be owned and maintained by a private entity and still fulfilling the City of Temple's vision for parks and recreation.

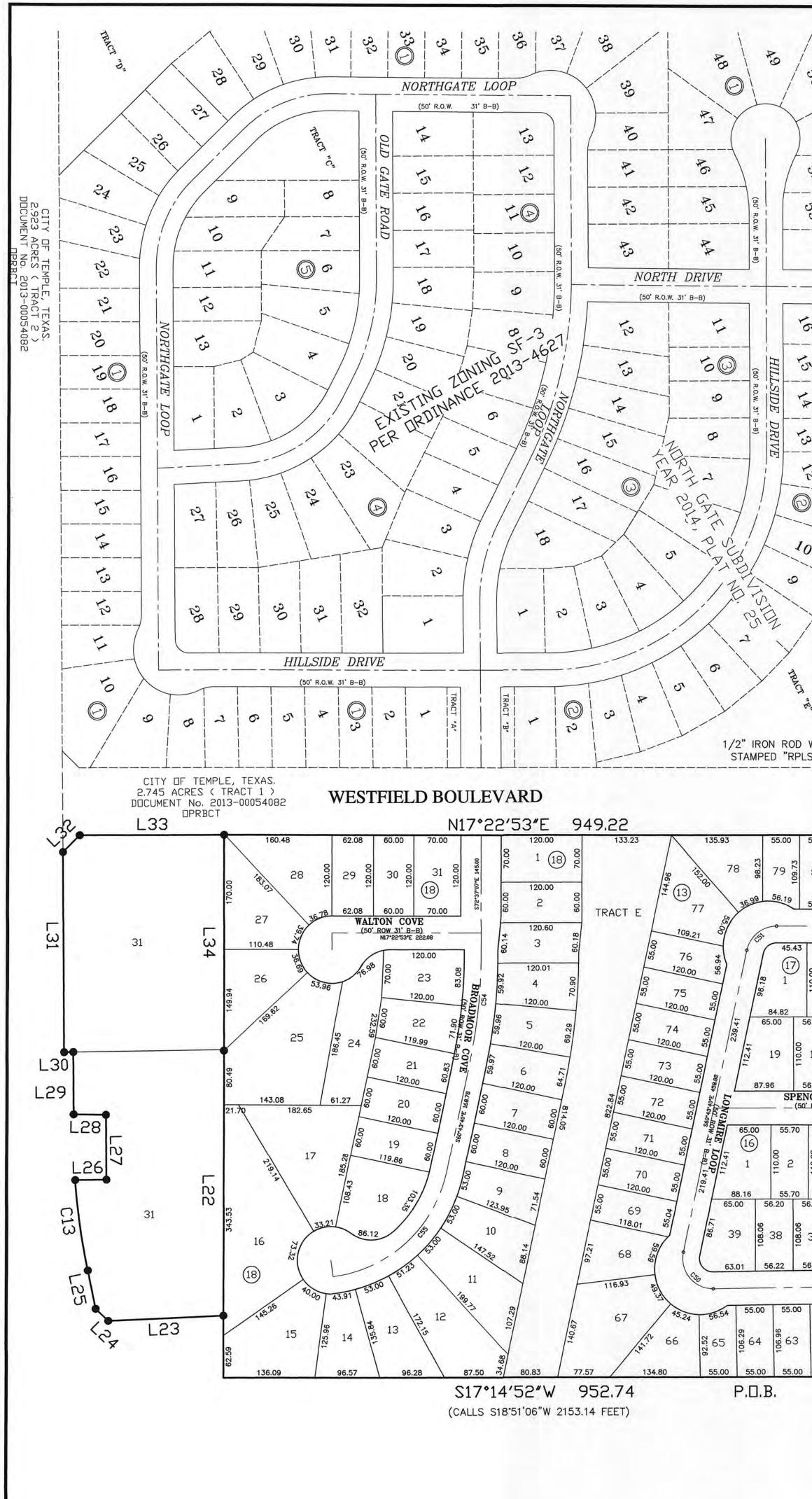
Sincerely, TURLEY ASSOCIATES, INC

Jennifer Ryken, P.E. Project Engineer

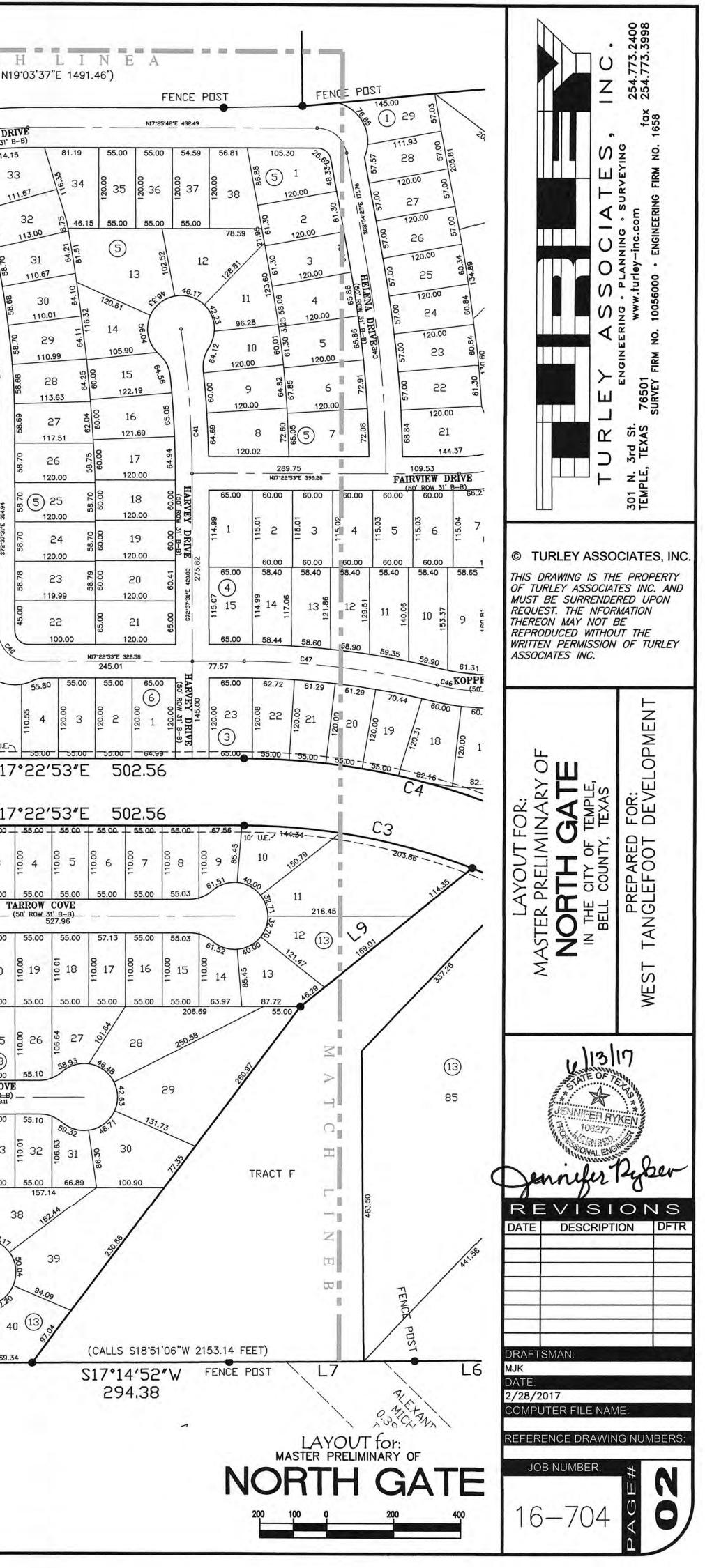
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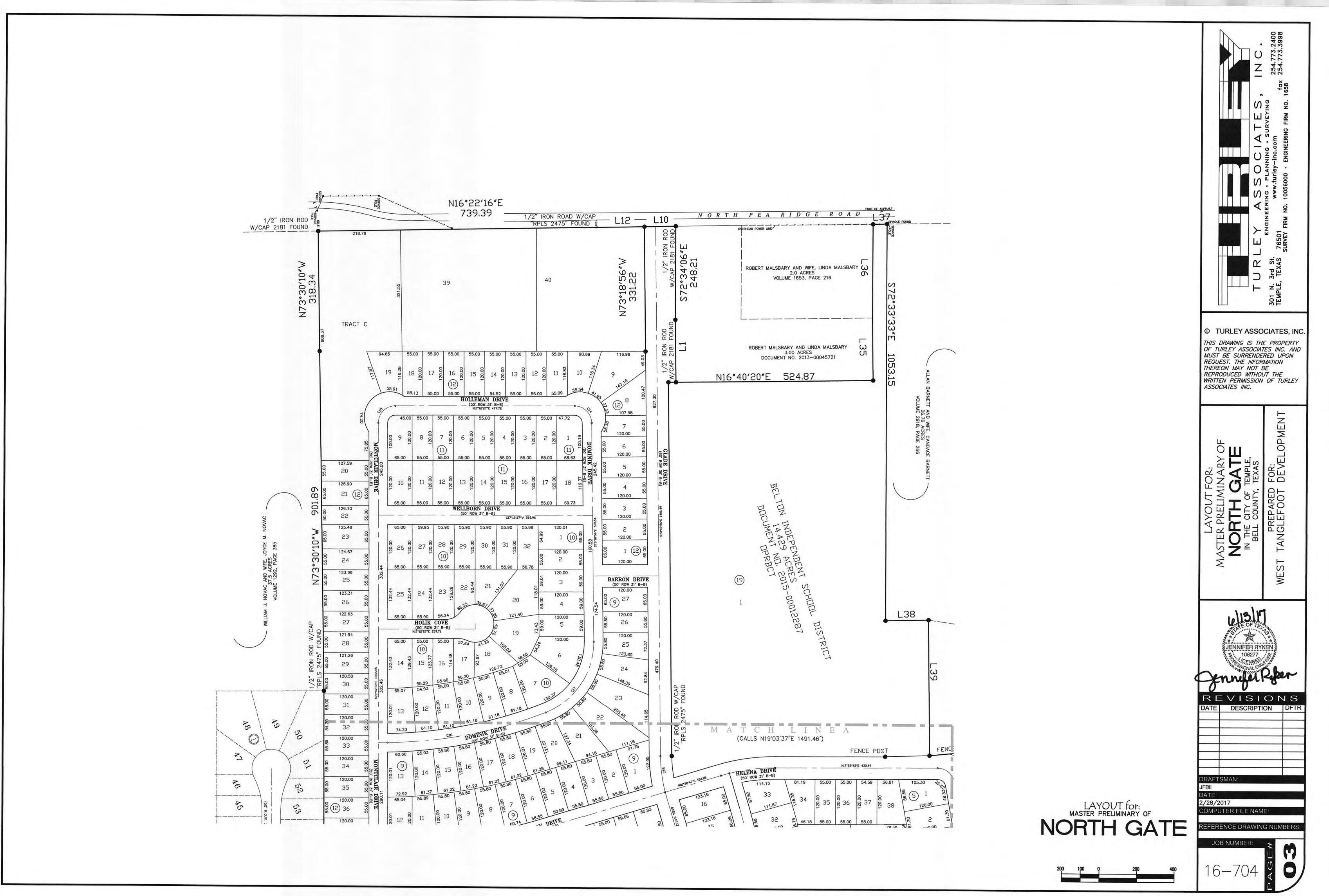


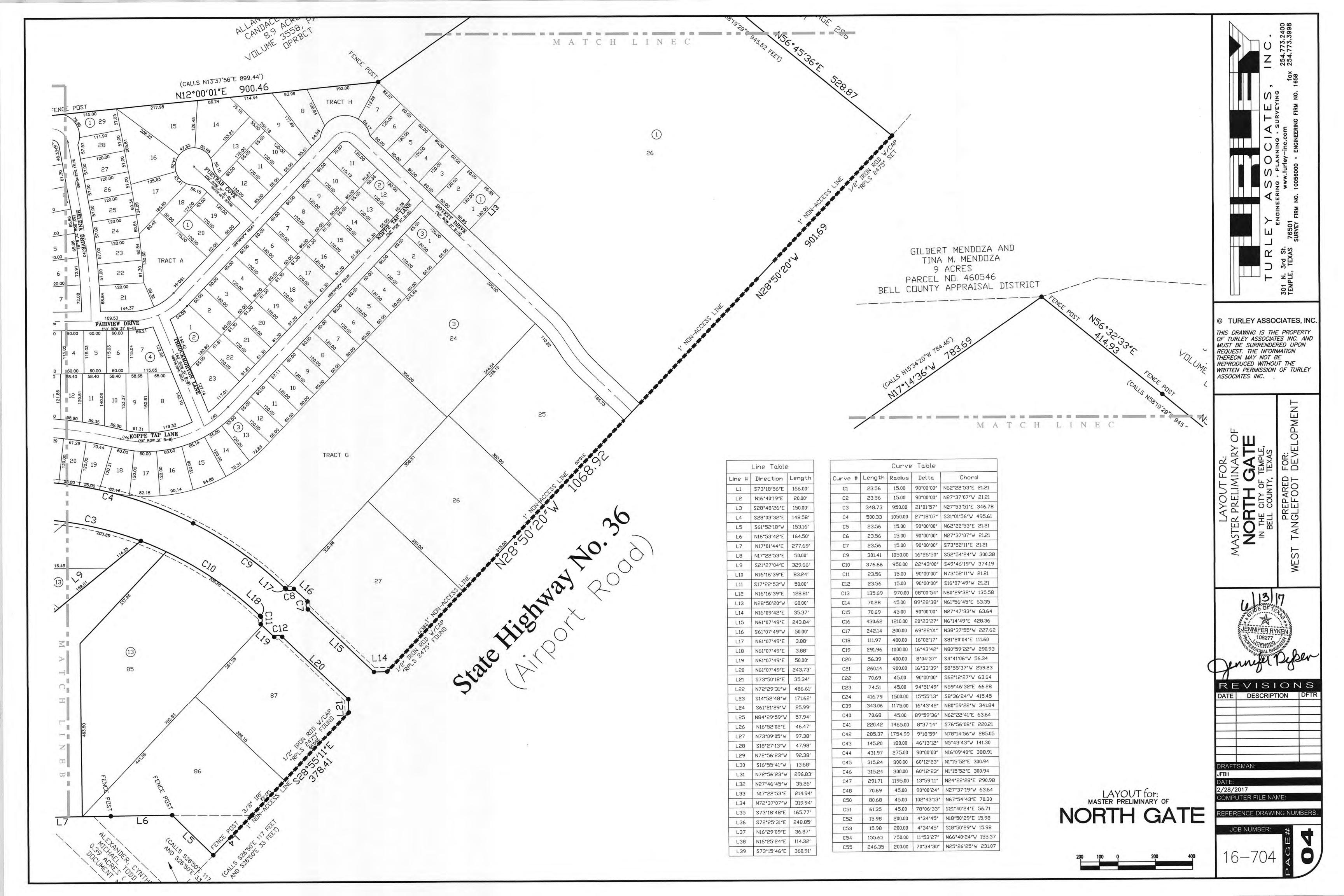


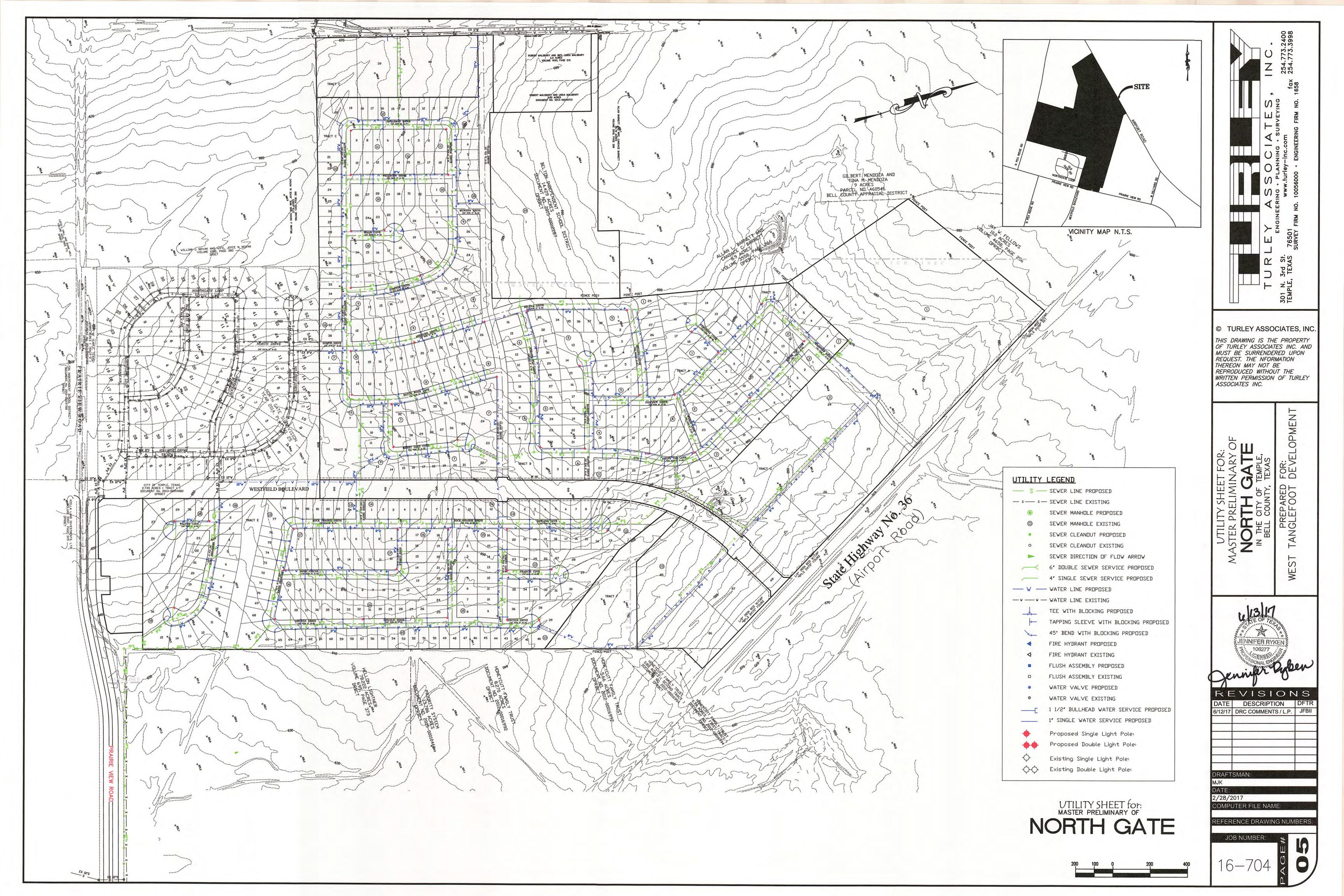


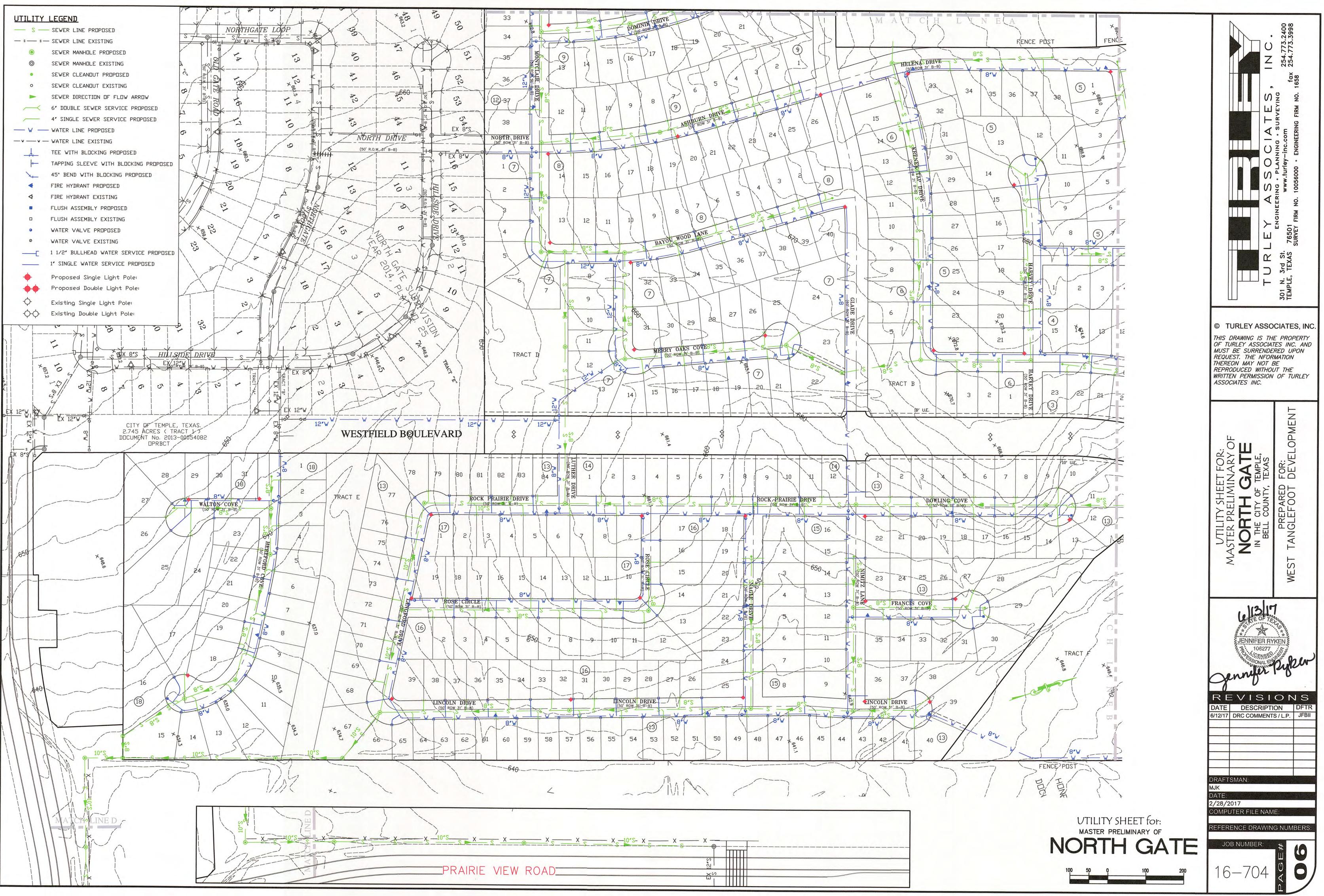
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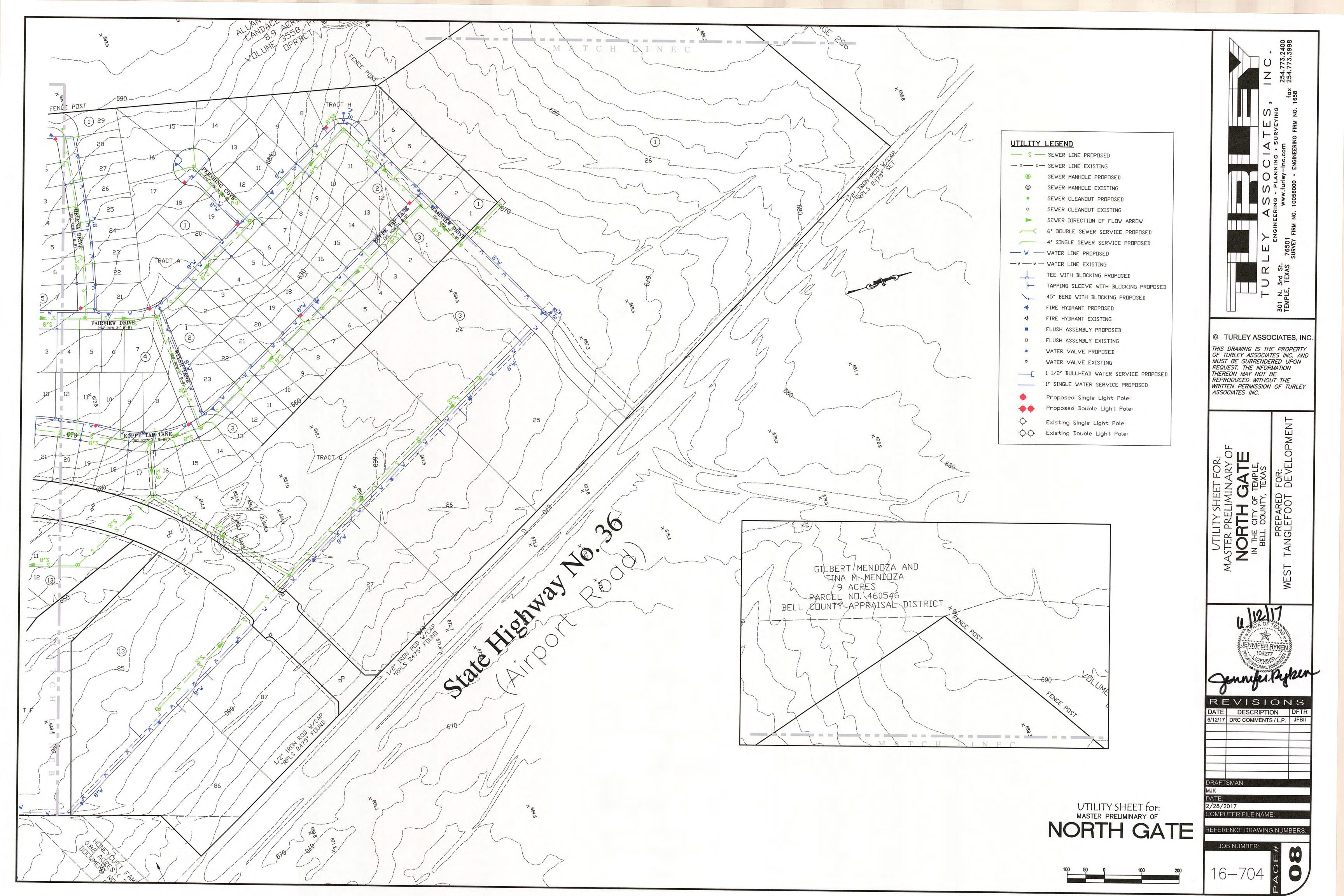


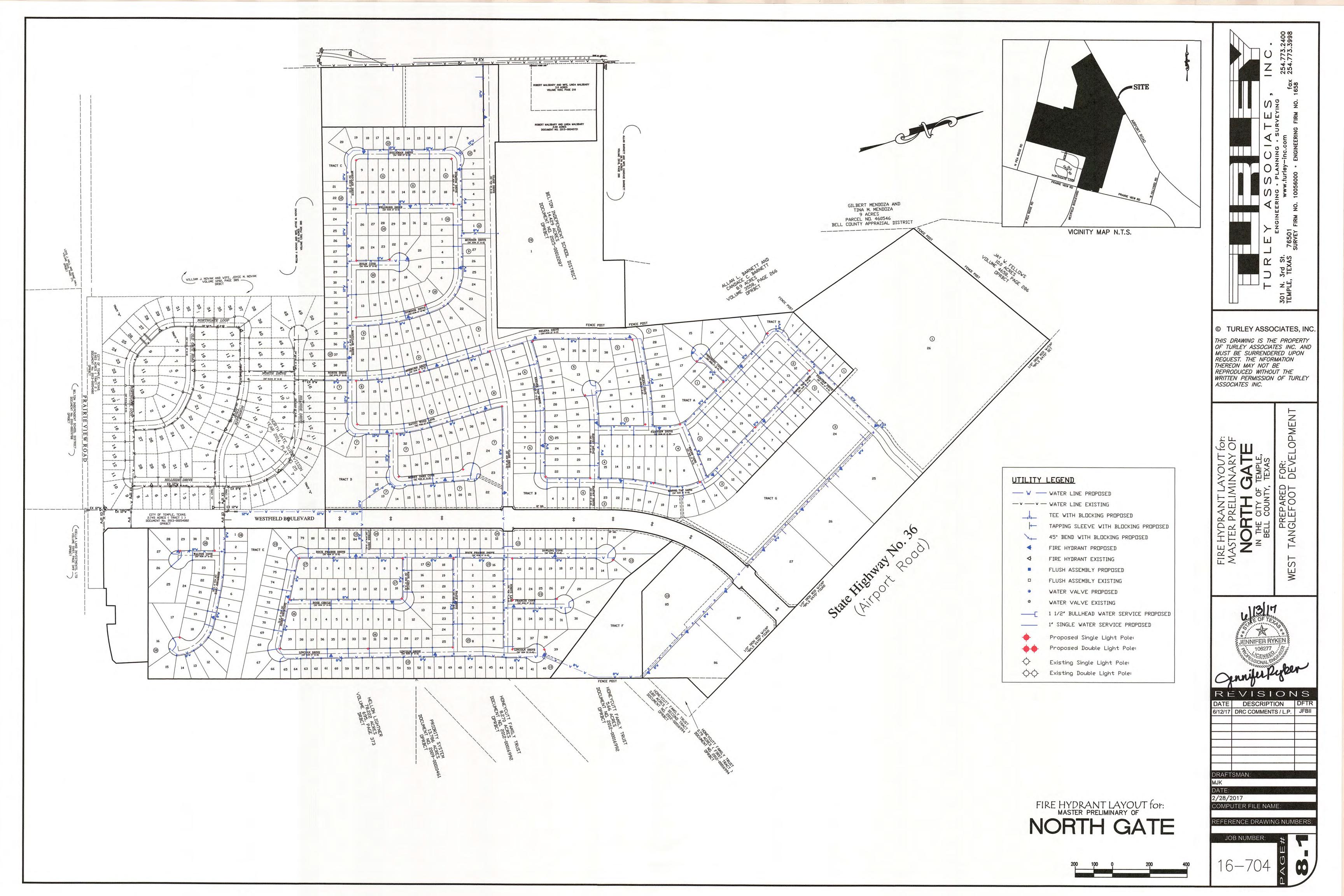


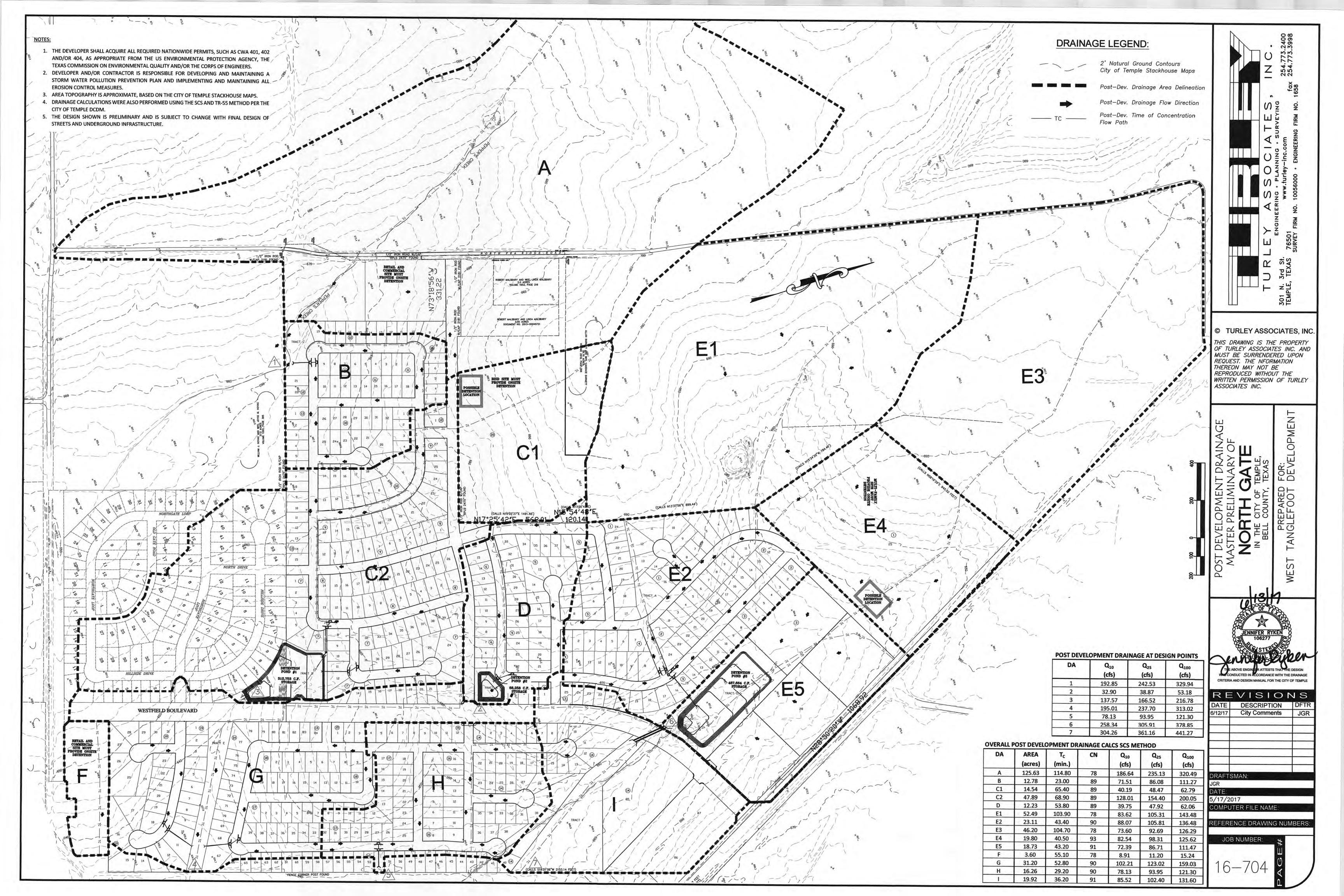
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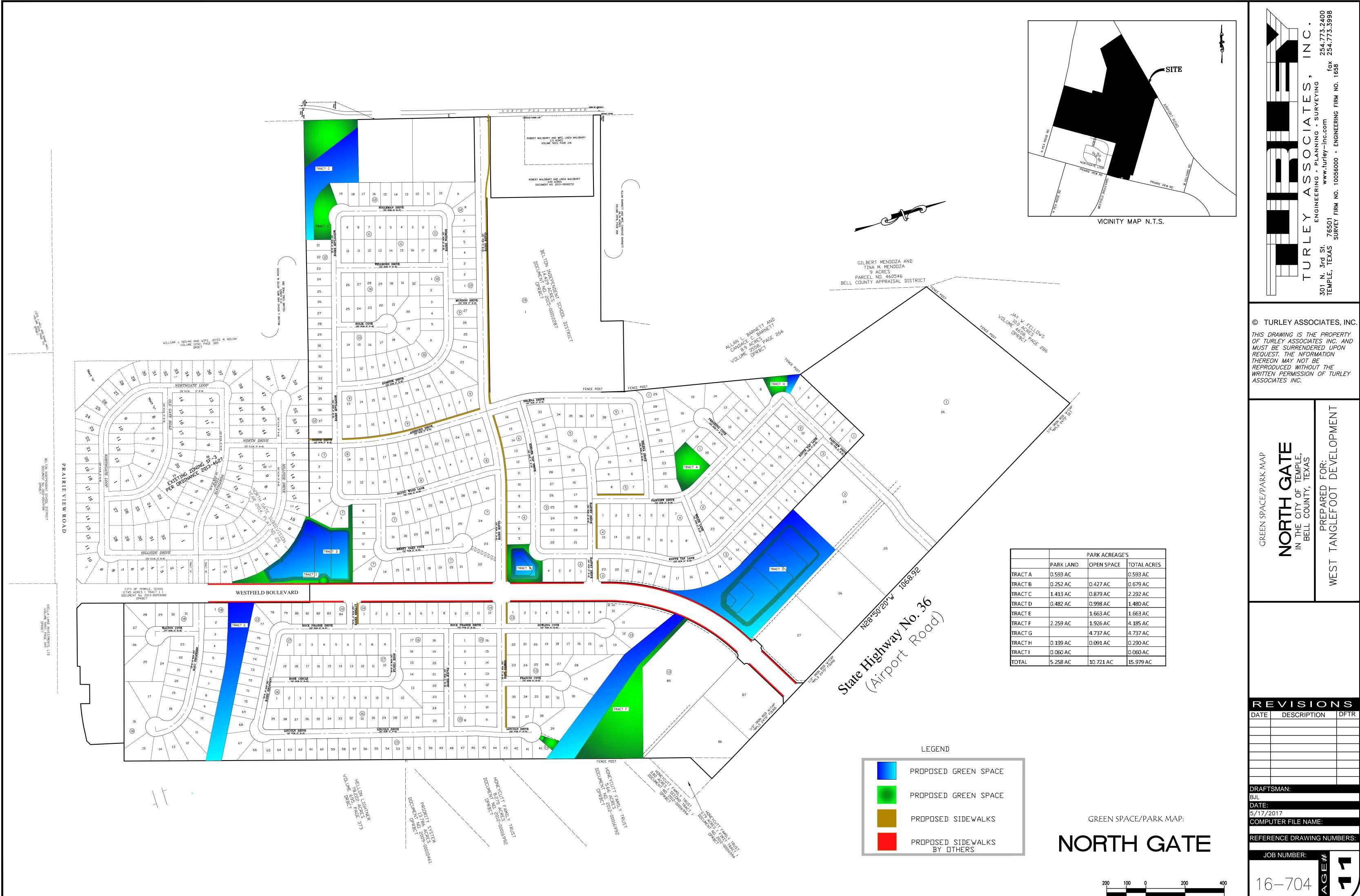


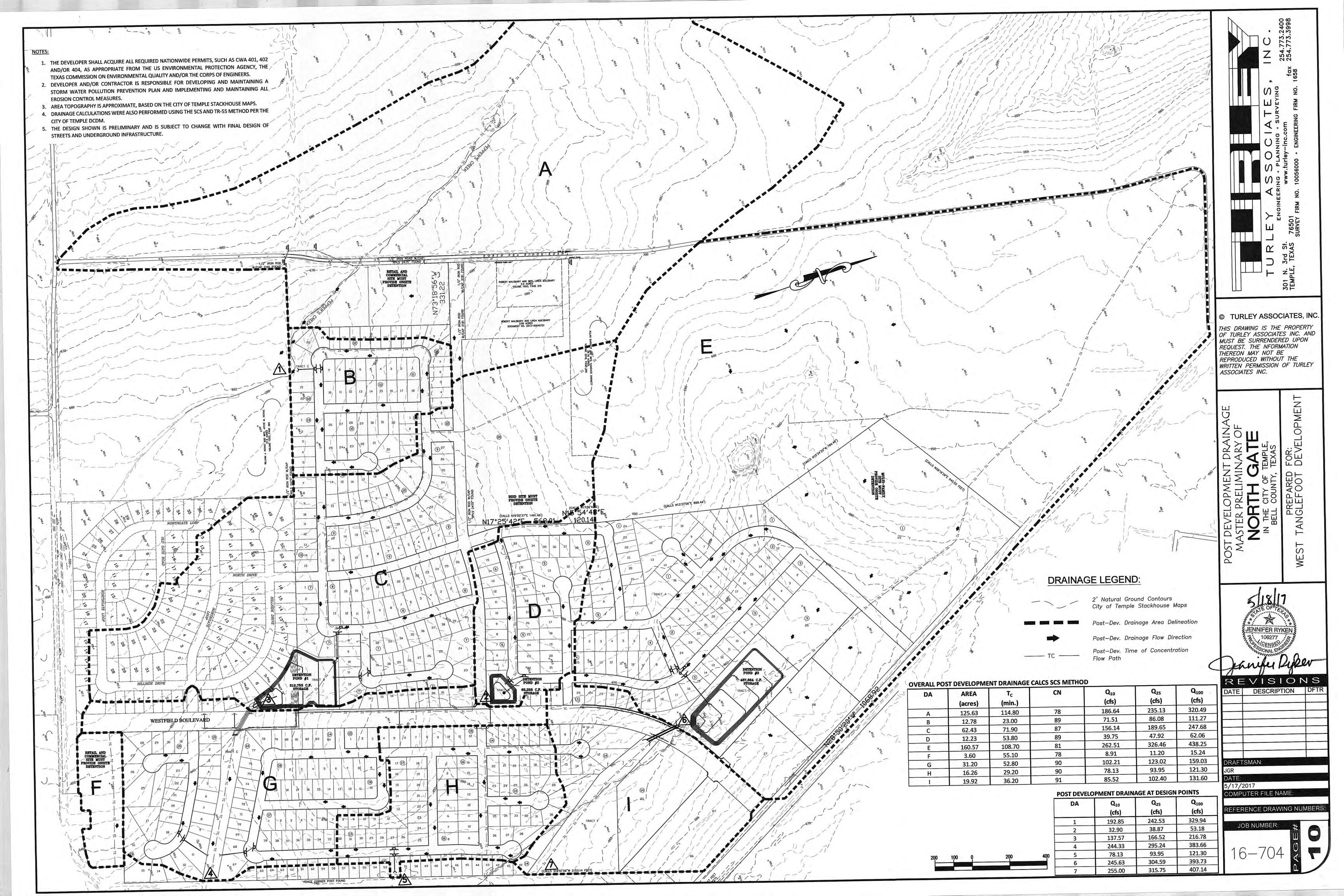
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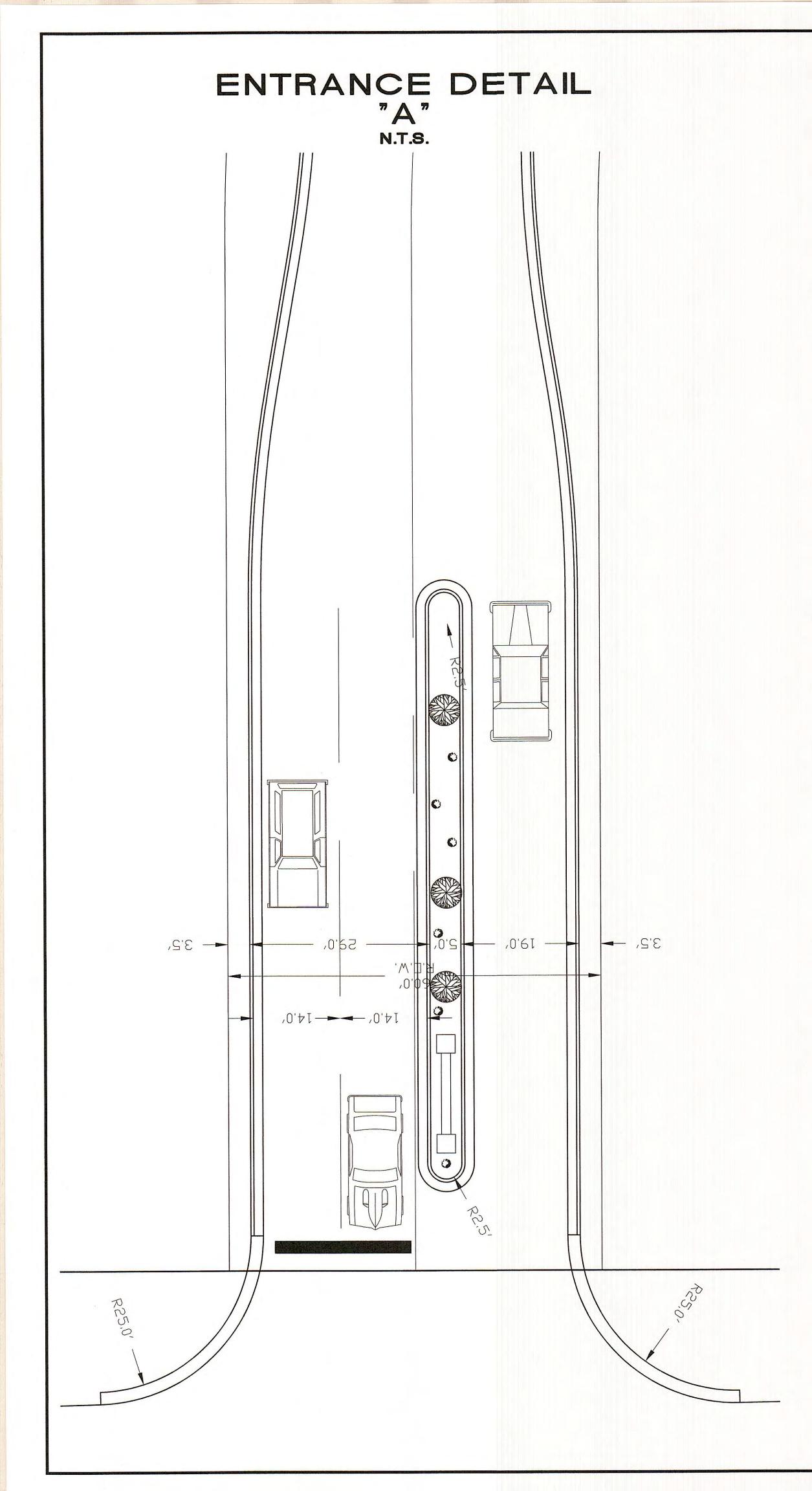


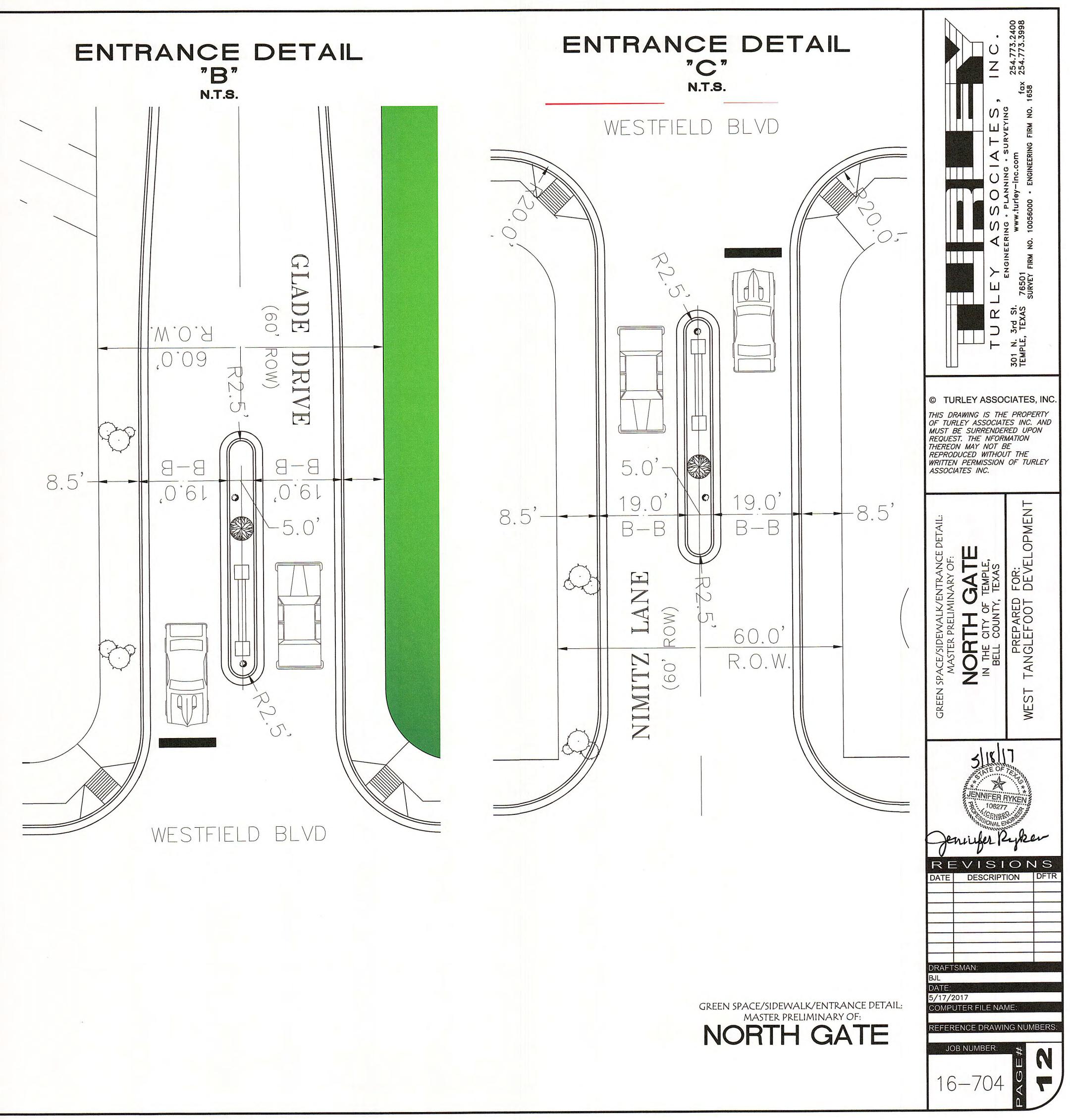


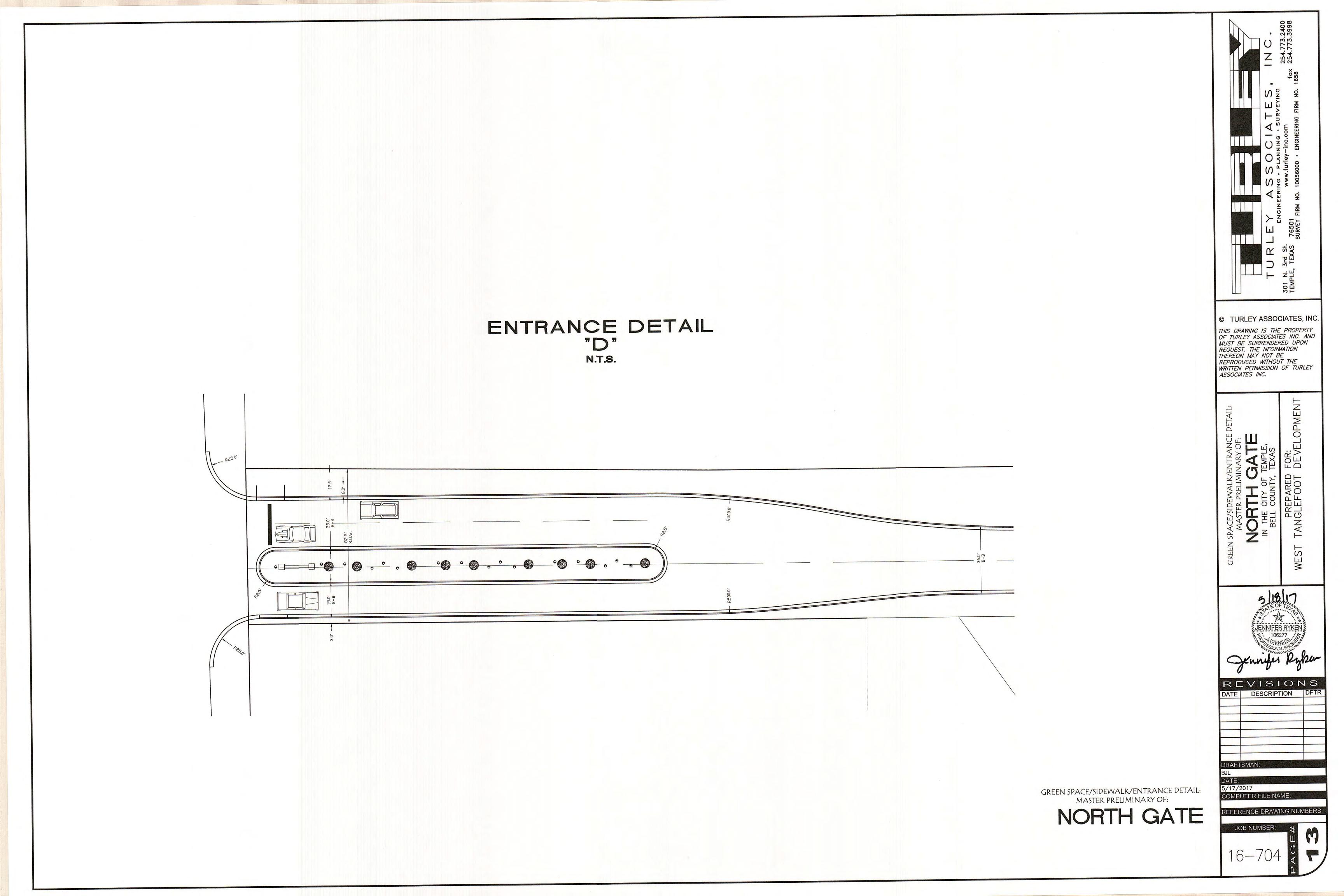












RESOLUTION NO. 2017-8729-R

(P-FY-17-36)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A MASTER PRELIMINARY PLAT FOR NORTH GATE, AN APPROXIMATELY 200.035 ACRE, 528 LOT, 20 BLOCK, RESIDENTIAL SUBDIVISION WITH DEVELOPER REQUESTED EXCEPTION TO UNIFIED DEVELOPMENT CODE SECTION 8.3: PARK LAND DEDICATION FOR PRIVATE PARKS, SITUATED IN THE BALDWIN ROBERTSON SURVEY, ABSTRACT NO. 17, BELL COUNTY, TEXAS, LOCATED SOUTH AND SOUTHWEST OF STATE HIGHWAY 36, NORTH OF PRAIRIE VIEW ROAD, AND EAST OF PEA RIDGE ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on June 19, 2017, the Planning and Zoning Commission recommended approval of the North Gate Master Preliminary Plat, an approximately 200.035 acres, 528 lots, 20 blocks, residential subdivision with a developer requested exception to Unified Development Code (UDC) Section 8.3: Park Land Dedication for private parks, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, located south and southwest of State Highway 36, North of Prairie View Road, and east of Pea Ridge Road; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve the Westfield Master Preliminary Plat, with an exception to Section 8.3 of the UDC related to park land dedication, as outlined in the Exhibit 'A' attached hereto and made a part hereof for all purposes.

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

<u>Part 1</u>: 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 North Gate Preliminary plat, an approximately 200.035 acres, 528 lots, 20 blocks, residential subdivision situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, located south and southwest of State Highway 36, North of Prairie View Road, and east of Pea Ridge Road Bell County, Texas, with an exception to UDC Section 8.3: Park Land Dedication.

<u>**Part 3:**</u> The City Council approves an exception to Section 8.3 of the UDC related to Park Land Dedication to allow the developer to present his own master plan for parkland development within the proposed North Gate community to be privately owned and maintained by the North Gate Home Owners Association. The developer proposes approximately 15.979 acres of green space of which 5.258 acres will be designated specifically as park areas.

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 **20th** 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

07/06/17 Item #5 Regular Agenda Page 1 of 3

DEPARTMENT / DIVISION SUBMISSION & REVIEW:

Mark Baker, Senior Planner

ITEM DESCRIPTION: P-FY-17-37: Consider adopting a resolution authorizing approval of the Preliminary Master Plan for South Pointe, a 76.558 +/- acres, 331-lot, 9-block, 6-tract mixed-use subdivision with an exception to Unified Development Code Section 8.2.1D4, street openings. The subdivision is situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, generally located north of S.E. H.K. Dodgen Loop/Highway 36, east of South Martin Luther King JR Drive, and south and west of Case Road.

<u>STAFF RECOMMENDATION</u>: Staff recommends approval of the Master Preliminary plan for South Pointe and the developer-requested exception to UDC section 8.2.1D4, related to the number of street openings.

PLANNING & ZONING COMMISSION RECOMMENDATION: At their June 19, 2017 meeting, the Planning & Zoning Commission voted seven to zero to recommend approval of the Preliminary Master Plan for South Pointe subdivision and the Exception to UDC Section 8.2.1D4, per staff's recommendation.

ITEM SUMMARY: The applicant, Turley Associates, on behalf of the property owner, Kiella Development, requests Preliminary Master Plat approval for a 331-lot, 9-block, 6-tract mixed use subdivision on 76.558 +/- acres. In addition, an exception to the UDC is requested and discussed as follows:

UDC Section 8.2.1D4 - related to minimum number of street openings, where the minimum distance between such openings is not to exceed 1,000 feet along each side of the perimeter boundary of the subdivision. While there are two parts to this code provision, the applicant has made every effort to provide reasonable street connection and accommodation on all sides of the subdivision, which is one part of the code provision. The second part relates to the physical distance exceeding the 1,000 foot distance, which is the case on one side of the perimeter boundary which is approximately 1300 feet. However, staff is supportive of the requested exception.

Per Ordinance 2017-4843, effective June 1, 2017, the 76.558 +/- acre property's zoning breakdown is:

- 1. Single Family-Three (SF-3) on 67.455 +/- acres intended for 329 single family detached residential lots,
- 2. Single Family Attached-Three (SFA-3) on 6.606 +/- acres intended for townhouses, and
- 3. General Retail (GR) on 2.497 +/- acres intended general retail and service uses.

SF RESIDENTIAL LOTS: The developer proposes 329 single family lots which will meet the underlying SF-3 standards. It should be noted that while the minimum lot area of 4,000 square feet is required for SF-3, the majority of lots will be 5,850 square feet in area or more.

SIX TRACTS (A-F): The developer proposes six tracts which will be right-of-way dedication, greenspace and detention. Tract F is a variable width strip, ranging between a 5.02 feet and 10.80 feet. The tract by itself restricts access to the property from a public street. UDC Section 8.2.1D5 prohibits reserve strips and without provisions to cross the strip, an exception to the code is required. As remedy, the applicant has provided a 25 foot access easement which will cross the tract. A detail of Tract F is included on the plat but the easement recording information will need to be shown on the final plat.

Sewer is available through an 8-inch and a 12-inch sewer line at several places along the north and north east sides of the subject property. Sewer is also available through extension of an 8-inch sewer line on the west side of South Martin Luther King Jr. Drive. Water is available through a 8-inch waterline in South Martin Luther King Jr. Drive, a 12-inch waterline in Case Road and an 8-inch waterline along the southern boundary of the property.

The property has access from both South Martin Luther King Jr. Drive as well as from Case Road from H.K. Dodgen Loop (Loop 363). Subdivision entry details are attached, which provide for an oversized local street as further discussed below.

Staff has received preliminary approval from TxDOT regarding the proposed subdivision entry points with H.K. Dodgen Loop (Loop 363). Final design is subject to the approval and issuance of a TxDOT permit. TxDOT will be included in the review of the future final plat.

The subdivision proposes the creation of ten local streets, although shown with 50-foot right-of-way. The four local streets are:

- 1. Alton Road,
- 2. Lummus Drive,
- 3. Clevelander Drive,
- 4. Euclid Drive,
- 5. Delano Drive,
- 6. Filmore Cove,
- 7. Michigan Drive,
- 8. Dade Loop,
- 9. Mirador Cove, and
- 10. Meridian Loop

It should be noted that while all streets will meet the 50-foot minimum ROW as local streets, Alton Road and Lummus Drive are proposed with an oversized width of 90-feet and then narrow-down to the 50-feet consistent with a local street. In addition, a four foot sidewalk on one side is also proposed for the full length of the two streets. See attached Greenspace and Sidewalk Plan for further information.

In addition, although a four foot sidewalk currently exists along one side of Case Road, a six foot sidewalk is required along South Martin Luther King Jr. Drive. A note on the plat has been provided on the preliminary to address the requirement. The note will need to be provided on the final plat as well.

No trails or trail improvements are proposed by the City, nor are any Transportation Capital Improvement Program (TCIP) projects proposed through fiscal year 2024 along these sections of South Martin Luther King JR. Drive or Case Road.

The developer will establish a homeowners association (HOA). In addition to enforcing the restrictive covenants, the HOA will be responsible for maintenance of the private tracts within the subdivision.

PARK FEES: Park fees are required at the rate of \$225 per dwelling. While the developer has agreed to pay the required fees, it has been discussed with Parks & Recreation staff to use the funds for development of the adjacent 3.355 +/- acre, City-owned tract as a future park-site. While Parks staff is open to consider this, particularly if connectivity to park land to the north can be achieved, discussion is on-going and has not been finalized. Since park fees are proposed to be paid, use of park funds in this manner does not require an exception to the UDC.

CASE ROAD: Staff has met with the developer regarding the possible closure to traffic to a portion of Case Road. This would require review by the City Council by a separate application. It is anticipated that closure to traffic could provide opportunity for parking and/or access to possible future park amenities, as well as a possible connection to future City park and recreation facilities within the Meadows at Creekside subdivision, north of Case Road. To date, no application has been made.

The Development Review Committee (DRC) reviewed the Master Preliminary Plan of South Pointe on June 8, 2017. It was deemed administratively complete on June 15, 2017.

The City Council is the Master Preliminary Plan authority for the South Pointe subdivision, since an exception to UDC Section 8.2.1D4 is required.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Exception Letter Preliminary Master Plan Greenspace & Sidewalk Plan Utility Plan Entryway Details Site Photos Table (Commercial Uses) P&Z Excerpts (June 19, 2017) Resolution



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

June 12, 2017

Brian Chandler Planning Director City of Temple 2 North Main Street Temple, TX 76501

RE: South Pointe Master Preliminary Plat

Dear Mr. Chandler,

On behalf of our client, Turley Associates, Inc. respectfully requests an exception to Section 8.2.1D.46 of the UDC. We feel that the development has sufficient access to the north, south, east and west and an additional stub street is not necessary. All adjacent undeveloped property has access to either a collector street, minor arterial or major arterial for future development.

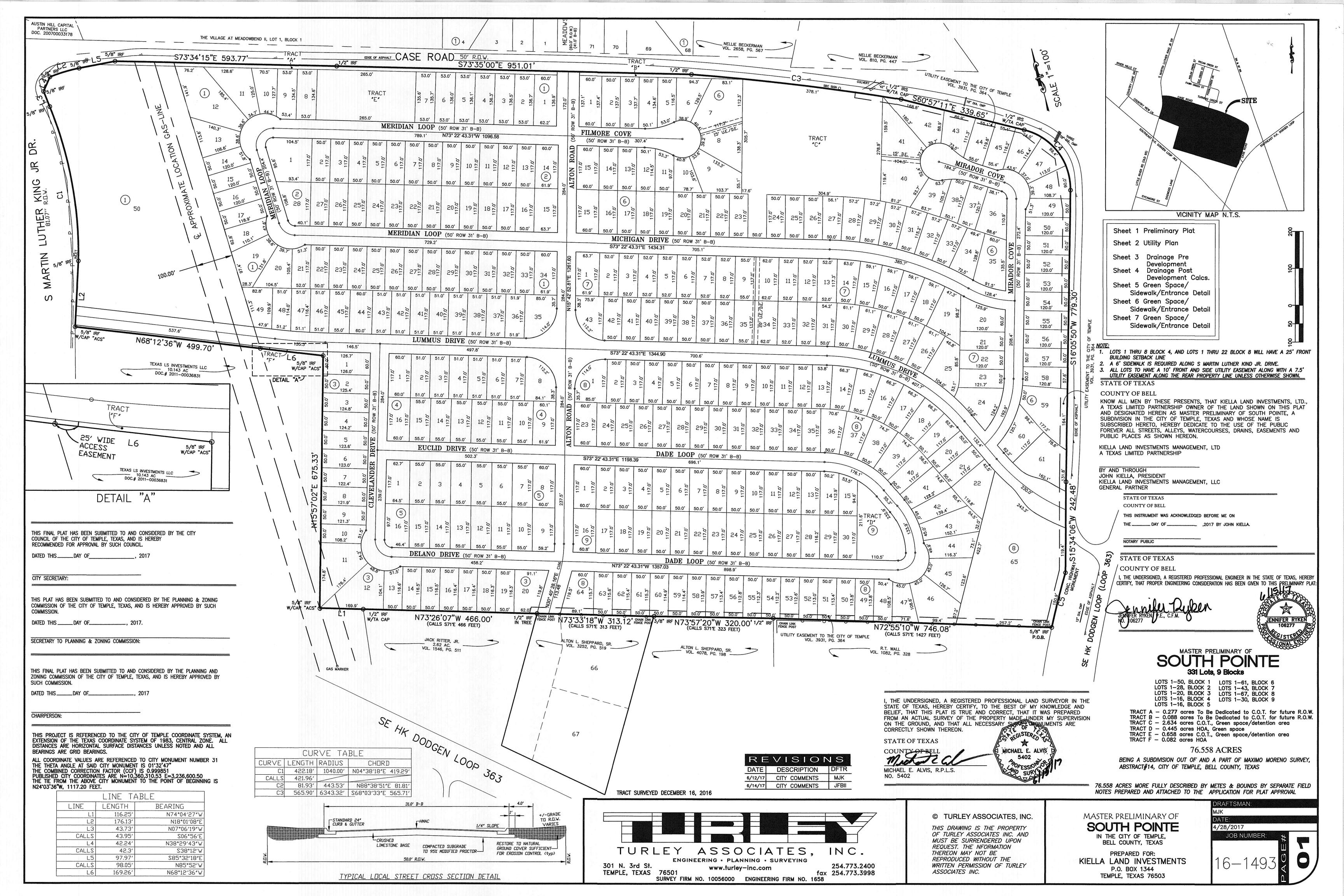
We greatly appreciate your consideration in this matter.

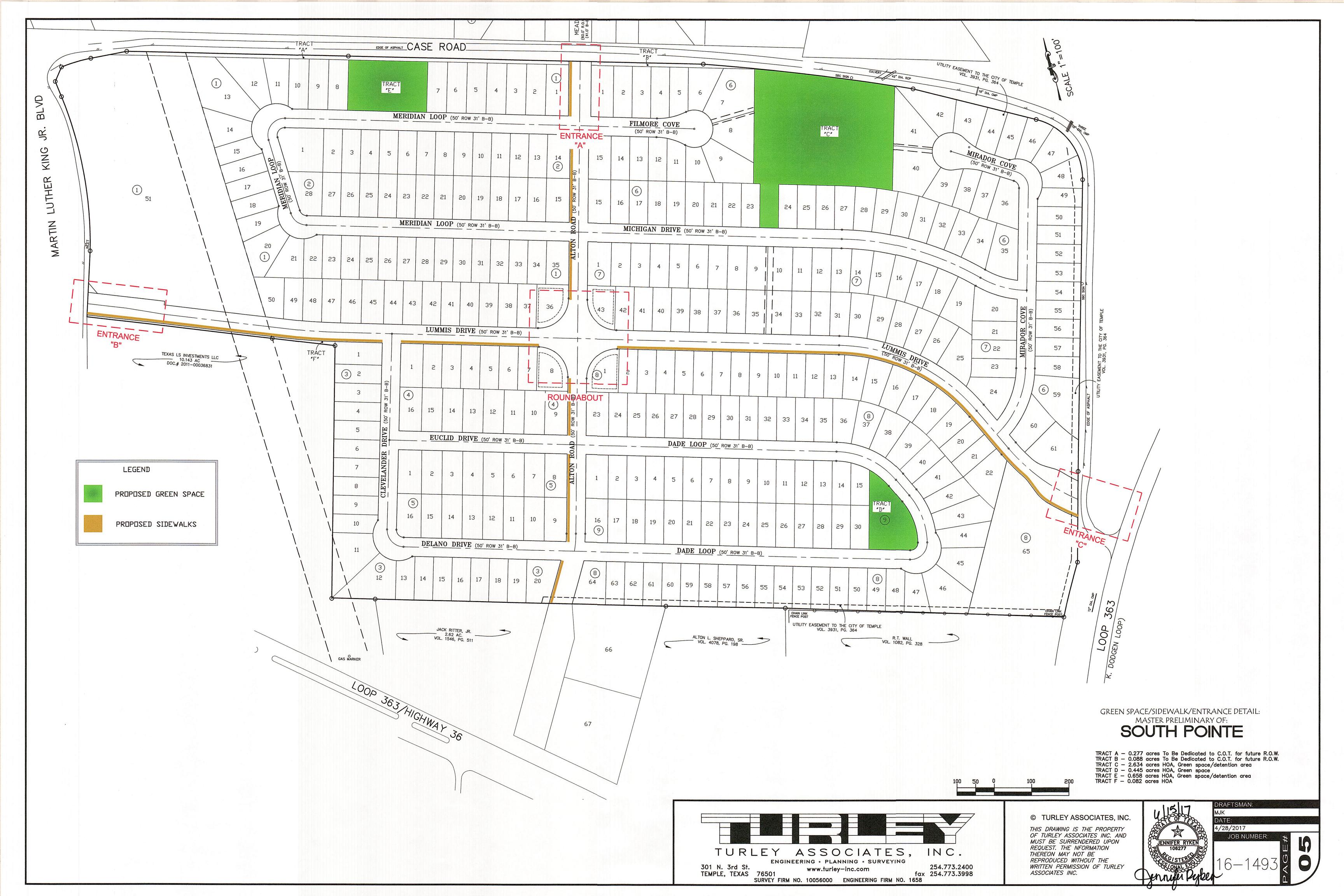
Sincerely, TURLEY ASSOCIATES, INC.

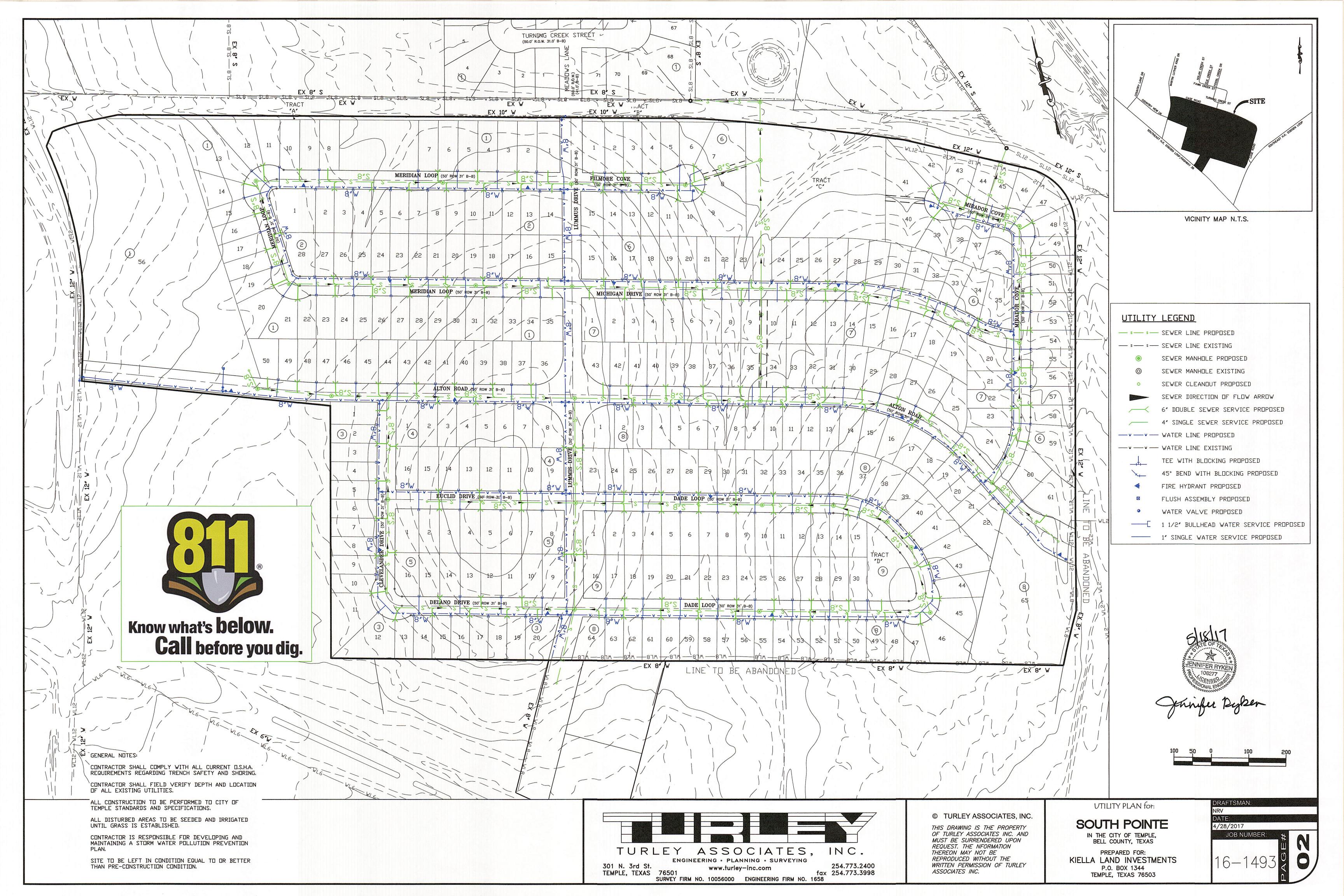
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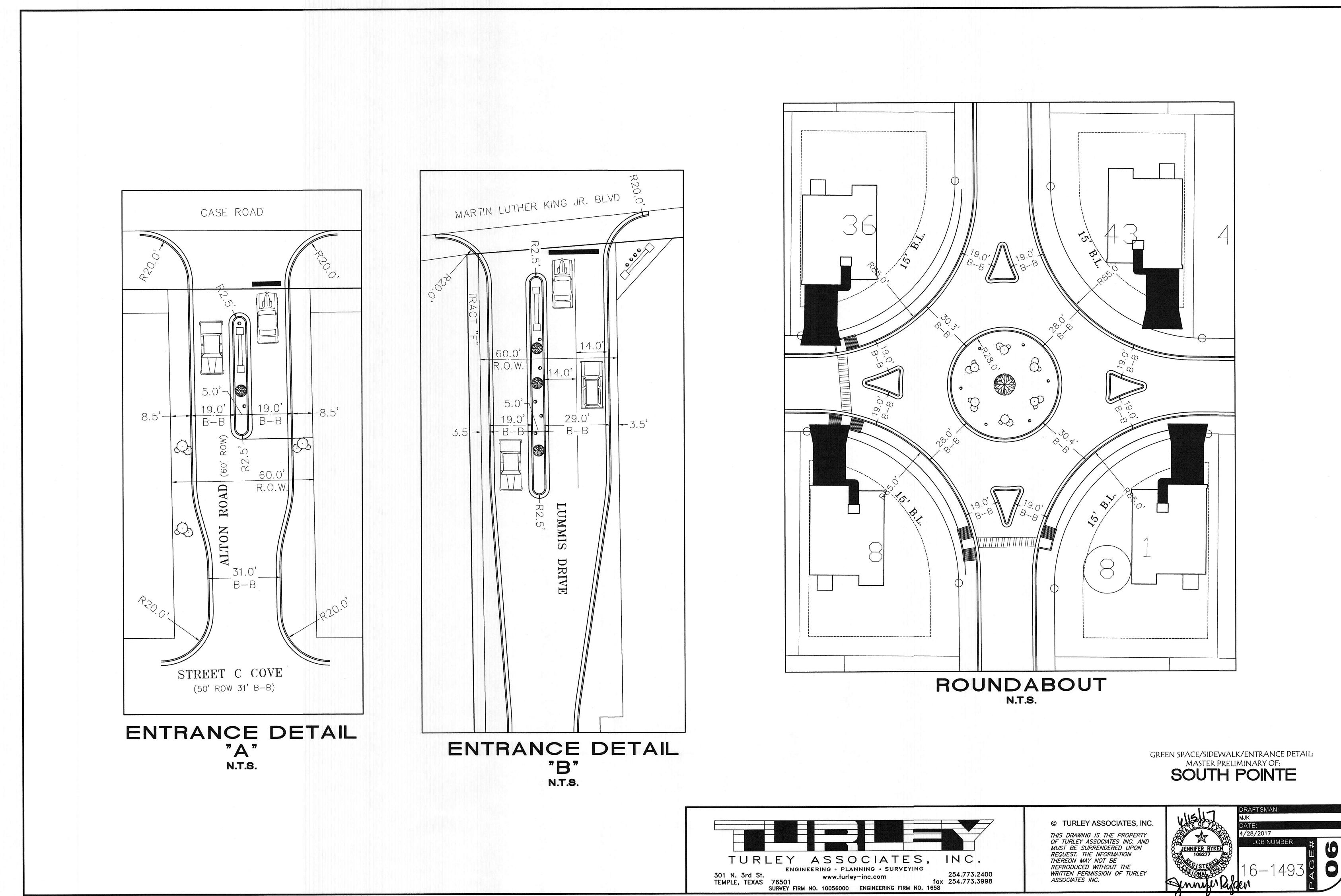
Jennifer Ryken, P.E., CFM Project Engineer

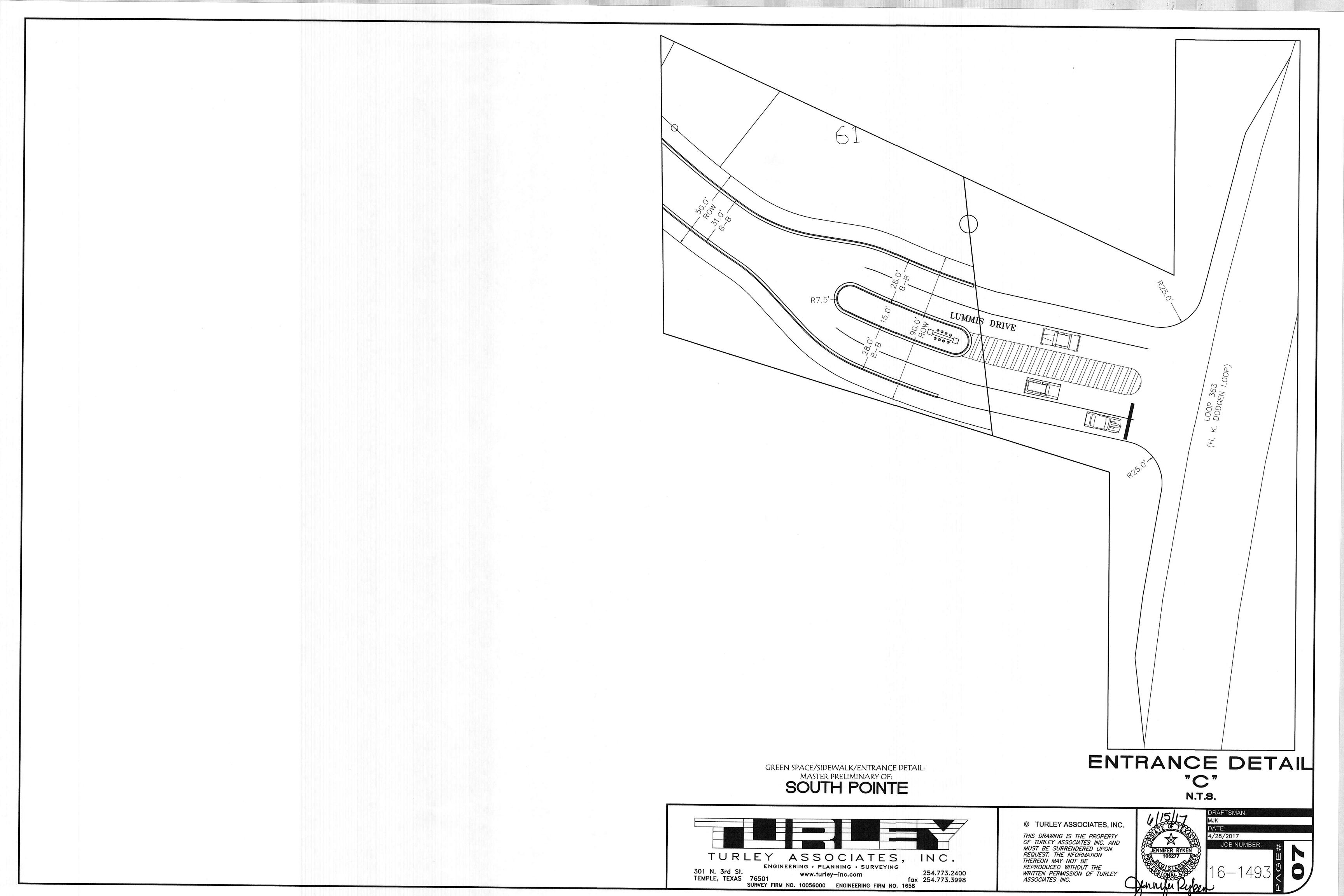
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Site Photos



Street Level View of Site (Looking South from Case Road): Undeveloped



Elevated View of Site #1 (Looking West from LP 363 & BNSF RR Overpass): Undeveloped



Elevated View of Site #2 (Looking West from LP 363 & BNSF RR Overpass): Undeveloped



Elevated View of Site #3 (Looking West from LP 363 & BNSF RR Overpass): Undeveloped

Permitted & Conditional Uses Table Commercial District "C"

Use Type	Commercial (C)
Agricultural Uses	Farm, Ranch or Orchard Livestock Auction (CUP)
Residential Uses	Single Family (Detached & Attached) Duplex Townhouse Family or Group Home (CUP)
Retail & Service Uses	All Retail & Service Uses Veterinary Hosp. (Kennels (CUP)
Commercial Uses	All Commercial Uses Bakery / Confectionary Cabinet Shop Open Storage of furniture, appliances or machinery Contractor Storage Yard
Industrial Uses	Laboratory Manufacturing Storage Warehouse Wholesale storage & sales
Recreational Uses	All Alcohol (On Premise Consumption) > 75% (CUP)
Vehicle Service Uses	Auto Leasing, Rental Auto Sales - New & Used Boat Sales and service Car Wash Vehicle Servicing (Major) Truck Stop
Restaurant Uses	With & Without Drive-In
Overnight Accommodations	Hotel or Motel
Transportation Uses	Emergency Vehicle Service Parking Lot, trucks, trailers & moving vans or trucks Hauling or storage Company

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, JUNE 19, 2017

ACTION ITEMS

Item 6: <u>P-FY-17-37</u> – Consider and recommend action on the Preliminary Master Plan for South Pointe, a 76.558 +/- acres, 331-lot, 9-block, 6-tract mixed-use subdivision with an exception to Unified Development Code (UDC) Section 8.2.1D4, street openings. The subdivision is situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, generally located north of S.E. H.K. Dodgen Loop/Highway 36, east of South Martin Luther King JR Drive, and south and west of Case Road.

Mr. Baker stated due to the applicant's request for an exception, this item is scheduled to go to City Council on July 20, 2017.

Location and aerial maps shown.

The zoning for this property previously came before P&Z and was approved by Ordinance No. 2017-4843. That request provided for approximately 2.497 +/- acres for retail, 67.455 +/- acres for SF-3 Detached SF Homes and 6.606 +/- acres for townhomes. Zoning was effective June 1, 2017.

The Preliminary Master Plan was reviewed by the Development Review Committee (DRC) on June 8, 2017 and deemed administratively complete on June 15, 2017.

The preliminary plat will propose 10 Local street names:

Alton Road Lummus Drive Clevelander Drive Euclid Drive Delano Drive Filmore Cove Michigan Drive Dade Loop Mirador Cove Meridian Loop

The requested exception for this request is a two-part provision:

- 1. UDC Section 8.2.D.4b Two Part Code Provision
 - Make provisions for future projection of streets; and

• Street Access Every 1,000-feet – on all sides of perimeter boundary

South Pointe - Accommodations & reasonable effort for street connectivity on all sides of subdivision has been provided

One side of perimeter subdivision exceeds 1,000 feet

Staff supports this exception request.

Overall view of Master Preliminary Plan shown.

Overall view of Green Space and Sidewalk Plan shown.

Entrance details for A and B shown.

On-site photos.

Both water and sewer are available to serve the property with water located in Case Road, Martin Luther King and the southern property line and sewer located in Case Road and Martin Luther King.

Potential future phases for this proposal may include the following but not part of this request (informational only):

• Partial traffic closure on a portion of Case Road for:

Possible trail or hike and bike connectivity access; and

Possible parking to support hike and bike trail.

• Use of 3.355 +/- acre City-owned tract as potential park site:

Park fees from South Pointe Development may be available;

Not finalized; and discussion is on-going between applicant and Staff.

Staff recommends approval of the request for the Preliminary Master Plan for South Pointe subdivision and, the exception to UDC Section 8.2.1D4 - Street openings.

This item does not require a public hearing.

Commissioner Marshall made a motion to approve Item 6, **P-FY-17-36**, as recommended by Staff, and Commissioner Ward made a second.

Motion passed: (7:0) Vice-Chair Fettig and Commissioner Armstrong absent

RESOLUTION NO. 2017-8730-R

(P-FY-17-37)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A PRELIMINARY PLAT/MASTER PLAN FOR SOUTH POINTE, AN APPROXIMATELY 76.558 ACRE, 331 LOT, 9 BLOCK, 6 TRACT MIXED-USE SUBDIVISION, SITUATED IN THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14, BELL COUNTY, TEXAS, GENERALLY LOCATED NORTH OF SOUTH EAST H.K. DODGEN LOOP/HIGHWAY 36, EAST OF SOUTH MARTIN LUTHER KING, JR. DRIVE AND SOUTH AND WEST OF CASE ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, at its June 19, 2017 meeting, the Planning and Zoning Commission recommended approval of the Preliminary Plat/Master Plan for South Pointe with the developer's requested exceptions to the Unified Development Code (UDC), Section 8.2.1D4 related to the minimum number of street openings, where the minimum distance between such openings is not to exceed 1,000 feet along each side of the perimeter boundary of the subdivision;

Whereas, South Pointe is an approximately 76.558 acre, 331 lot, 9 block, 6 tract mixed-use subdivision situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, generally located north of South East H.K. Dodgen Loop/Highway 36, east of South Martin Luther King Jr. Drive, and south and west of Case Road;

Whereas, the developer proposes 329 single family lots which will meet the underlying Single Family-Three standards - it should be noted that while the minimum lot area of 4,000 square feet is required for Single Family-Three, the majority of lots will be 5,850 square feet in area or more;

Whereas, the developer proposes 6 tracts which will be right-of-way dedication, greenspace and detention;

Whereas, Tract F is a variable width strip, ranging between a 5.02 feet and 10.80 feet - the tract by itself restricts access to the property from a public street and UDC Section 8.2.1D5 prohibits reserve strips - without provisions to cross the strip, an exception to the code is required, however, as a remedy, the applicant has provided a 25 foot access easement which will cross the tract;

Whereas, the applicant, Turley Associates, on behalf of the property owner, Kiella Development, requests Preliminary Master Plat approval with a requested exception to UDC Section 8.2.1D4 related to the minimum number of street openings, where the minimum distance between such openings is not to exceed 1,000 feet along each side of the perimeter boundary of the subdivision; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve the Preliminary Plat/Master Plan for South Pointe, with the above requested exception.

Now, Therefore Be it Resolved by the City Council of the City of Temple, Texas, That:

<u>Part 1</u>: 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.

<u>**Part 2:</u>** The City Council approves the Preliminary Plat/Master Plan for South Pointe, an approximately 76.558 acre, 331 lot, 9 block, 6 tract mixed-use subdivision situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, generally located north of South East H.K. Dodgen Loop/Highway 36, east of South Martin Luther King Jr. Drive, and south and west of Case Road, with an exception to the Unified Development Code Section 8.2.1D4 related to minimum number of street openings, where the minimum distance between such openings is not to exceed 1,000 feet along each side of the perimeter boundary of the subdivision as outlined in the Exhibit 'A' attached hereto and made a part hereof for all purposes.</u>

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

PASSED AND APPROVED this the **20th** day of **July**, 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

07/20/17 Item #6 Regular Agenda Page 1 of 4

DEPT./DIVISION SUBMISSION & REVIEW:

Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-17-29: Consider adopting an ordinance rezoning from Two Family zoning district to Planned Development-Two Family zoning district and its Site Development Plan, on 5.078 +/- acres, situated in the Maximo Moreno Survey, Abstract 14, Bell County, Texas, located at 1109 and 1203 East Downs Avenue.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its June 19, 2017, meeting the Planning and Zoning Commission voted seven to zero to recommend approval of the requested rezoning from Agricultural (AG) zoning to Planned Development-Urban Estates (PD-UE) zoning district and its Planned Development Site Plan, per Staff's recommendation.

STAFF RECOMMENDATION: Staff recommends approval of the applicant's requested for rezoning from Two Family (2F) zoning district to Planned Development-Two Family (PD-2F) zoning district and its Site Development Plan for the following reasons and with the following conditions:

- 1. Compliance with the Future Land Use Plan;
- 2. Compliance with surrounding zoning and land uses; and
- 3. Compliance with the Thoroughfare Plan

With the following conditions:

- 1. Development will be subject to the Planned Development Site Plan;
- 2. Development will also be subject to all Unified Development Code (UDC) platting requirements during the platting process;
- 3. Lot widths to be a minimum of 50 feet;
- 4. Lot Depths to be a minimum of 73 feet for Lot 1, Block 1; a minimum of 86 feet for Lot 2, Block 1; and a minimum of 99.1 feet for Lot 3, Block 1;
- 5. Lot size to be a minimum of 4,700 square feet;
- 6. Front yard building line setback to be 20 feet; and
- 7. Construction of cul-de-sacs on East Barton Avenue and East Calhoun Avenue, as shown with their lengths on the Site Development Plan

ITEM SUMMARY: The applicant, Pat Dauphinais, requests this rezoning from Two Family District (2F) to Planned Development Two Family District (PD-2F) to allow development of thirteen one-bedroom duplexes on proposed lots that are a minimum 50 feet in width. Although **Unified Development Code (UDC) Section 4.5: Residential Dimensional Standards** allows a minimum lot width of 50 feet for single family homes in the 2F zoning district, it requires a minimum lot width of 60 feet for duplexes in the 2F zoning district. Although the minimum lot depth requirement for a duplex in the 2F district is 100 feet, the site development plan reflects a lot depth of 73.4 feet in Lot 1, Block1; a lot depth of 86.6 feet in Lot 2, Block 1; and a lot depth of 99.1 feet in Lot 3, Block 1.

Existing duplexes are located at the north boundary of the subject property, along East Downs Avenue. Existing single family homes are located along the east boundary of the subject property, on East Calhoun and East Barton Avenues.

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

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

As a Planned Development, a Site Development Plan is subject to review and approval as part of the rezoning. As opposed to a standard rezoning, conditions of approval can be included into the rezoning Ordinance.

The Development Review Committee (DRC) reviewed the applicant's Site Development Plan (attached) on May 25, 2017. The applicant proposes duplexes on lots that are approximately 50 feet in width, as well as the creation of an interior street configuration connecting East Calhoun Avenue to East Barton Avenue.

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

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

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

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

The subject property is within the **Auto-Urban Residential character district** of the *Choices '08* City of Temple Comprehensive Plan. The Auto-Urban Residential land use classification is characterized smaller single family lots similar to the range of lot sizes available the City's current SF and SFA zoning districts. To the extent that other housing types on smaller lots are allowed under the corresponding zoning district (e.g., garden/patio homes, two-family dwellings, townhouses), density limitations and open space requirements would serve to maintain the auto-urban character and avoid crossing over into an urban residential character. Bufferyard requirements and design standards would also be needed to provide adequate separation and buffering from other less intensive uses within the district and ensure their compatibility. A minimum site area requirement would be needed for planned development.

The applicant's requested Planned Development Two Family District (PD-2F) complies with the Auto-Urban Residential character district.

<u>Thoroughfare Plan (CP Map 5.2) and Temple Trails Master Plan Map and Sidewalk Ordinance</u> The subject property fronts East Barton Avenue and East Calhoun Avenue. They are both classified as local streets, which is appropriate for duplex developments. The applicant's Site Development

Plan proposes extending East Calhoun Avenue and East Barton Avenue with cul-de-sacs. Both proposed local street extensions, shown on the attached Site Development Plan, are appropriate for residential dwellings. The proposed Site Development Plan is in agreement with the Temple Trails Master Plan.

Availability of Public Facilities (CP Goal 4.1)

Existing six inch water lines at the property's east boundary at East Barton Avenue and East Calhoun Avenue. An existing six inch water line exists along the south right-of-way of East Downs Avenue. An existing waterline exists along a portion of the west right-of-way line of North 20th Street. The applicant proposes new six inch water lines within both proposed extensions of East Barton Avenue and East Calhoun Avenue.

Existing sewer facilities surround the subject property along its north property line, mid property line, and bisects its southern region at East Barton Avenue. The applicant proposes a new eight inch sanitary sewer main and manholes within the right-of-way of his proposed extension of East Calhoun Avenue and to the south, crossing the existing concrete drainage flume along the property's south boundary.

An existing drainage easement with drainage facilities runs along the south property line and connects to the concrete flume that crosses North 20th Street.

PUBLIC NOTICE: Fifty-four notices of the Planning and Zoning Commission public hearing were sent out to all property owners (including the extra-territorial jurisdiction) within 200-feet of the subject property as required by State law and City Ordinance. As of Tuesday, July 11, 2017, one notice was received in favor of the proposed rezoning and none were received in opposition to the proposed rezoning.

The newspaper printed notice of the public hearing on May 25, 2017, in accordance with state law and local ordinance.

07/20/17 Item #6 Regular Agenda Page 4 of 4

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Site and Surrounding Property Photos Maps Development Regulations Surrounding Property and Uses Chart Comprehensive Plan Compliance Notification Response Letter Planned Development Site Plan Exhibits17 Ordinance

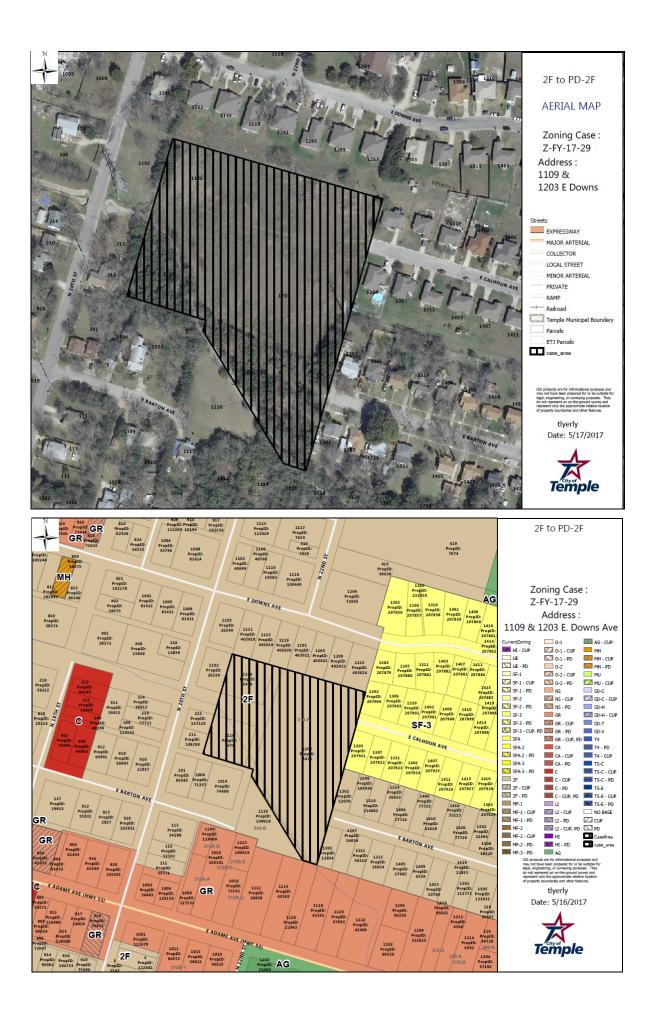
SURROUNDING PROPERTY AND USES: The following table shows the subject property, existing zoning and current land uses:

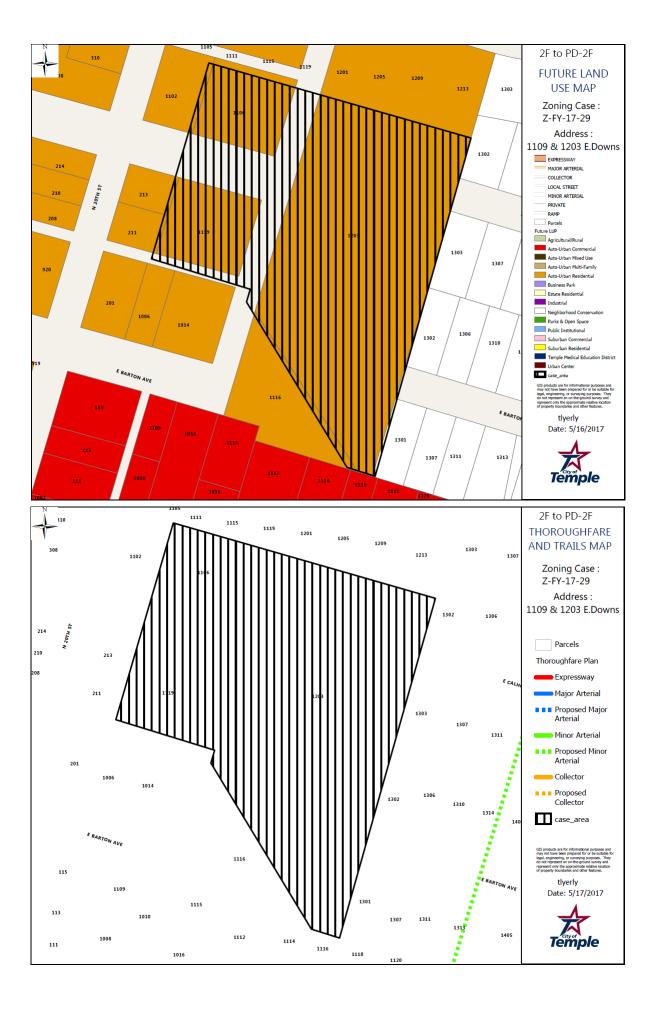
Direction	Zonina	Current Land Use	Photo
Subject Property	2F	Undeveloped Property	E. Barton Ave.
East	2F & SF-3	Single-Family Residential	E. Calhoun Ave.

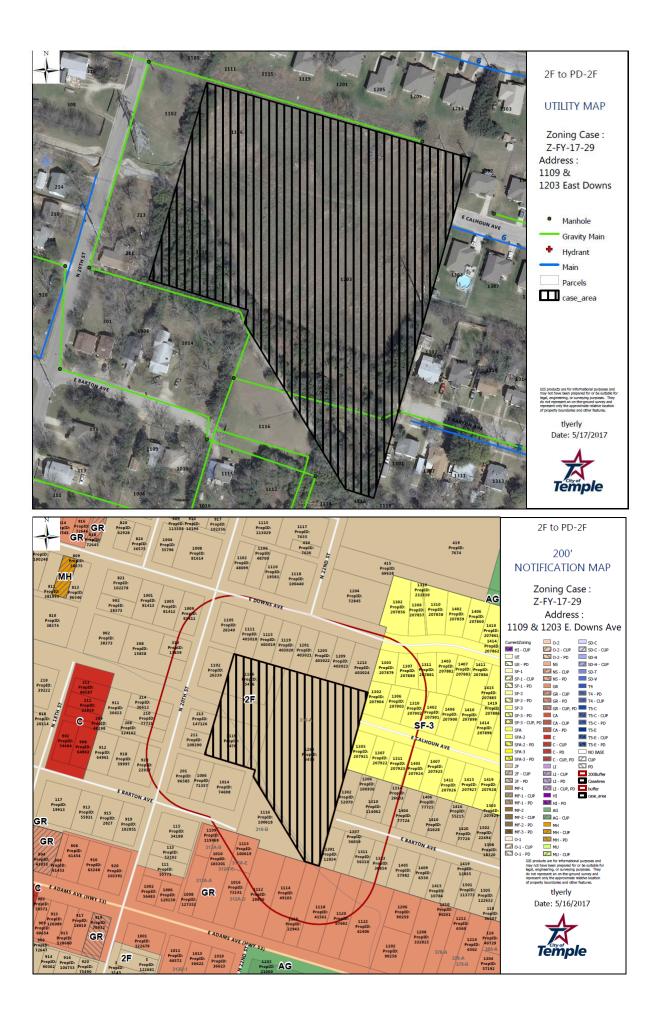
Direction	Zoning	Current Land Use	Photo
			E. Barton Ave.
West	2F	Single Family Residential	N. 20 th St.

Direction	Zonina	Current Land Use	Photo
			N. 20 th St.
South	2F & GR	Single-Family Residential	Image: Constraint of the state of

Direction	Zoning	Current Land Use	Photo
North	2F	Two-Family Residential	<image/>







DEVELOPMENT REGULATIONS: Standards for Two-Family Dwellings in the 2F district are:

	2F
Minimum Lot Size	4,000 Square Feet
Minimum Lot Width	60 Feet
Minimum Lot Depth	100 Feet
Front Setback	25 Feet
Side Setback	5 Feet
Side Setback (corner)	15 Feet
Rear Setback	10 Feet
Max Building Height	2 1/2 Stories

Although the property is anticipated for development of duplexes, there are a number of other uses allowed in the 2F district which, include but are not limited to:

Permitted & Conditional Use Table – Two Family (2F)		
Agricultural Uses	* Farm, Ranch or Orchard	
Residential Uses	 * Single Family Residence (Detached Only) * Industrialized Housing * Family or Group Home 	
Retail & Service Uses	* None	
Commercial Uses	* None	
Industrial Uses	* Temporary Asphalt & Concrete Batching Plat (CUP)	
Recreational Uses	* Park or Playground	
Educational & Institutional Uses	* School * Place of Worship * Child Care: Group Day Care (CUP) * Social Service Shelter (CUP)	
Restaurant Uses	* None	
Overnight Accommodations	* None	
Transportation Uses	* Railroad Track Right-of-Way	

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

	Surround	ling Property 8	& Uses
Direction	Future Land Use Map	Zoning	Current Land Use
Site	Auto-Urban Residential	2F	Undeveloped Land
North	Auto-Urban Residential	2F	Two-Family Residential
South	Auto-Urban Residential & Auto-Urban Commercial	2F & GR	Single-Family Residential
East	Neighborhood Conservation	2F & SF-3	Single-Family Residential
West	Auto-Urban Residential	2F	Single-Family Residential

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

Document	Policy, Goal, Objective or Map	Compliance?
СР	Map 3.1 - Future Land Use Map	YES
СР	Map 5.2 - Thoroughfare Plan	YES
СР	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



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE 2nd RESPONSE

LARY, JOYCE ANNELL SPEER 601 N 6TH ST TEMPLE, TX 76501-3307

Zoning Application Number: Z-FY-17-29

Case Manager:

Tammy Lyerly

Location: <u>1109 and 1203 E. Downs Avenue, Temple, TX</u>

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. V Dan End 11111 2 0

Ι (ν) agree	() disagree with this request Planning & D
Comments: As long as	Planning & Development
take my p	caparty
Signature (k) Jany	Print Name

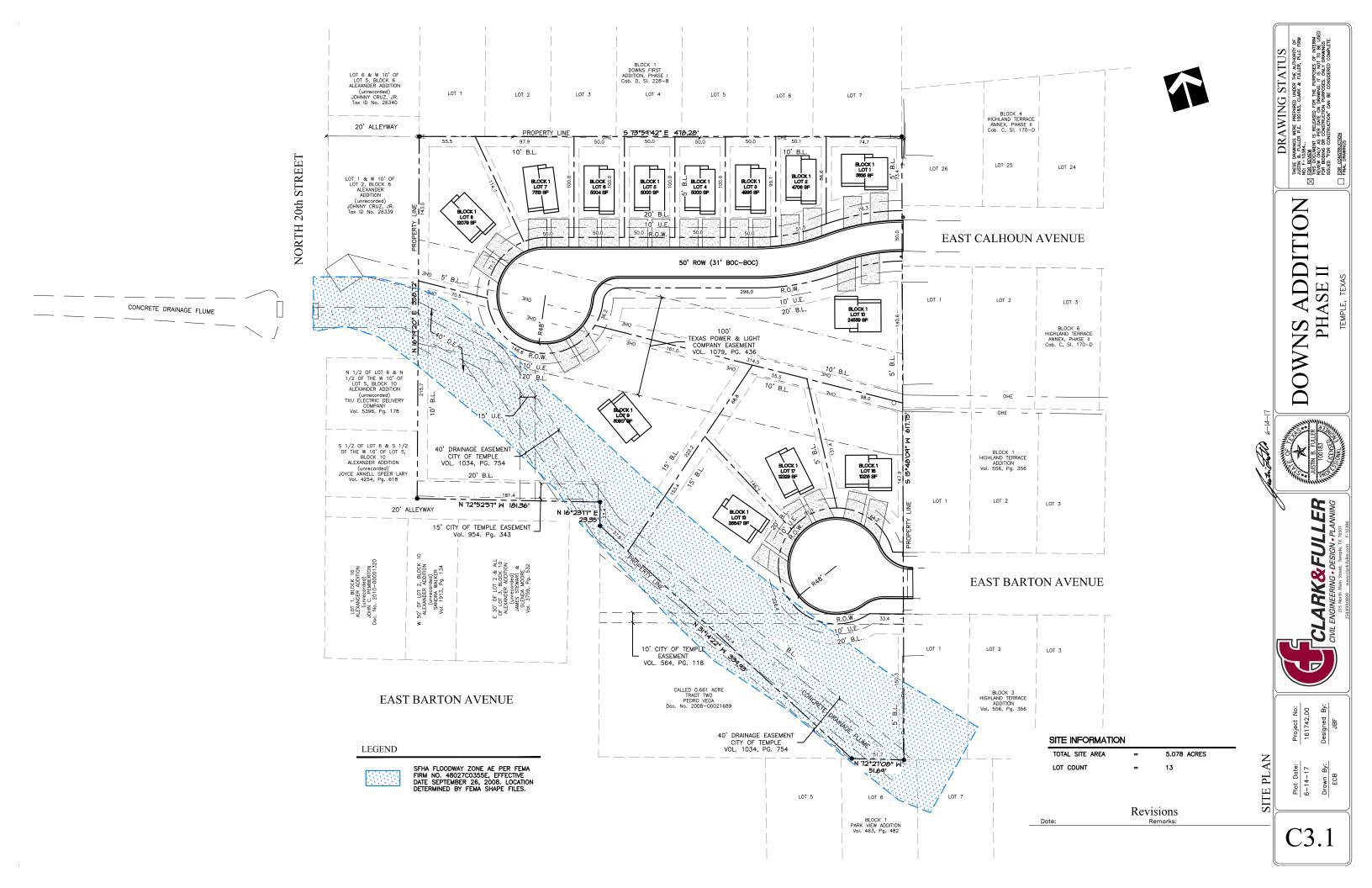
If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, tlyerly@templetx.gov or mail or hand-deliver this comment form to the address below, no later than June 19, 2017.

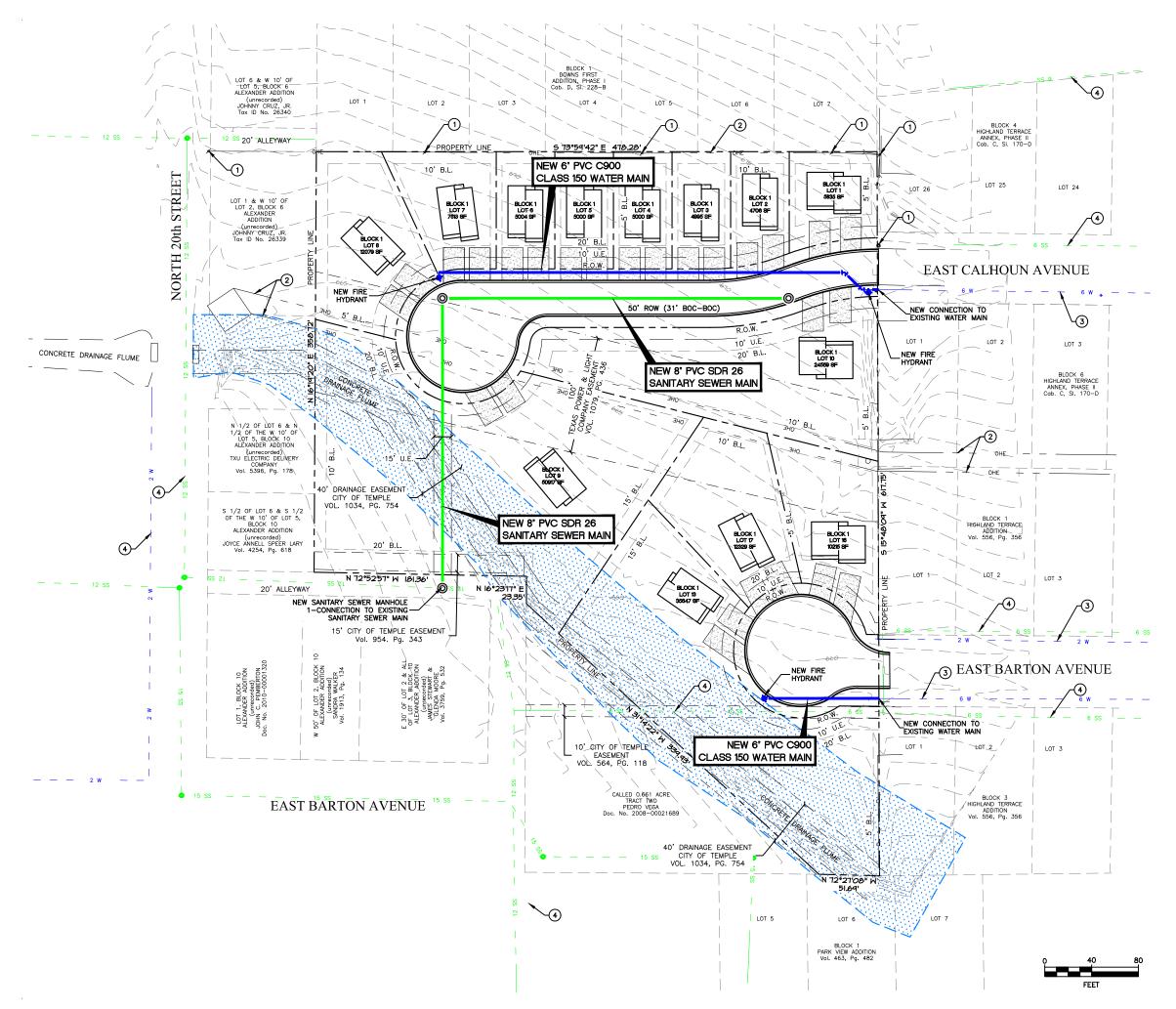
> **City of Temple Planning Department** 2 North Main Street, Suite 102 Temple, Texas 76501

Number of Notices Mailed: 54

Date Mailed: June 14, 2017

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254,298,5668.







LEGEND:

0	NEW MANHOLE
•	NEW STANDARD FIRE HYDRANT
	PROPOSED 6" PVC C900 CLASS 150 WATER MAIN
	PROPOSED 8" PVC SDR 26 SANITARY SEWER MAIN
	SFHA FLOODWAY ZONE AE PER FEMA FIRM NO. 48027C0355E, EFFECTIVE DATE SEPTEMBER 26, 2008. LOCATION DETERMINED BY FEMA SHAPE FILES.

KEYED NOTES

1

- 1. CAUTION!!! EXISTING POWER POLE/LIGHT POLE
- 2. CAUTION!!! OVERHEAD ELECTRIC
- 3. EXISTING WATER MAIN
- 4. EXISTING SANITARY SEWER
- 5. EXISTING STORM SEWER
- 6. EXISTING TELEPHONE BOX
- 7. CAUTION !!! EXISTING OVERHEAD ELECTRIC

STANDARD WATER LAYOUT NOTES

- 1. CONTRACTOR SHALL COMPLY WITH ALL CURRENT OSHA REQUIREMENTS REGARDING TRENCH SAFETY AND SHORING.
- CONTRACTOR SHALL COMPLY WITH ALL TCEQ RULES FOR UTILITY DESIGN AND CONSTRUCTION IN ACCORDANCE WITH 30 TAC 290.
- 3. ALL WATER MAINS SHALL BE C900 PVC PIPE UNLESS OTHERWISE NOTED.
- 4. ALL MATERIALS USED IN WATER SYSTEM CONSTRUCTION SHALL BE APPROVED BY THE CITY OF TEMPLE.
- 5. ALL WATER MAINS SHALL HAVE A MINIMUM OF 42 INCHES OF COVER MATERIAL BELOW FINISH GRADE.

STANDARD SANITARY SEWER LAYOUT NOTES

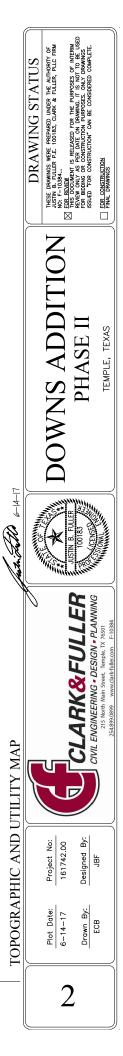
- 1. CONTRACTOR SHALL COMPLY WITH ALL CURRENT OSHA REQUIREMENTS REGARDING TRENCH SAFETY AND SHORING.
- 2. CONTRACTOR SHALL COMPLY WITH ALL TCEQ RULES FOR UTILITY LINE LOCATIONS IN ACCORDANCE WITH 30 TAC 217.
- ALL SANITARY SEWER MAINS SHALL BE SDR 26 PVC PIPE UNLESS OTHERWISE NOTED.
- 4. ALL MATERIALS USED IN SANITARY SEWER SYSTEM CONSTRUCTION SHALL BE APPROVED BY THE CITY OF TEMPLE.

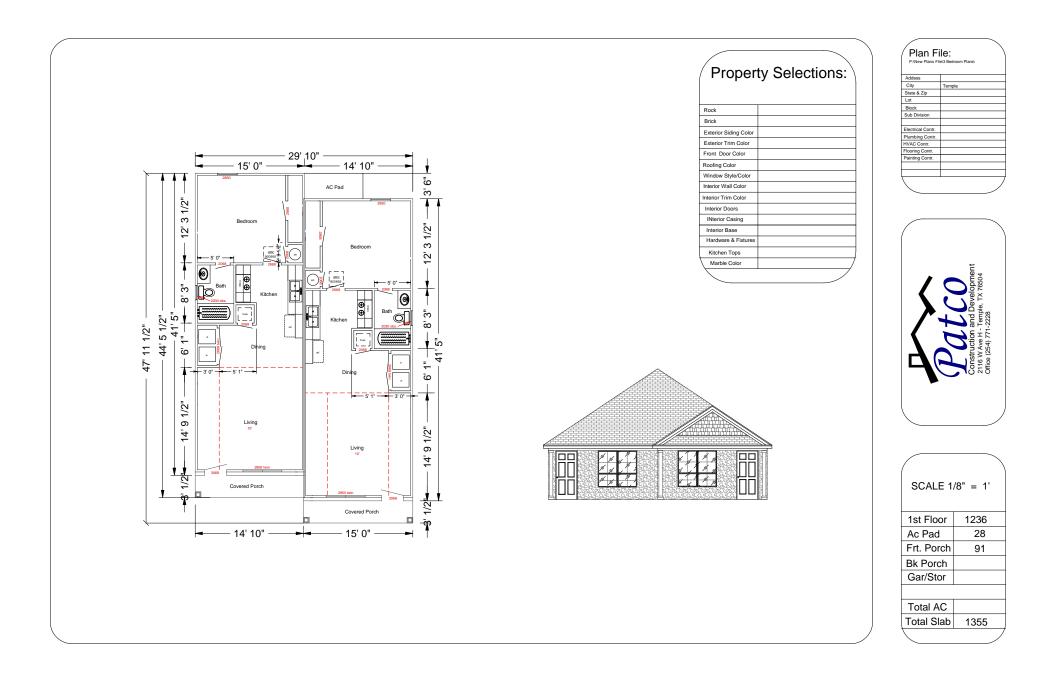
NOTES

Date

- 1. PRIOR TO BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL COORDINATE DEMOLITION OF EXISTING STRUCTURES, PAVEMENT SECTIONS, VEGETATION, ETC. WITH OWNER.
- 2. EXISTING UTILITIES WERE LOCATED BY FIELD RESEARCH/OBSERVATION. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL FIELD VERIFY UTILITY LOCATIONS AND COORDINATE UTILITY REMOVAL AND RELOCATION WITH OWNER AND APPROPRIATE UTILITY COMPANY.

Revisions





ORDINANCE NO. <u>2017-4852</u> (Z-FY-17-29)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM TWO FAMILY ZONING DISTRICT TO PLANNED DEVELOPMENT-TWO FAMILY ZONING DISTRICT AND A SITE DEVELOPMENT PLAN, ON APPROXIMATELY 5.078 ACRES, SITUATED IN THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14, BELL COUNTY, TEXAS, LOCATED AT 1109 AND 1203 EAST DOWNS AVENUE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, Pat Dauphinais requests rezoning from the current zoning of Two Family zoning district to Planned Development-Two Family zoning district to allow development of thirteen one bedroom duplexes;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, recommends approval of the rezoning from Two Family zoning district to Planned Development-Two Family zoning district, on approximately 5.078 acres of land in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located at 1109 and 1203 East Downs Avenue, with the following conditions:

- 1. Development will be subject to the Planned Development Site Plan;
- 2. Development will also be subject to all Unified Development Code (UDC) platting requirements during the platting process;
- 3. Lot width will be a minimum of 50 feet;
- 4. Lot depth will be a minimum of 73 feet for Lot 1, Block 1, a minimum of 86 feet for Lot 2, Block 1, and a minimum of 99.1 feet for Lot 3, Block 1;
- 5. Lot size to be a minimum of 4,700 square feet;
- 6. Front yard building line setback to be 20 feet;
- 7. Construction of cul-de-sacs on East Barton Avenue and East Calhoun Avenue, as shown with their lengths on the Site Development Plan; and

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

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

<u>**Part 1**</u>: 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.

<u>**Part 2:**</u> The City Council approves a rezoning from Two Family zoning district to Planned Development-Two Family zoning district, on approximately 5.078 acres of land in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located at 1109 and 1203 East Downs Avenue, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

<u>**Part 3:**</u> The City Council approves the Site Development Plan attached hereto as Exhibit 'B,' and made a part hereof for all purposes.

<u>**Part 4:**</u> The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

<u>Part 5</u>: 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.

<u>**Part 6**</u>: 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.

<u>**Part 7**</u>: 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 **20th** day of **July**, 2017.

PASSED AND APPROVED on Second Reading on the **3rd** day of **August**, 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

07/20/17 Item #7 Regular Agenda Page 1 of 3

DEPT. / DIVISION SUBMISSION & REVIEW:

Mark Baker, Senior Planner

ITEM DESCRIPTION: FIRST READING - PUBLIC HEARING - Z-FY-17-30: Consider adopting an ordinance authorizing rezoning from Agricultural & Single Family One zoning districts to Single Family One zoning district, on 42.13 +/- acres, of the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, generally located north of Drexel Loop and west of Hartrick Bluff Road.

STAFF RECOMMENDATION: Staff recommends approval for a rezoning from Agricultural (AG) district to Single Family One (SF-1) district based on the following compatibility factors:

- 1. Compatibility with surrounding zoning, existing and anticipated SF residential uses;
- 2. Partial compliance with the Future Land Use Estate Residential designation;
- 3. Compliance with the Thoroughfare Plan; and
- 4. Availability of public facilities to serve the subject property.

PLANNING & ZONING COMMISSION RECOMMENDATION: At their June 19, 2017 meeting, the Planning & Zoning Commission voted seven to zero to recommend approval of the proposed rezoning per staff's recommendation.

ITEM SUMMARY: The subject property contains 37.040 +/- acre tract, out of a larger 42.13 +/- acre tract, is being proposed for rezoning from Agricultural (AG) & Single Family one (SF-1) to Single Family One (SF-1), by Mark Rendon, on behalf of Stellar Development Corporation.

In the big picture, this current request is the third in a sequence of rezoning related to the Highland Park Estates development. Most recently, Phase Two, per Ordinance 2017-4840, was rezoned from AG to SF-1 for 10.666 +/- acres.

Although this application represents the third phase of zoning activity and publically noticed for 42.13 +/- acres, only 37.040 +/- acres is proposed to be rezoned to SF-1. The balance is attributed to an overlap of land area from Phase two in the amount of 5.09 +/- acres. The 5.09 +/- acres is already zoned SF-1. The ordinance will contain a survey sketch and field notes reflecting only the 37.040 +/- acres and not the entire 42.13 +/- acres.

The anticipated development for detached single family homes would be the third phase to the recorded Highland Park Estates subdivision, which was amended in 2016. The initial 30-lot Highland Park Estates and the subsequent amending plat were consistent with the original Development Plan approved with Planned Development-Single Family One (PD-SF-1) zoning by Ordinance 2011-4468.

While it is anticipated for the property to be developed with detached single family residences, there are other residential and non-residential uses permitted in the SF-1 district. The uses include but are not limited to those listed in the attached permitted and conditional use table.

<u>COMPREHENSIVE PLAN (CP) COMPLIANCE</u>: 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 within the Estate Residential character district. According to the Future Land Use Map (FLUM), this character district is intended for larger rural lot development generally on the fringes of the city but available within the City so this character and lifestyle setting is not limited only to the extra-territorial jurisdiction (ETJ). This rezoning request partially complies with the Estate Residential character district as it is for single-family residential and on the fringes within the City limits. However, while it is anticipated that the lots will be larger than the 7,500 square feet minimum lot size, required by the SF-1, the lots will not meet the Urban Estate standards of ½ acre as would be expected within the Estate Residential character district. It is compatible with the existing adjacent development of Highland Park Estates, which is consistent with the SF-1 zoning district. Therefore, this request is in **partial compliance** with the Future Land Use Map.

Thoroughfare Plan (CP Map 5.2)

Although addressed as 5219 South 31st Street, the subject property is physically accessed from Drexel Loop via Lakeview Lane via Tanglewood Road via Hartrick Bluff Road. Drexel Loop, a local street is anticipated to be extended into the subject property. In addition, the Thoroughfare Plan identifies a proposed collector to the west of the property which crosses in a west / east direction. As a collector, 55-feet of right-of-way and 36-feet of pavement is required. Discussions are on-going between staff and the applicant to address the implementation of the Thoroughfare Plan by providing the proposed collector within this and other phases ultimately connecting to FM 93. Compliance with the Thoroughfare Plan will be addressed during the review of the subdivision plat. Therefore, this request **is** in compliance with the Thoroughfare Plan.

Temple Trails Master Plan Map and Sidewalks Ordinance

The Trails Master Plan does not identify any existing or proposed trails on or abutting the subject property. Compliance to the Sidewalks Ordinance for collector streets will be addressed during the review of the subdivision plat.

Availability of Public Facilities (CP Goal 4.1)

Sewer is available through an existing 10-inch sewer line that is located within the interior of the subject property. Water is available from an existing 8-inch water line located at the end of Drexel Loop In addition, there is an existing 8-inch waterline along the entire length of the western boundary of the subject property. Therefore, public facilities <u>are</u> available to the site.

DEVELOPMENT REGULATIONS: The attached table compare and contrast, the current Agricultural development dimensional standards with the proposed Single-Family One standards.

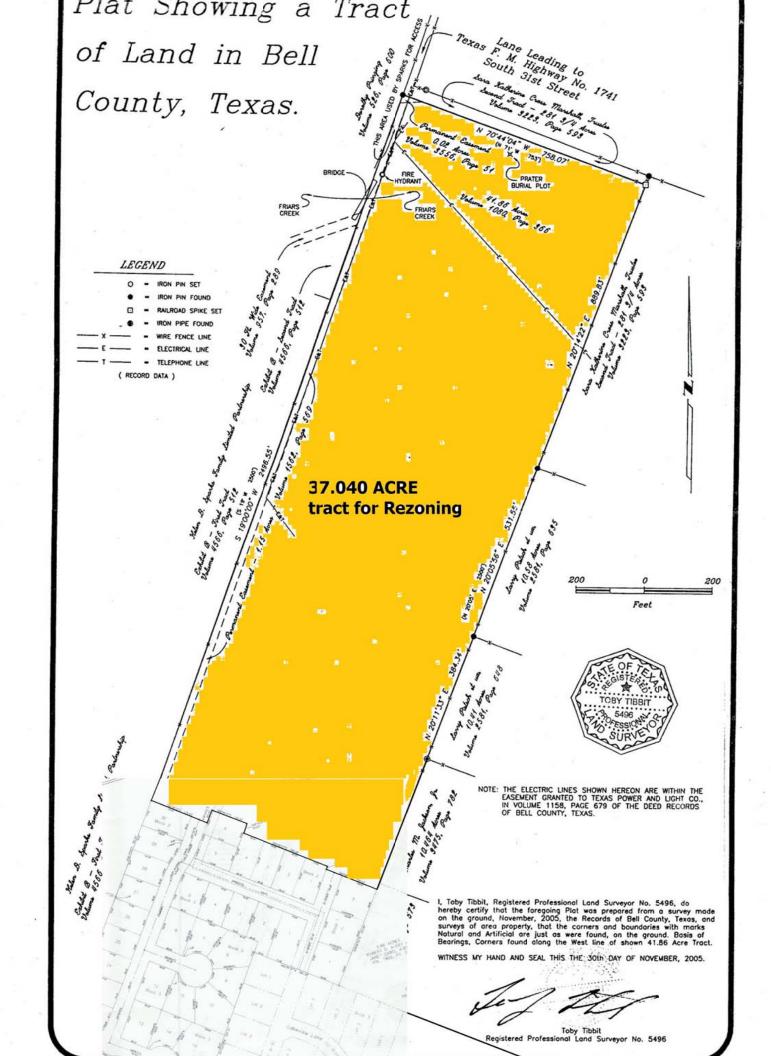
<u>PUBLIC NOTICE</u>: Twenty one notices to property owners within 200 feet of the subject property were sent notice of the public hearing as required by state law and city ordinance. As of 9:00 AM on Monday, July 3, 2017, one notice, representing eleven properties owned by the applicant have been received.

The newspaper printed notice of the public hearing on June 8, 2017, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Surveyor Sketch & Field Notes (37.040 +/- Acres) Exhibit A Photos Maps Tables Returned Property Notices P&Z Excerpts (June 19, 2017) Ordinance





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

Being **37.040** Acres, more or less, of the Maximo Moreno Survey, Abstract No. 14, and being part of a 42.13 Acre tract described in a deed to Stellar Improvement Corporation as recorded in Document No. 2008-00027990 of the Official Public Records of Real Property of Bell County, Texas;

COMMENCING at the Southwest corner of said 42.13 Acre tract and at the Northwest corner of a 10.000 Acre tract of land described in a deed to Stellar Improvement Corporation as recorded in Document No. 2014-00024933 of said official public records and also being in the East line of a 63 Acre tract described as First Tract in Exhibit B of a deed to Helen D. Sparks Family Limited Partnership as recorded in Volume 4566, Page 512 of said official public records;

THENCE, N 18° 13' 06" E, with the West line of said 42.13 Acre tract and the East line of said 63 Acre tract, 301.61 Feet, to the **PLACE OF BEGINNING**;

THENCE, crossing said 42.13 Acre tract, as follows: S 69° 56' 27" E, 178.23 Feet; and N 18° 14' 51" E, 40.02 Feet; and S 69° 56' 27" E, 110.00 Feet; and S 18° 14' 51" W, 30.02 Feet; and S 69° 56' 27" E, 265.90 Feet; S 17° 55' 55" W, 10.01 Feet; S 69° 56' 27" E, 158.93 Feet, to the Southeast corner hereof, in the East line of said 42.13 Acre tract and in the West line of a 5.86 Acre tract described in a deed to Robert D. Avery and wife, Janet Carol Avery as recorded in Volume 1902, Page 573 of the Deed Records of Bell County, Texas, and also being in the West line of a 281³/₄ Acre tract described as Second Tract in a deed to Sara Katherine Cross Marshall, Trustee as recorded in Volume 3223, Page 593 of said official public records;

THENCE, **N 19° 36' 53" E**, with the East line of said 42.13 Acre tract and the West line of said 5.86 Acre tract and said 281³/₄ Acre tract, **19.03 Feet**, to the Northwest corner of said 5.86 Acre tract and the Southwest corner of a 10.464 Acre tract described in a deed to Charles M. Jackson, Jr., as recorded in Volume 3475, Page 782 of said official public records;

THENCE, **N 19° 18' 28'' E**, with the East line of said 42.13 Acre tract and the West line of said 10.464 Acre tract and said 281³/₄ Acre tract, **390.05 Feet**, to the Northwest corner of said 10.464 Acre tract and at the Southwest corner of a 10.41 Acre tract described in a deed to Larry Pietsch and wife, Linda Pietsch as recorded in Volume 2581, Page 648 of said official public records;

THENCE, **N 19° 24' 39" E**, with the East line of said 42.13 Acre tract and the West line of said 10.41 Acre tract and said 281³/₄ Acre tract, **384.34 Feet**, to the Northwest corner of said 10.41 Acre tract, and at the Southwest corner of a 10.58 Acre tract described in a deed to Larry Pietsch and wife, Linda Pietsch as recorded in Volume 2581, Page 635 of said official public record;

THENCE, **N 19° 19' 02'' E**, with the East line of said 42.13 Acre tract and the West line of said 10.58 Acre tract and said 281³/₄ Acre tract, **531.55 Feet**, to the Northwest corner of said 10.58 Acre tract;

THENCE, **N 19° 27' 28" E**, with the East line of said 42.13 Acre tract and the West line of said 281³/₄ Acre tract, **889.83 Feet**, to the Northeast fence corner of said 42.13 Acre tract and at an inner ell corner of said 281³/₄ Acre tract;

THENCE, **N 71° 30' 58'' W**, with the North line of said 42.13 Acre tract and a line of said 281³/₄ Acre tract, **758.07 Feet**, to the Northwest corner of said 42.13 Acre tract, in the East line of a tract of land described in a deed to Dorothy Prinzing as recorded in Volume 526, Page 600 of the Deed Records of Bell County, Texas;

THENCE, S 18° 13' 06" W, with the West line of said 42.13 Acre tract, 2194.94 Feet, to the PLACE OF BEGINNING.

I, Toby Tibbit, Registered Professional Land Surveyor No. 5496, do hereby certify that the foregoing Field Notes were compiled from the Records of Bell County, Texas, referenced hereon, and that this document was prepared under 22 TAC §663.21, and does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared

WITNESS MY HAND AND SEAL THIS THE 7TH DAY OF JUNE, 2017.





Toby Tibbit Registered Professional Land Surveyor No. 5496 EXHIBIT A

Site & Surrounding Property Photos



Site: Undeveloped (Street view from end of Drexel Loop) (AG)



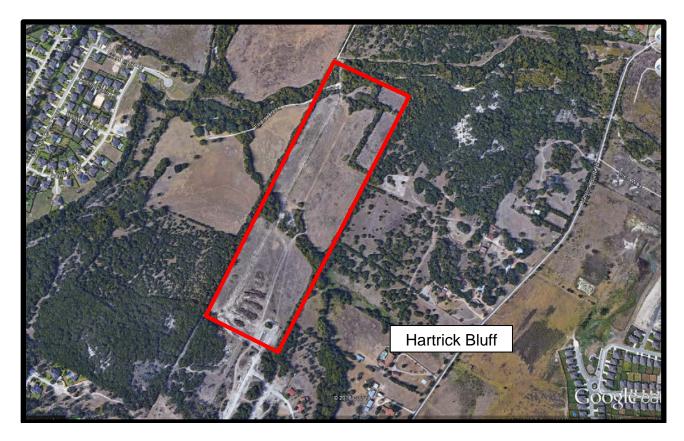
South: Street view on Drexel Loop (Highland Park Estates) (PD - SF-1)



South: Alternative Street view at Drexel Loop & Lakeview Ln (Highland Park Estates) (PD-SF-1)

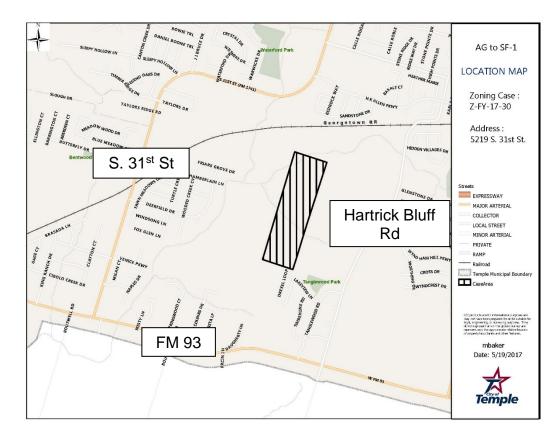


South: Street view on Lakeview Ln (Ridgewood Estates) (SF-1)



Aerial (Google Earth Image showing North – South - East & West): Undeveloped & Scattered SF Residences (AG)

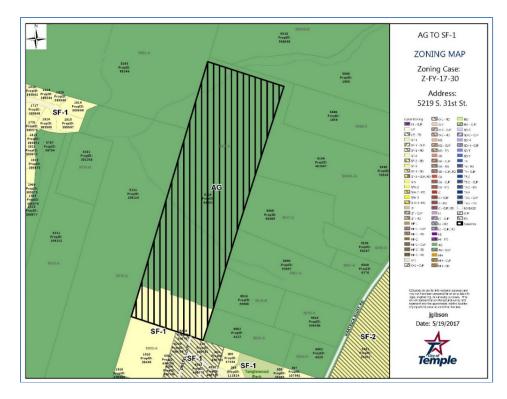
Maps



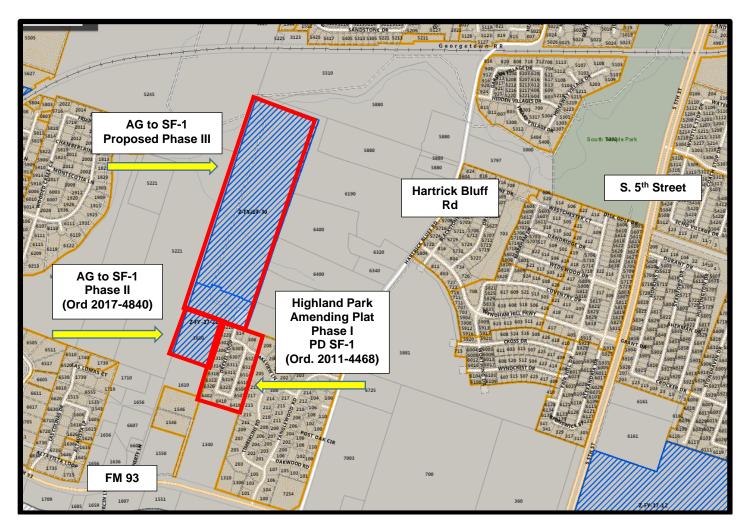
Location Map



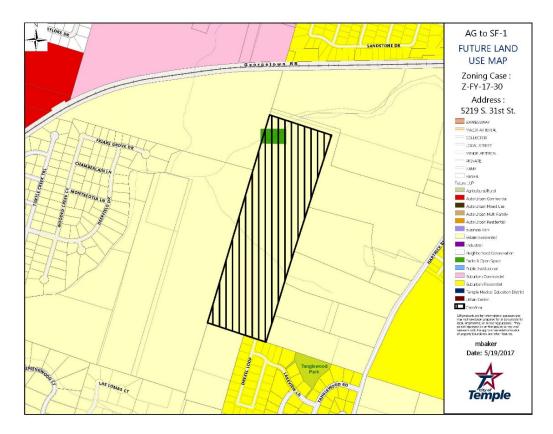
Aerial Map



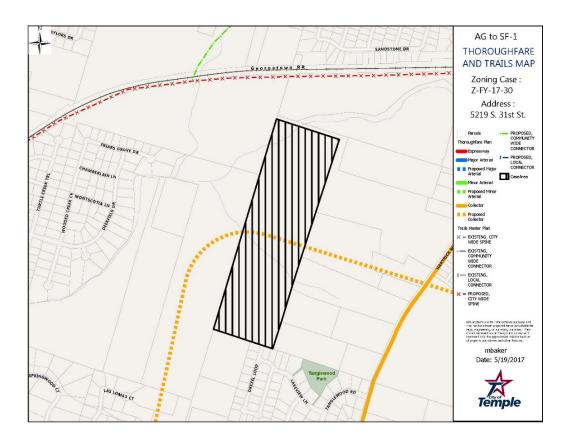
Zoning Map



Proposed & Recent Zoning Activity Map



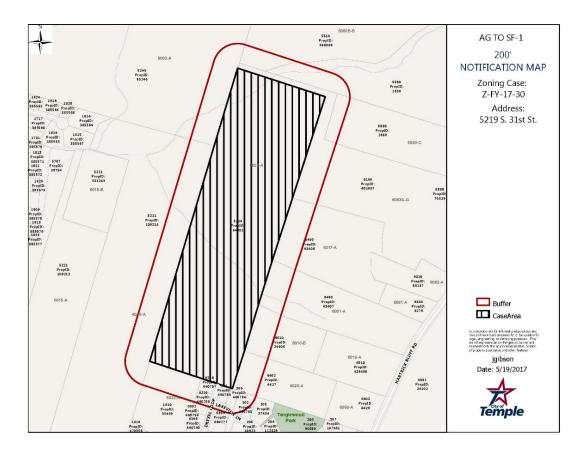
Future Land Use Map



Thoroughfare & Trails Map



Utility Map



Notification Map

Tables

Permitted & Conditional Uses Table Comparison between AG & SF-1

Use Type	Agricultural (AG)	Single Family One (SF-1)
Agricultural Uses	Farm, Ranch or Orchard	Same as AG
Residential Uses	Single Family Residence (Detached only) Industrialized Housing Family or Group Home Home for the Aged (CUP)	Same as AG Home for the Aged <i>(Not Permitted)</i>
Retail & Service Uses	None	Same as AG
Commercial Uses Industrial Uses	None	Same as AG
	Temporary Asphalt & Concrete Batching Plat (CUP)	Same as AG
Recreational Uses	None	Same as AG
Educational & Institutional Uses	Cemetery (CUP) Place of Worship Social Svc. Shelter (CUP) Child Care (CUP)	Same as AG
Vehicle Service Uses	None	Same as AG
Restaurant Uses	None	Same as AG
Overnight Accommodations	RV Park (CUP)	None

Surrounding Property Uses

	Surrounding Property & Uses		
Direction	<u>FLUP</u>	<u>Zoning</u>	Current Land Use
Site	Estate Residential	AG	Undeveloped
North	Estate Residential	AG	Undeveloped
South	Estate Residential / Suburban Residential	SF-1 & PD-SF-1	Undeveloped & Scattered SF Uses (Highland Park Estates & Ridgewood Estates)
East	Estate Residential	AG	Undeveloped & Scattered SF Uses on acreage
West	Estate Residential	AG & SF-1	Undeveloped & Scattered SF Uses on Acreage

Document	Policy, Goal, Objective or Map	Compliance?
СР	Map 3.1 - Future Land Use Map	PARTIAL
СР	Map 5.2 - Thoroughfare Plan	YES
СР	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		

Comprehensive Plan Compliance

Dimensional Standards

	<u>Current</u> (AG) <u>Residential</u>	Proposed (SFA-1) UDC Sec. 4.5.2 SF Detached
Minimum Lot Size	1 Acre	7,500 SF
Minimum Lot Width	100 Feet	60 Feet
Minimum Lot Depth	150 Feet	100 Feet
Front Setback	50 Feet	25 Feet
Side Setback	15 Feet	10% of Lot Width (6' Min - 7.5' Max)
Side Setback (corner)	15 Feet	15 Feet
Rear Setback	10 Feet	10 Feet
Max Building Height	3 Stories	2 Stories



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

STELLAR IMPROVEMENT CORP DBA STELLAR DEVELOPMENT CO PO BOX 292 BELTON, TX 76513-0292

Zoning Application Number: Z-FY-17-30

Case Manager: Mark Baker

Location: 5219 South 31st Street, Temple, Texas

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 components you may have.

I (V) agree	disagree with this request		
Comments: Area Should	be developed for SFI h	ones.	
Signature	Make Rendon for Print Name	<u>sd</u> co	

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, <u>mbaker@templetx.gov</u> or mail or hand-deliver this comment form to the address below, no later than **June 19, 2017**.

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

JUN 1 6 2017

City of Temple Planning & Development

Number of Notices Mailed: 21

Date Mailed: June 8, 2017

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



Properties Owned within 200 Feet of Requested Rezoning

Zoning Application Number: Z-FY-17-30

Case Manager: Mark Baker

	STELLAR IMPROVEMENT CORPORATION PROPERTIES			
#	Property ID #	Address	City	
1	94882	5219 S 31ST ST	BELTON, TX	
2	460777	6303 DREXEL LP	BELTON, TX	
3	460759	6302 DREXEL LP	BELTON, TX	
4	460783	302 LAKEVIEW LN	BELTON, TX	
5	460784	306 LAKEVIEW LN	BELTON, TX	
6	460758	6220 DREXEL LP	BELTON, TX	
7	460785	310 LAKEVIEW LN	BELTON, TX	
8	460786	314 LAKEVIEW LN	BELTON, TX	
9	460757	6216 DREXEL LP	BELTON, TX	
10	35469	1610 W FM 93	BELTON, TX	
11	29905	6510 HARTRICK BLUFF RD	TEMPLE, TX	

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, JUNE 19, 2017

ACTION ITEMS

Item 3: <u>Z-FY-17-30</u> - Hold a public hearing to discuss and recommend action on a rezoning from Agricultural (AG) & Single Family One (SF-1) zoning districts to Single Family One (SF-1) zoning district, on 42.13 +/- acres, of the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, generally located north of Drexel Loop and west of Hartrick Bluff Road.

Mr. Mark Baker, Senior Planner, stated this item was scheduled to go forward to City Council for first reading on July 20, 2017 and second reading on August 3, 2017.

The rezoning is for the 37.040 +/- acres out of 42.13 +/- acres. The overall subdivision and circulation is being evaluated and no formal plat has been submitted. Staff anticipates the plat is forthcoming.

Recent zoning activity map shown around the subject property.

The zoning map is shown and this is a request for SF-1 which is an expansion of single family uses in immediate area (adjacent Ridgewood Subdivision) and expansion of Highland Park Estates.

The Future Land Use and Character Map designate the subject property as Estate Residential which is intended for larger rural lot development (one-half acre lots in UE), and does supports SF-1.

The Suburban Residential zoning is intended for smaller SF zoning (SF-1 and SF-2). The request is in partial compliance.

Both water and sewer are available to serve the property. An eight-inch water line on located the western property boundary and the end of Drexel Loop. An eight-inch sewer line is lies within the interior of the subject property.

A proposed Collector will cross through the property and the location is to be finalized with review of subdivision plat.

No trails are proposed within the project boundaries.

On-site photos shown of subject property.

Surrounding properties include Ridgewood Subdivision and Highland Park Estates to the south.

An aerial is shown of the surrounding properties which is primarily undeveloped.

Comparison of permitted and prohibited uses for AG and SF-1 given. The SF-1 zoning will be limited to detached single family homes.

Comparison between the current and proposed Development Standards.

Twenty-one notices were mailed in accordance with all state and local regulations with eleven (11) notices (owned by the applicant) returned in agreement and zero notices returned in opposition.

The request complies with the Thoroughfare Plan, is compatible with the surrounding uses and zoning, and public facilities are available to serve the property.

The request is in partial compliance with the Future Land Use and Character Map.

Staff recommends approval of the request for a rezoning of 37.040 +/- acres from AG district to SF-1 District.

Chair Rhoads opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Crisp made a motion to approve Item 3, **Z-FY-17-30**, as presented, and Commissioner Alaniz made a second.

Motion passed: (7:0) Vice-Chair Fettig and Commissioner Armstrong absent

ORDINANCE NO. <u>2017-4853</u> (Z-FY-17-30)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL AND SINGLE FAMILY ONE ZONING DISTRICTS TO SINGLE FAMILY ONE ZONING DISTRICT ON APPROXIMATELY 42.13 ACRES OF LAND IN THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14, BELL COUNTY, TEXAS, GENERALLY LOCATED NORTH OF DREXEL LOOP AND WEST OF HARTRICK BLUFF 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:

<u>**Part 1:**</u> The City Council approves a rezoning from Agricultural and Single Family One zoning districts to Single Family One zoning district, on approximately 42.13 acres of land in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, generally located north of Drexel Loop and west of Hartrick Bluff Road, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

<u>**Part 2:**</u> Staff recommends approval of a rezoning from Agricultural and Single Family One zoning districts to Single Family One zoning district.

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

<u>Part 4</u>: 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.

<u>**Part 5**</u>: 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.

<u>Part 6</u>: 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 **20th** day of **July**, 2017.

PASSED AND APPROVED on Second Reading on the 3rd day of August, 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

07/20/17 Item #8 Regular Agenda Page 1 of 3

DEPT. / DIVISION SUBMISSION & REVIEW:

Lynn Barrett, Assistant Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING Z-FY-17-31 – Consider adopting an ordinance and accompanying Site Development Plan for rezoning from Agricultural zoning district to Planned Development-Two Family district, on 3.420 +/- acres, situated in the Baldwin Robertson Survey, Abstract No. 17, Blocks 2717-A and 2812-A Bell County, located at 9218 and 9260 Hogan Road, Temple, Texas.

<u>STAFF RECOMMENDATION</u>: Staff recommends approval of the rezoning from AG to PD-2F for an 11-lot duplex development with the following conditions:

PD Conditions:

- 1. Substantial compliance with the attached development/site plan
- 2. 20 foot front setbacks on lots
- 3. Two lots less than 60 foot widths
- 4. Wood fence six feet high along Hogan with an entrance monument sign, HOA owned/maintained
- 5. Two trees and landscaping on each lot
- 6. Existing tree buffer along the north property line to be retained
- 7. HOA maintained drainage tract; access tract to be HOA owned/ maintained
- 8. Elevations as shown on Site Plan (B is very close to C in appearance); minimum masonry of brick/stone/rock of 75% on four sides of each structure; balance to be cementitious siding
- 9. Offsite utility connections will be required; details to come at platting

PLANNING & ZONING COMMISSION RECOMMENDATION: At their June 19, 2017 meeting, the Planning & Zoning Commission voted seven to zero for approval of the proposed rezoning to PD 2F.

ITEM SUMMARY: John Kiella, on behalf of owner Bret Turner, requests a rezoning of the subject property from the AG zoning district to the PD-2F zoning district to allow for an 11-lot duplex development. The subject property is located along Hogan Road approximately 500 feet east of SH317 and is on two lots, totaling 3.4 +/- acres. The property is currently vacant containing an abandoned home and undeveloped field.

The applicant proposes to build 11 duplexes (22 housing units--see attached Development/Site Plan) with proposed lot width dimensions ranging from 50 to 80 feet and approximately 100 to 150 feet in depth to be accessed from a new cul-de-sac. The proposal includes an entry way monument sign with landscaping and a Homeowner's Association (HOA) owned and maintained access tract to a bordering

Oncor easement for overhead power lines. A drainage tract is also proposed at the entrance, also to be maintained by the HOA. A six foot high fence along Hogan Road is proposed as part of the development. Additionally, lots will be fenced so that each housing unit will have its own fenced yard.

Per UDC, Section 3.4.3 & 3.4.4, a Planned Development requires approval of a Development/Site plan that is binding.

On June 12, 2017, the DRC met with the applicant to discuss the proposal. Discussion included maintenance of the drainage tract, access to sewer lines and offsite utility extensions, and important infrastructure requirements which will be addressed during the platting process and that will be required prior to any development of the property.

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

Direction	FLUP	Zoning	Current Land Use
Subject Property	Agricultural Rural	AG	Abandoned home Undeveloped
North	Suburban Residential	SF-3	Residential
South	Suburban Residential ;	AG	Undeveloped
East	Suburban Residential	SF-3	Residential
West	Suburban Commercial	AG and PD GR	Residential, Commercial

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

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

07/20/17 Item #8 Regular Agenda Page 3 of 3

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

Suburban Residential is the dominant future land use, other than Agricultural, identified for this area. The *Choices '08* City of Temple Comprehensive Plan states that the Suburban Residential character district is suited for mid-sized single family lots, allowing for greater separation between dwellings and more emphasis on green spaces versus streets and driveways. Since duplexes are two-family rather than single family residential, the proposed development is partially compliant, however the overall density remains compatible with the suburban residential classification.

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

The subject property is bounded by Hogan Road which is identified as a future collector on the Thoroughfare Plan and is on the TCIP for acquisition, design and construction. The city is in the process of acquiring ROW along this portion of Hogan Road, and the Westside Village Site Development Plan does reflect this additional right of way. A sidewalk will be part of the Hogan Road widening project. This property is not in the area of any proposed trails.

Availability of Public Facilities (CP Goal 4.1)

Water is available to the subject property along Hogan Road, while sewer will be available through several potential future offsite connections from north of the subject property. Details of public facilities and extensions will be addressed during the platting process.

UDC, Section 3.4 Planned Development

A Planned Development is defined as:

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

DEVELOPMENT REGULATIONS: The development site plan will provide the development and dimensional standards for this development. Applicant is requesting 20 foot front setbacks for the lots instead of the 25 foot setbacks for 2F in the UDC.

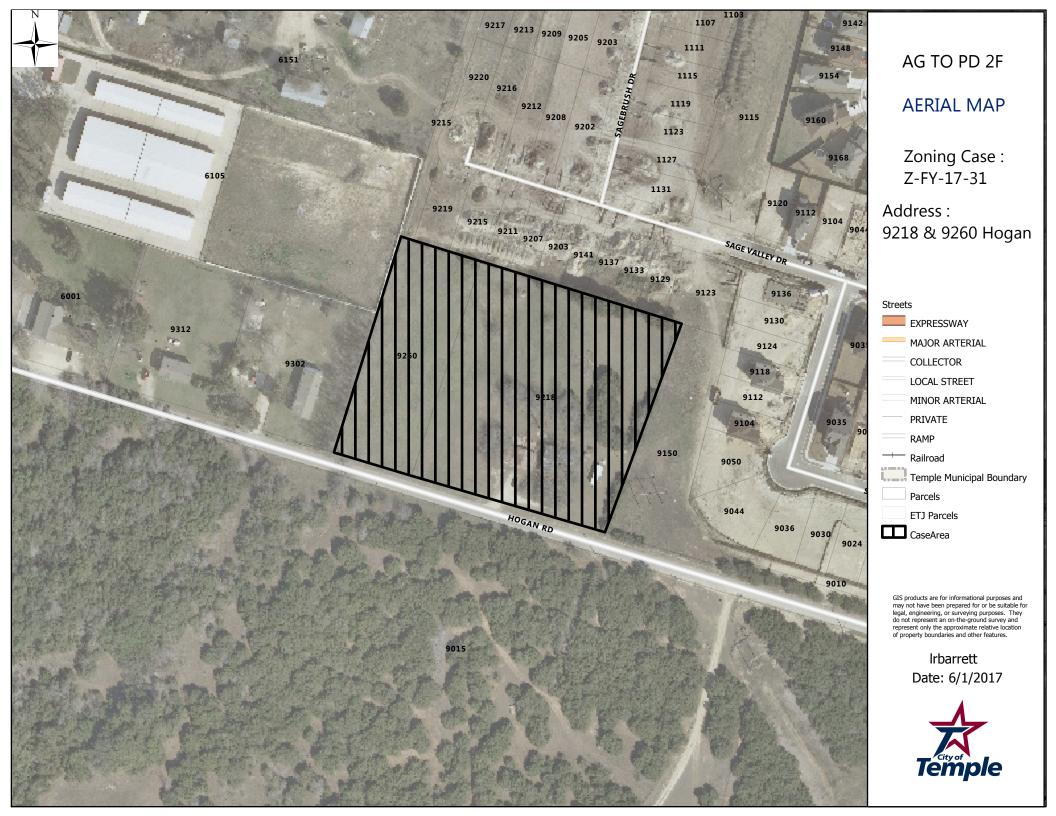
PUBLIC NOTICE: 37 notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of Friday July 7, 2017, one notices have been returned in favor of the proposed rezoning and eight notices have been returned in opposition to the proposed rezoning (from neighbors in Sage Meadows to the north and east).

The newspaper printed the notice of the public hearing on June 8, 2017, in accordance with state law and local ordinance.

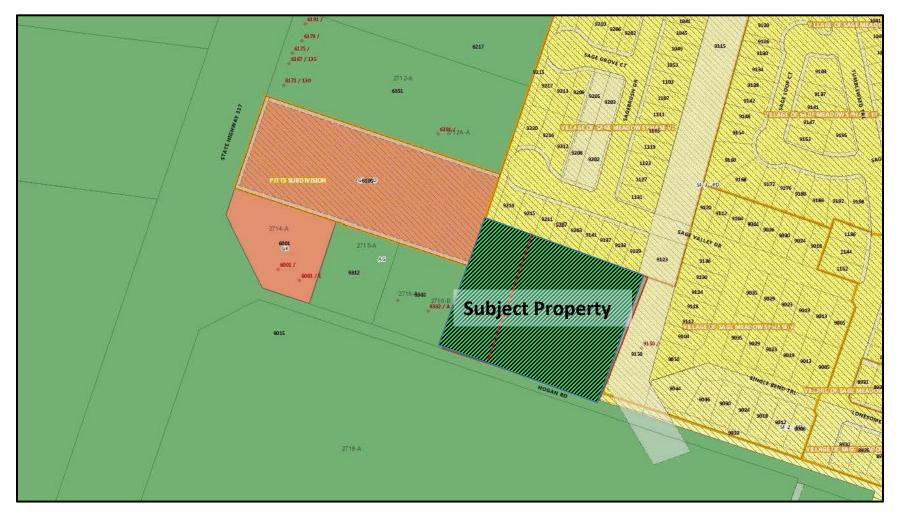
FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Location Map Zoning Map Site and Surrounding Property Photos Development Site Plan Thoroughfare & Trails Map Utility Map Notification Map Returned Property Owner Notices Ordinance



Zoning Map



View North into Subject Property



View To East

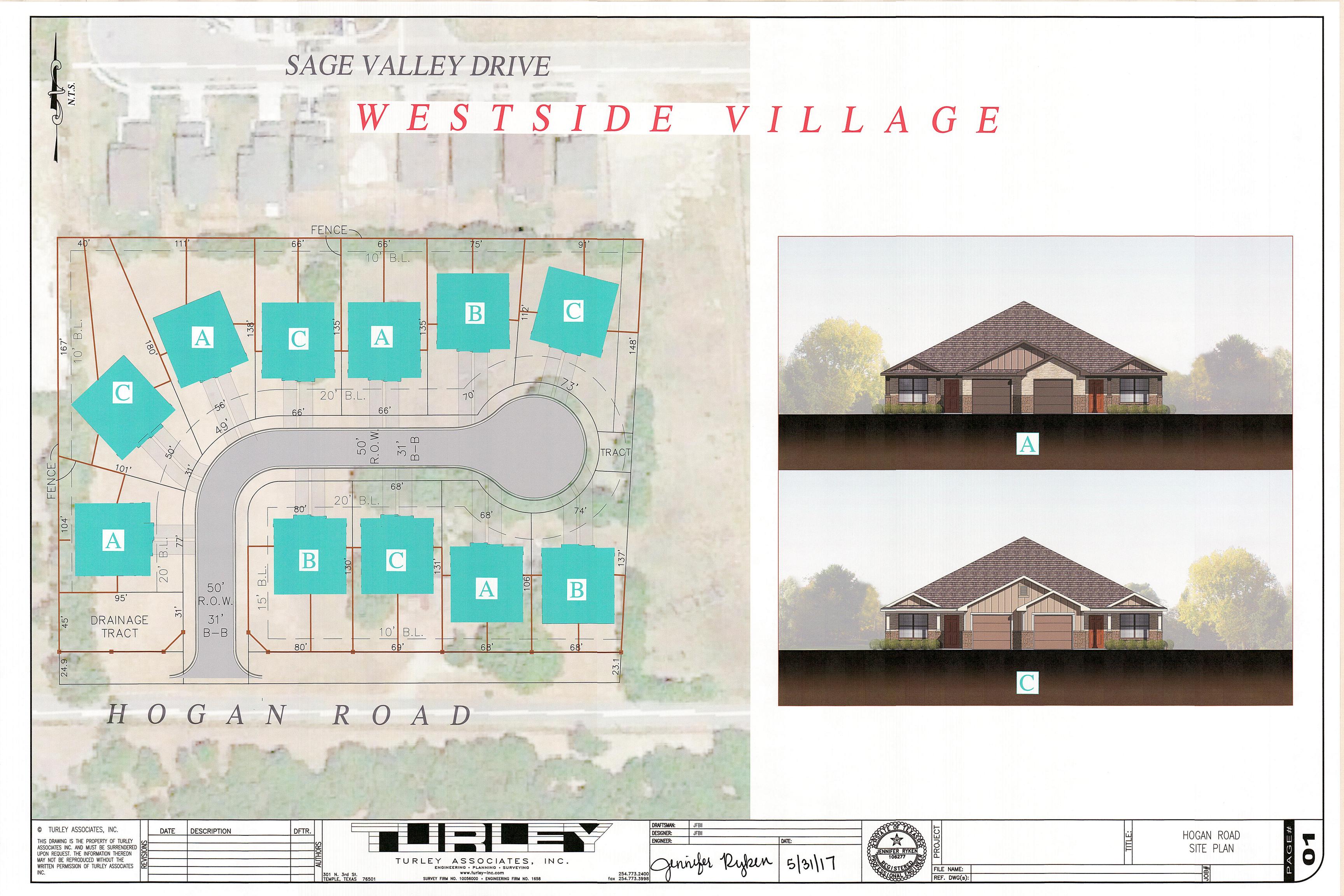


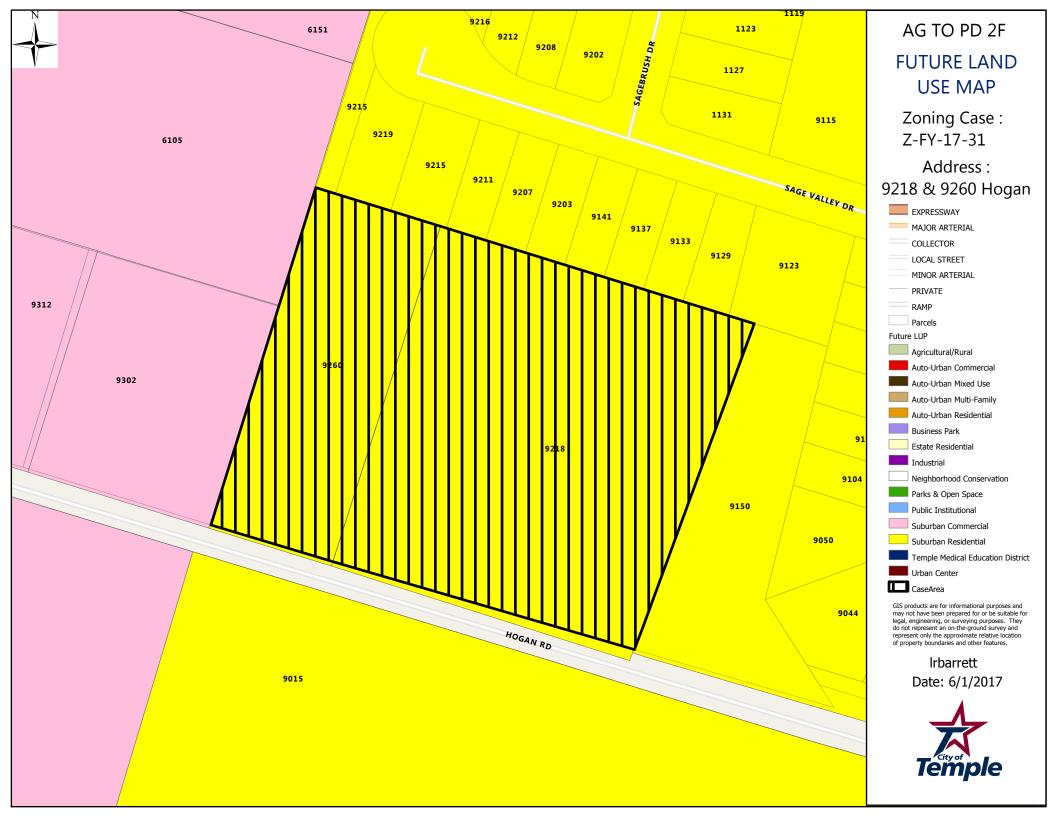
View to South

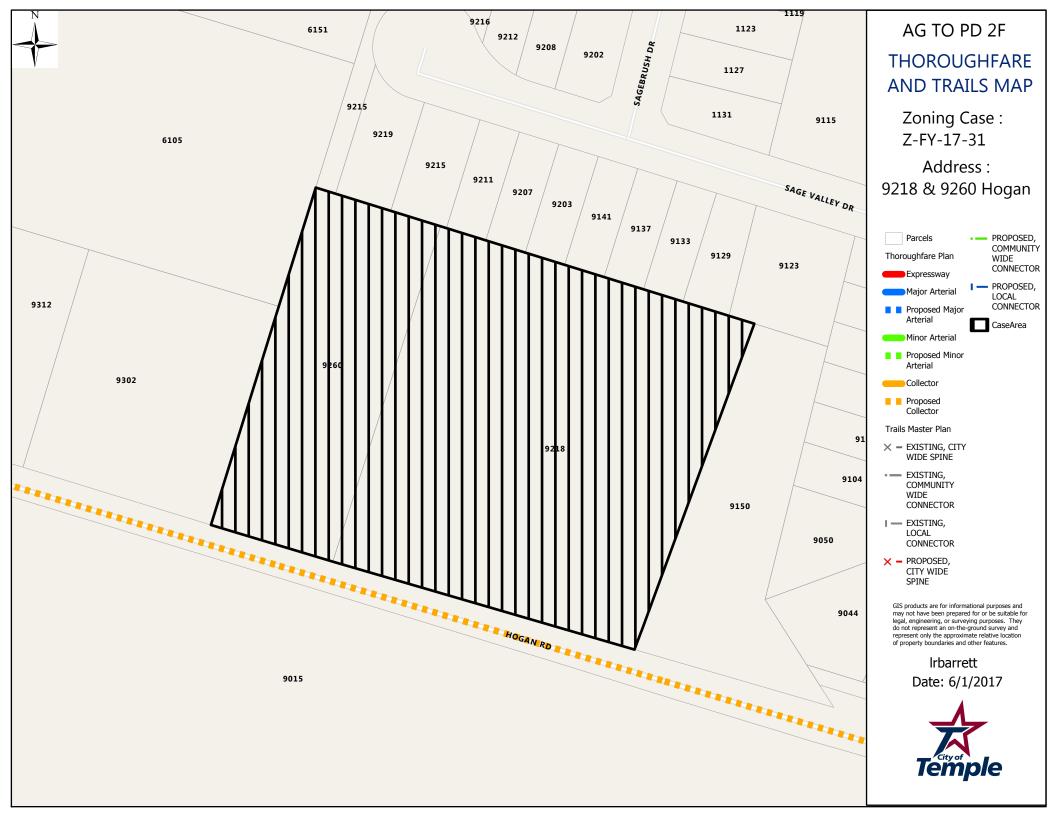


View To West

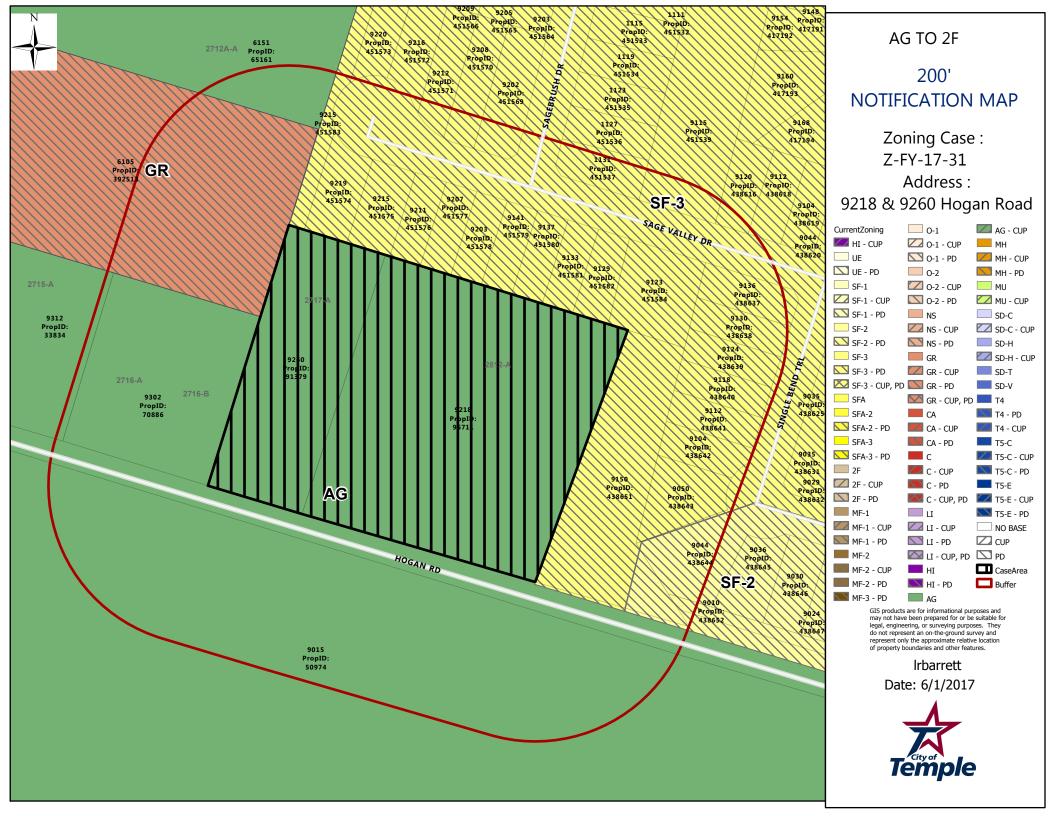














RIVERA, JAIME HERNANDEZ 9129 SAGE VALLEY DR TEMPLE, TX 76502

Zoning Application Number: Z-FY-17-31 Case Manager: Lynn Barrett

Location: 9218 and 9260 Hogan Road, Temple, Texas

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 <u>possible</u> rezoning of the property described on the attached notice, and provide any additional comments you may have.

| () agree

 (\mathbf{X}) disagree with this request

Comments:	yets our pinacy trackens to diminish the
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Signature Mart	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, <u>lrbarrett@templetx.gov</u>, mail or hand-deliver this comment form to the address below, no later than **June 19, 2017.**

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

Number of Notices Mailed: 37

Date Mailed: June 8, 2017

<u>OPTIONAL</u>: Please feel free to email questions or comments directly to the Case Ganage EDall us at 254.298.5668.

CITY OF TEMPLE PLANNING & DEVELOPMENT



ORTIZ-LUCENA, JOHNNY ETUX NYDIA RIERA FIGUEROA 9211 SAGE VALLEY DR TEMPLE, TX 76502

Zoning Application Number: Z-FY-17-31 Case Manager: Lynn Barrett

Location: 9218 and 9260 Hogan Road, Temple, Texas

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 <u>possible</u> rezoning of the property described on the attached notice, and provide any additional comments you may have.

I () agree

 (\lor) disagree with this request

Comments:

Signature

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, <u>Irbarrett@templetx.gov</u>, mail or hand-deliver this comment form to the address below, no later than **June 19, 2017.**

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

Number of Notices Mailed: 37

Date Mailed: June 8, 2017

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City of Temple Planning & Development



MOLL, DANIEL ETUX AMANDA 9137 SAGE VALLEY DR TEMPLE, TX 76502

Zoning Application Number: Z-FY-17-31 Case Manager: Lynn Barrett

Location: 9218 and 9260 Hogan Road, Temple, Texas

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 <u>possible</u> rezoning of the property described on the attached notice, and provide any additional comments you may have.

I () agree	disagree with this request
Comments:	MURT DUR DURDER VALUE AS
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hot to have a V	HEWING OF DINEYS UNDER THE TODMING
endangement f	Porur Chi birch.
Signature	Print Name
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JUN 1 5 2017

City of Temple Planning & Development



DALTON, TERRI & AL MILLER 9133 SAGE VALLEY DR TEMPLE, TX 76502

Zoning Application Number: Z-FY-17-31 Case Manager: Lynn Barrett

Location: 9218 and 9260 Hogan Road, Temple, Texas

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I () agree	\bigotimes disagree with this request
Comments:	
benihd our back ward	losing the tree line directly
	addition of an entrance to
these proposed Duplexes	

Alan Miller Signature

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, <u>Irbarrett@templetx.gov</u>, mail or hand-deliver this comment form to the address below, no later than **June 19, 2017**.

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

Number of Notices Mailed: 37

Date Mailed: June 8, 2017

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

JUN 1 5 2017

City of Temple Planning & Development



LINDER, ASHLEYC 9118 SINGLE BEND TRAIL TEMPLE, TX 76502

Zoning Application Number: Z-FY-17-31 Case Manager: Lynn Barrett

Location: 9218 and 9260 Hogan Road, Temple, Texas

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 <u>possible</u> 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 Stoppy disagree with this request, as we were assured no property would be built behind us and paid a large fill for the for due to this.

Signature

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, <u>Irbarrett@templetx.gov</u>, mail or hand-deliver this comment form to the address below, no later than **June 19, 2017**.

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

JUN 19 2017 City of Turnor Planning & Decem

Number of Notices Mailed: 37

Date Mailed: June 8, 2017



ESQUIVEL, CHRISTIAN L ETUX YANETT 9215 SAGE VALLEY DR TEMPLE, TX 76502

RECEIVEL

JUN 1 9 2017

City of Temple Planning & Development

Zoning Application Number: Z-FY-17-31

Location: 9218 and 9260 Hogan Road, Temple, Texas

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 <u>possible</u> rezoning of the property described on the attached notice, and provide any additional comments you may have.

	I () agree	•	(L) d	isagree w	vith thi	s req	uest		
Comment Do not	twant lo	decrease	Properly	Value.	And	the	trees	tha+	our

H Equivel

Case Manager: Lynn Barrett

Signature

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, <u>Irbarrett@templetx.gov</u>, mail or hand-deliver this comment form to the address below, no later than **June 19, 2017.**

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

Number of Notices Mailed: 37

Date Mailed: June 8, 2017



JONES, RYAN TAYLOR ETUX MICHELLE DC 9112 SINGLE BEND TRL TEMPLE, TX 76502

Zoning Application Number: Z-FY-17-31 Case Manager: Lynn Barrett

Location: 9218 and 9260 Hogan Road, Temple, Texas

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 <u>possible</u> 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 don't garee	with this because this is
traffic more crim have nousing beh	ind the is John Kielb going to
Signature	<u>Michelle Jones</u> Print Name
olynardie	

If you would like to submit a response, please email a scanned version of this completed form to the <u>Case-Manager referenced above</u>, <u>Irbarrett@templetx.gov</u>, mail or hand-deliver this comment form to the address below, no later than **June 19, 2017**.

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

Number of Notices Mailed: 37

Date Mailed: June 8, 2017



BENNEBY, RENNICK ETUX SANDRAC 9104 SINGLE BEND TRL TEMPLE, TX 76502

Zoning Application Number: Z-FY-17-31 Case

Case Manager: Lynn Barrett

Location: 9218 and 9260 Hogan Road, Temple, Texas

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 <u>possible</u> rezoning of the property described on the attached notice, and provide any additional comments you may have.

1 () agree (V)	disagree with this request	
Comments:	id to not have	homes behind our.	
Property	and where told in and construct	Del Village OF Sage . A FIOTE Manager that	there
Latili)		tion would cause	(ise attached)
Signature	Ê	Sandra Beneby, 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, <u>Irbarrett@templetx.gov</u>, mail or hand-deliver this comment form to the address below, no later than **June 19, 2017.**

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

Number of Notices Mailed: 37

Date Mailed: June 8, 2017

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

JUN 1 9 2017

CITY OF TEMPLE PLANNING & DEVELOPMENT

June 19,2017

Zaning Application Number: Z-FY-17-31 Case Manager: Lynn Barrett

I am submitting formal comments in strong opposition to the proposed rezoning on Hogan Road. I strongly urge the county to deny the application of the structure. The proposed rezoning will compromise the flow of traffic to an already heavily populated area not to mention the influx of crime, and noise disturbances will be multiplied exponentially. As I previously mentioned, we were assured by KB Homes representatives upon purchase of our Lot that we paid more for that there would not be any construction behind our home, and given extra assurances that unes. That peace of mind was a strong gewing feature for us as buyers. We abject to this proposed rezoning that will wreak havac on our day to day lives moving forward, and can guike possibly reduce the value of our home.

Very Respectfully, Sandra Beneby



CITY OF TEMPLE PLANNING & DEVELOPMENT



PITTS, AUBREY ETUX JENNIFER 2430 COTTONWOOD CREEK RD TEMPLE, TX 76501-6724

Zoning Application Number: Z-FY-17-31 Case Manager: Lynn Barrett

Location: 9218 and 9260 Hogan Road, Temple, Texas

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 <u>possible</u> rezoning of the property described on the attached notice, and provide any additional comments you may have.

l jagree	() disagree with this reque	RECEIVED
Comments:		JUN 2 8 2017
		City of Temple Planning & Development
aulrey Pitt	Aubrey	Pitts
Signature ()	Print Name	

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

Number of Notices Mailed: 37

Date Mailed: June 8, 2017

ORDINANCE NO. <u>2017-4854</u> (Z-FY-17-31)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING AND SITE DEVELOPMENT PLAN FROM AGRICULTURAL ZONING DISTRICT TO **PLANNED DEVELOPMENT-TWO** FAMILY ZONING DISTRICT ON APPROXIMATELY 3.420 ACRES SITUATED IN THE BALDWIN ROBERTSON SURVEY, ABSTRACT NO. 17, BLOCKS 2717-A AND 2812-1, BELL COUNTY, TEXAS; LOCATED AT 9218 AND 9260 HOGAN ROAD, TEMPLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, John Kiella, on behalf of the owner Bret Turner, has requested a rezoning of property located at 9218 and 9260 Hogan Road, from Agricultural zoning district to Planned Development-Two Family zoning district to allow for an 11-lot duplex development;

Whereas, the property is located along Hogan Road approximately 500 feet east of State Highway 317, and is on two lots totaling approximately 3.4 acres - the property is currently vacant and contains an abandoned home and an undeveloped field;

Whereas, the applicant proposes to build 11 duplexes (22 housing units) with proposed lot width dimensions ranging from 50 to 80 feet and approximately 100 to 150 feet in depth to be accessed from a new cul-de-sac - the proposal also includes an entry way monument sign with landscaping and a Homeowner's Association (HOA);

Whereas, per UDC, Section 3.4.3 & 3.4.4, a Planned Development requires approval of a Development/Site plan that is binding;

Whereas, on June 12, 2017, the DRC met with the applicant to discuss the proposal. Discussion included maintenance of the drainage tract, access to sewer lines and offsite utility extensions, and important infrastructure requirements which will be addressed during the platting process and that will be required prior to any development of the property.

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, recommends approval of the rezoning and Site Development Plan from Agricultural zoning district to Planned Development-Two Family district, on approximately 3.420 acres, situated in the Baldwin Robertson Survey, Abstract No. 17, Blocks 2717-A and 2812-A Bell County, located at 9218 and 9260 Hogan Road, Temple, Texas; and

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

<u>Part 1</u>: 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 approves a rezoning from Agricultural zoning district to Planned Development-Two Family district, on approximately 3.420 acres, situated in the Baldwin Robertson Survey, Abstract No. 17, Blocks 2717-A and 2812-A Bell County, located at 9218 and 9260 Hogan Road, Temple, Texas, as outlined in the site plan attached hereto as Exhibit 'A,' and made a part hereof for all purposes along with the following conditions:

- 1. Substantial compliance with the attached development/site plan;
- 2. 20 foot front setbacks on lots;
- 3. Two lots less than 60 foot widths;
- 4. Wood fence 6 feet high along Hogan with an entrance monument sign, HOA owned/maintained;
- 5. 2 trees and landscaping on each lot;
- 6. Existing tree buffer along the north property line to be retained;
- 7. HOA maintained drainage tract; access tract to be HOA owned/ maintained;
- 8. Elevations as shown on Site Plan (B is very close to C in appearance); minimum masonry of brick/stone/rock of 75% on 4 sides of each structure; balance to be cementitious siding;
- 9. Offsite utility connections will be required; details to come at platting.

Part 3: The City Council approves the Site Development Plan attached hereto as Exhibit 'B,' and made a part hereof for all purposes.

<u>**Part 4:**</u> The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

<u>Part 5</u>: 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.

<u>**Part 6**</u>: 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.

<u>**Part 7**</u>: 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 **20th** day of **July**, 2017.

PASSED AND APPROVED on Second Reading on the 3rd day of August, 2017.

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

07/20/17 Item #9 Regular Agenda Page 1 of 4

DEPT./DIVISION SUBMISSION & REVIEW:

Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-17-32: Consider an ordinance adopting a rezoning from Agricultural zoning to Planned Development-Urban Estates zoning district and its Planned Development Site Plan, on 86.91 +/- acres, situated in the Redding Roberts Survey, Abstract 692, Bell County, Texas, located southeast of FM 93 and Southwood Drive, 3093 West FM 93.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its June 19, 2017, meeting the Planning and Zoning Commission voted six to one to recommend approval of the requested rezoning from Agricultural (AG) zoning to Planned Development-Urban Estates (PD-UE) zoning district and its Planned Development Site Plan, per Staff's recommendation. Chair Rhoads voted nay. Vice-Chair Fettig and Commissioner Armstrong were absent.

<u>STAFF RECOMMENDATION</u>: Staff recommends approval of the requested rezoning from Agricultural (AG) zoning to Planned Development-Urban Estates (PD-UE) zoning district and its Planned Development Site Plan for the following reasons:

- 1. Compliance with the Future Land Use Plan;
- 2. Compliance with surrounding zoning and land uses; and
- 3. Compliance with the Thoroughfare Plan

With the following conditions:

- 1. Development will be subject to the Planned Development Site Plan;
- 2. Development will also be subject to all Unified Development Code (UDC) platting requirements during the platting process;
- 3. Minimum lot size is 22,500 square feet;
- 4. Minimum lot width is 80 feet;
- 5. Minimum lot depth is 110 feet;
- 6. Minimum front yard setback is 25 feet;
- 7. Sewer will be provided by on-site sewage facilities;
- 8. Implementation of the Citywide Trails Masterplan and UDC's parks requirements will be discussed with the applicant during the platting process;

- 9. The developer will keep property owners along Friar's Creek updated with any proposed trails or parks along Friar's Creek;
- 10. One two inch caliper (Diameter at Breast Height) canopy tree to be planted in the front yard of every lot. Species shall conform to the approved City of Temple Tree list, per the Unified Development Code (UDC);
- 11. Preservation of live oak trees (estimated 16-inches or greater) that are not in conflict with proposed structures or infrastructure;
- 12. The developer will limit homes to one-story along the west property line abutting the Valley Ranch properties; and
- 13. A fence along FM 93 shall be a wood fence with masonry columns

ITEM SUMMARY: The applicant, J.C. Wall III, requests this rezoning from Agricultural District (AG) to Planned Development Urban Estates District (PD-UE) for property located along the south side of FM 93 and along Southwood Drive. He proposes a 103-lot single family residential development with Urban Estate lot sizes with a minimum lot area of 22,500 square feet.

The applicant withdrew his previous rezoning request (Z-FY-17-24) for this property for a rezoning to Planned Development Single Family-One (PD-SF-1) to allow 280 single family homes with a minimum lot size of approximately 7,800 square feet. His proposal also included a trail along his east property boundary along Friar's Creek, as shown in the attached "Previous Planned Development Site Plan".

The applicant's current rezoning request for a Planned Development Urban Estates District (PD-UE) proposes 103 single family lots, as shown in the accompanying "Current Planned Development Site Plan". The development site plan reflects the creation of new local streets, as well as a Homeowners Association (H.O.A.) park, and four detention tracts for drainage.

The property to the west in Valley Ranch along Sun Valley Drive is subdivided into half-acre lots, and zoned PD Urban Estates. And to the east on Boutwell Drive, in the ETJ, homes are located on larger lots. A creek and a vegetation buffer separates the subject property from the homes along Boutwell Drive. An existing home to the south along Forrester Road, and south of the electrical sub-station is also on a large property.

During the Planning and Zoning Commission meeting on June 19, 2017, many surrounding property owners spoke out in opposition to the applicant's requested Planned Development-Urban Estate proposal. Those opposed expressed concerns of increased drainage into Friar's Creek; dwelling density of the 103 residential homes proposed; maintaining a tree buffer along the west property boundary abutting Valley Ranch properties; and opposition to a trail along Friar's Creek. Please see the attached opposition map showing 43.74% opposition of the surrounding property owners within 200 feet of the subject property.

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

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

As a Planned Development, a Development Plan is subject to review and approval as part of the rezoning. As opposed to a standard rezoning, conditions of approval can be included into the rezoning Ordinance. The applicant has provided a Site Development Plan in this rezoning request.

The dedicated park land along the creek as well as the larger lot sizes are elements of the proposed Planned Development which take into account the unique character of the property.

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

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

The proposed Planned Development's "base" UE zoning district permits single-family detached residences and related accessory uses and accommodates large lot single-family residential developments.

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

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

The **north portion** of the subject property along FM 93 is within the **Suburban Residential character district** of the *Choices '08* City of Temple Comprehensive Plan. The Suburban Residential land use classification is characterized by mid-size single family lots, allowing for greater separation between dwellings and more emphasis on green space versus streets and driveways than more dense subdivisions of urban character. The applicant's requested Planned Development Urban Estate District (PD-UE) complies with the Suburban Residential character district.

The south portion of the subject property, recently annexed, is within the Agricultural / Rural character district of the *Choices '08* City of Temple Comprehensive Plan. The applicant's requested Planned Development Urban Estates District (PD-UE) is compatible with the existing residential developments adjacent to the subject property. The Agricultural / Rural character district designation applies to all areas outside city limits, which this property was prior to its recent annexation.

<u>Thoroughfare Plan (CP Map 5.2) and Temple Trails Master Plan Map and Sidewalk Ordinance</u> The subject property fronts FM 93, a major arterial. Southwood Drive bisects the subject property at FM 93 and runs south to a cul-de-sac for the existing electrical substation at the south property line.

FM 93 is only appropriate as a subdivision entrance. Future homes will be prohibited from backing into FM 93 or accessing it directly. Southwood Drive and the proposed local streets within the subject property, shown on the attached Planned Development Site Plan, are ideal for residential dwellings. The proposed Planned Development Site Plan reflects two ingress/egress points into the development along FM 93.

07/20/17 Item #9 Regular Agenda Page 4 of 4

The Temple Trails Master Plan recommends a trail along the subject property's eastern boundary along the creek. Implementation of the Citywide Trails Masterplan will be discussed with the applicant during the platting process.

Availability of Public Facilities (CP Goal 4.1)

Existing water lines are located along the property's frontage along the south right-of-way of FM and within the Valley Ranch subdivision to the west. Existing sewer facilities are located to the west, within the adjacent Valley Ranch subdivision.

Proposed water and on-site sewerage facilities, as well as proposed drainage will be addressed during the platting process.

PUBLIC NOTICE: Thirty-six notices of the Planning and Zoning Commission public hearing were sent out to all property owners (including the extra-territorial jurisdiction) within 200-feet of the subject property as required by State law and City Ordinance. As of Thursday, July 10, 2017, one notice was returned in favor of the proposed rezoning and ten notices were received in opposition to the proposed rezoning.

The newspaper printed notice of the public hearing on June 8, 2017, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

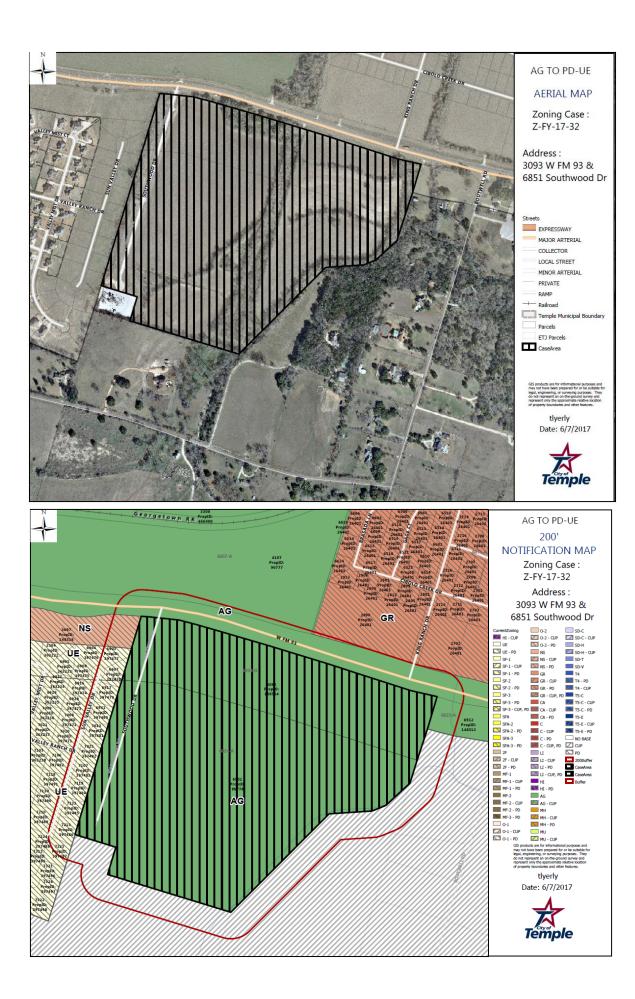
Site and Surrounding Property Photos Maps Development Regulations Surrounding Property and Uses Chart Comprehensive Plan Compliance Notification Response Letters Opposition Map Current Planned Development Site Plan Previous Planned Development Site Plan Ordinance

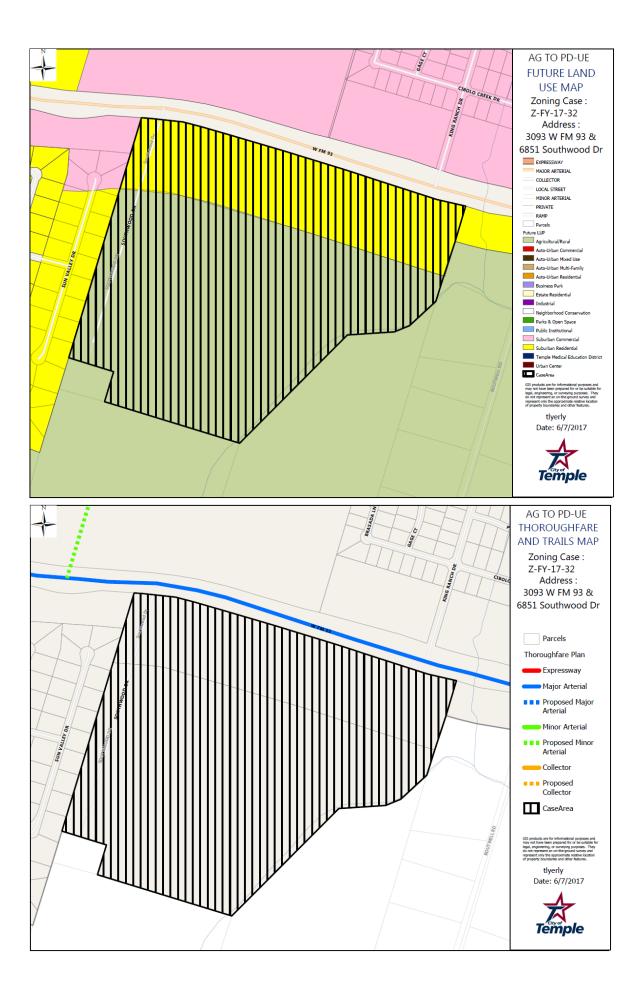
SURROUNDING PROPERTY AND USES: The following table shows the subject property, existing zoning and current land uses:

Direction	Zoning	Current Land Use	Photo
Subject Property	AG	Undeveloped Property	
East	No Zoning (ETJ)	Agricultural / Rural Residential/ Estate Homes	

		Current Land	
Direction	Zoning	Use	Photo
West	PD_UE	Single Family Residential	

Direction	Zoning	Current Land Use	Photo
Direction	No Zoning (ETJ)	Agricultural/ Rural Residential	
North	AG & PD-GR	Agricultural and Undeveloped Land (future apartments)	FM 93





Although the property is anticipated for development of detached single family residential dwellings, there are a number of other uses allowed in the UE district which, include but are not limited to:

Permitted & C	Permitted & Conditional Use Table – Urban Estates (UE)				
Agricultural Uses	* Farm, Ranch or Orchard				
* Single Family Residence (Detached Only) Residential Uses * Industrialized Housing * Family or Group Home					
Retail & Service Uses	* None				
Commercial Uses	* None				
Industrial Uses	* Temporary Asphalt & Concrete Batching Plat (CUP)				
Recreational Uses	* Park or Playground				
Educational & Institutional Uses	 * Cemetery, Crematorium or Mausoleum (CUP) * Place of Worship * Child Care: Group Day Care (CUP) * Social Service Center (CUP) 				
Restaurant Uses	* None				
Overnight Accommodations	* None				
Transportation Uses	* Railroad Track Right-of-Way				

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

	Surrounding Property & Uses					
Direction	Future Land Use Map	Zoning	Current Land Use			
Site	Suburban Residential And Agricultural/Rural Residential	AG	Undeveloped Land			
North	Suburban Commercial	PD-GR	Planned Development for Convenience Store, Single Family Residential, and Apartments			
South	Agricultural/Rural Residential (ETJ)	No Zoning (ETJ)	Agricultural / Rural Residential / Estate Homes			
East	Agricultural/Rural Residential (ETJ)	No Zoning (ETJ)	Agricultural / Rural Residential / Estate Homes			
West	Suburban Residential	PD-UE	Single-Family Residential			

	be consistent with the City's infrastructure and public service capacities	
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	No

CP = Comprehensive Plan STP = Sidewalk and Trails Plan



HUBBARD, WILLARD LEE JR 6920 BOUTWELL DR TEMPLE, TX 76502-4200

Zoning Application Number: Z-FY-17-32

Case Manager: Tammy Lyerly

Location: 3093 West FM 93, Temple, Texas

lihard

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 <u>possible</u> rezoning of the property described on the attached notice, and provide any additional comments you may have.

I () agree	() disagree with this request
Comments:	RECEIVED
	JUN 1 2 2017
	City of Temple Planning & Development
	annig & Development

Signature

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, <u>tlyerly@templetx.gov</u>, or mail or hand-deliver this comment form to the address below, no later than **June 20, 2017.**

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

Number of Notices Mailed: 36

Date Mailed: June 8, 2017



EARGLE, JOHN ETUX SANDRA 6916 SUN VALLEY DR TEMPLE, TX 76502

Zoning Application Number: Z-FY-17-32

Case Manager: Tammy Lyerly

Location: 3093 West FM 93, Temple, Texas

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 <u>possible</u> rezoning of the property described on the attached notice, and provide any additional comments you-may have.

agree	disagree with this request
Comments:	RECEIVED
	JUN 1 5 2017
	City of Temple Planning & Development
Signature	John E. Fargle 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, <u>tlyerly@templetx.gov</u>, or mail or hand-deliver this comment form to the address below, no later than **June 20, 2017**.

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

Number of Notices Mailed: 36

Date Mailed: June 8, 2017



WILLIFORD, RAY E ETUX CATHERINE A 7008 SUN VALLEY DR TEMPLE, TX 76502

Zoning Application Number: Z-FY-17-32

Case Manager: Tammy Lyeriy

Location: <u>3093 West FM 93, Temple, Texas</u>

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 <u>possible</u> rezoning of the property described on the attached notice, and provide any additional comments you may have.

I () agree	disagree with this request
Comments: LOTS / - 8 A3 A NATURAL	ARE SHOULD BE LEFT BUFFER BETWEEN NEIGBORHODDS,
Signature	RAY WILLIFORD Print Name
If you would like to submit a response	places small a second version of this second to a form to

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, <u>tlyerly@templetx.gov</u>, or mail or hand-deliver this comment form to the address below, no later than **June 20, 2017.**

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City of Temple Planning Department 2 North Main Street, Suite 102 Temple, Texas 76501 JUN 1 4 2217

City of Temple Planning & Development

Number of Notices Mailed: 36

Date Mailed: June 8, 2017

L
K
Temple

THOMAS, JIMMY SCOTT 3352 FORRESTER ROAD TEMPLE, TX 76502

RECEIVED

JUN 1 5 2017

City of Temple Planning & Development

Zoning Application Number: Z-FY-17-32

Case Manager: Tammy Lyerly

Location: 3093 West FM 93, Temple, Texas

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 <u>possible</u> rezoning of the property described on the attached notice, and provide any additional comments you may have.

l () agree	🕅 disagree with this request
Comments sent previously still a	
whild still favor delay with	Confideration of Fundet / Cloveling I h increasing construction on correct of Damstream officers on Fryers Creek
is still concerning.	
Signature	J. SIOTT THOMAS 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, <u>tlyerly@templetx.gov</u>, or mail or hand-deliver this comment form to the address below, no later than **June 20, 2017.**

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

Number of Notices Mailed: 36

Date Mailed: June 8, 2017



SHINE, HUGH 3018 FORRESTER ROAD TEMPLE, TX 76502

Zoning Application Number: Z-FY-17-32

Case Manager: Tammy Lyerly

Location: 3093 West FM 93, Temple, Texas

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 <u>possible</u> rezoning of the property described on the attached notice, and provide any additional comments you may have.

	I () agree		dis	agree with t	his reque	st	
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e	TO LEGACT	DEVELOPM	NGVT AND	SEPTIC	TANKS.		
(3)	ENDANGGRIGD	(SPECIES	•				
	OA	/					
Signature	hiph	<	<u> </u>	HUGH C	J.J. S.	HINE	

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

JUN 1 9 2017 City of Temple Planning & Development

Number of Notices Mailed: 36

Date Mailed: June 8, 2017



BELLENS, EDWARD 7108 BOUTWELL DR TEMPLE, TX 76502

Zoning Application Number: Z-FY-17-32

Case Manager: Tammy Lyerly

Location: 3093 West FM 93, Temple, Texas

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:	Alander and the work
to go a g3 fa	- Bourneel Bit at a time mak
tefor I am	cross citizen night or feft on
neget more Fr	Afic a 23
Signature	<u> </u>

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, tlyerly@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than June 20, 2017.

City of Temple	JUN 1 9 2017
Planning Department	JUN 1 5 2017
2 North Main Street, Suite 102	
Temple, Texas 76501	Planning & Development

Number of Notices Mailed: 36

Date Mailed: June 8, 2017



PAVLISKA, STEVEN E ETUX AVERY D 6931 SUN VALLEY DR

TEMPLE, TX 76502

Zoning Application Number: Z-FY-17-32

Case Manager: Tammy Lyerly

Location: 3093 West FM 93, Temple, Texas

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

() agree

(W disagree with this request

Comments: Print Name

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

Number of Notices Mailed: 36

Date Mailed: June 8, 2017



SCHRANK, LANCE BYRON ETUX MELISSA ANN 7130 SUN VALLEY DR TEMPLE, TX 76502

Zoning Application Number: Z-FY-17-32

Case Manager: Tammy Lyerly

Location: 3093 West FM 93, Temple, Texas

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Mylissa Schrank Signature Lance Schran	

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, <u>tlyerly@templetx.gov</u>, or mail or hand-deliver this comment form to the address below, no later than **June 20, 2017.**

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

Number of Notices Mailed: 36

Date Mailed: June 8, 2017



SANT, MIKE 7013 SUN VALLEY DR TEMPLE, TX 76502

Zoning Application Number: Z-FY-17-32

Case Manager: Tammy Lyerly

Location: 3093 West FM 93, Temple, Texas

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If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, <u>tlyerly@templetx.gov</u>, or mail or hand-deliver this comment form to the address below, no later than **June 20, 2017.**

	City of Temple	RECEIVED
	Planning Department 2 North Main Street, Suite 102	JUN 22 2017
	Temple, Texas 76501	City of Temple
Number of Notices Mailed: 36	Date Mailed:	Planning & Development June 8, 2017



HAMM, JAMES R ETUX KELLEY L 6907 SUN VALLEY DR TEMPLE, TX 76502

Zoning Application Number: Z-FY-17-32

Case Manager: Tammy Lyerly

Location: 3093 West FM 93, Temple, Texas

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 <u>possible</u> rezoning of the property described on the attached notice, and provide any additional comments you may have.

I	() agree	
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() disagree with this request

Comments:	
There are utility poles	on the property line off the
"new" Keifer Marshall Drive	Will there be an pasement set
aside for utility workers to be	able to get to the poles. This
is a much better rezoning requ	est, However, I would still like
is a much better rezoning requ to see a few less houses.	
1	, , ,
Celley & Hamm	Kelley L Hamm
	NOTEM - VIMPICITY

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, <u>tlyerly@templetx.gov</u>, or mail or hand-deliver this comment form to the address below, no later than **June 20, 2017.**

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

Number of Notices Mailed: 36

Date Mailed: June 8, 2017



WGG LAND LLC 515 COTTINGHAM DR TEMPLE, TX 76504

Zoning Application Number: Z-FY-17-32

Case Manager: Tammy Lyerly

Location: <u>3093 West FM 93, Temple, Texas</u>

1/

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 <u>possible</u> rezoning of the property described on the attached notice, and provide any additional comments you may have.

I (Fagree	() disagree with this request
Comments:	() disagree with this request RECEIVED
	23 2017
$\overline{}$	Planning & Development
DWall Signature	T.C. V.A.I. 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, <u>tlyerly@templetx.gov</u>, or mail or hand-deliver this comment form to the address below, no later than **June 20, 2017.**

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

Number of Notices Mailed: 36

Date Mailed: June 8, 2017



NOTICE OF PUBLIC HEARINGS

CONSIDERATION OF A REZONING PLANNING AND ZONING COMMISSION MEETING

The Temple Planning and Zoning Commission will hold a public hearing in the City Council Chambers on the 2nd floor of the Municipal Building, 2 North Main Street, Temple, Texas 76501, on Monday, the 19th day of June, 2017 at 5:30 p.m., for the purpose of considering the following change to the City of Temple's Official Zoning District Map:

Hold a public hearing to discuss and recommend action on a rezoning from Agricultural (AG) zoning to Planned Development-Urban Estates (PD-UE) zoning district and its Planned Development Site Plan.

Zoning Application No. Z-FY-17-32

Applicant: J.C.Wall / WGG Land, LLC

86.91 +/- acres, situated in the Redding Roberts Survey, Abstract 692, Bell County, Texas (legal description)

3093 West FM 93, Temple, Texas

(address or physical location)

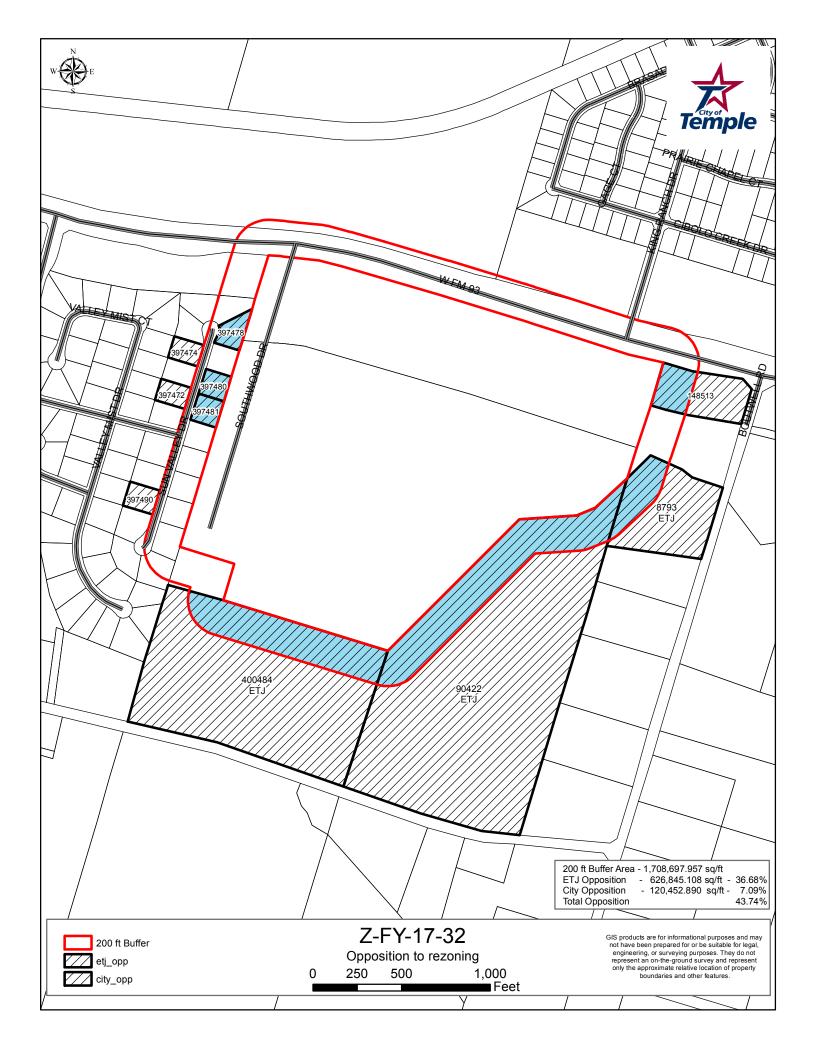
This item is tentatively scheduled for a City Council public hearing (first reading) on July 20, 2017, in the Council Chambers on the 2nd floor of the Municipal Building at 5:00 p.m. The City Council will make its decision on the second reading of this request. The second reading of City Council is tentatively scheduled for August 3, 2017. If you plan to attend the public hearings, please call (254) 298-5668 to verify meeting dates.

The Planning and Zoning Commission and City Council welcome your comments on this matter and will consider them in their deliberations. If you cannot be present at the public hearings, but desire to comment on this matter, or desire information on the proposed zoning change, please contact the City Planning Department, Suite 102, 1st Floor, Municipal Building, or by calling (254) 298-5668. When calling, please refer to the zoning application number shown above.

In accordance with the Unified Development Code (UDC), Section 3.3.4, twenty percent (20%) or more of property ownership opposition by area within the 200-foot notification buffer would trigger a 4/5^{ths} super majority approval vote at City Council.

Special Accommodations: Persons with disabilities who have special communication or accommodation needs and desire to attend the meetings should notify City Staff by mail or telephone 48 hours prior to the meetings.

For more detailed information on this case, please go to <u>www.templetx.gov/planning</u>, on the left side of the page select Boards, then select Planning and Zoning Commission Packet. The packet is updated on the website the Thursday afternoon prior to the next scheduled P&Z meeting. P&Z Commission meets on the first and third Monday of each month.



	WEST F. M. ROAD 93	<u> </u>
	TPROPERTY LINE	
LOT 103 2008 9F	LOT 1 2017 1 2019 3F LOT 3 LOT 4 2019 8F LOT 6 LOT 6 2007 8F LOT 6 2007 8F LOT 6 2007 8F LOT 7 2008 8F 2000 8F 2008 8F 2008 8F 2008 8F 2007 8F 2008 8F 2007 8F 2007 8F 2008 8F 2007 8F 2008 8F 20	La
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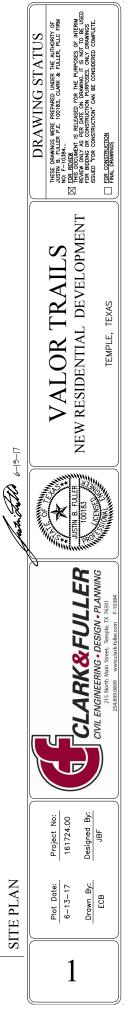
DEVELOPMENT STATISTICS

TOTAL NUMBER OF LOTS	= 103
MINIMUM LOT SIZE MINIMUM LOT WIDTH MINIMUM LOT DEPTH MINIMUM FRONT SETBACK	= 22,500 S.F. = 80 FEET = 110 FEET = 25 FEET
SEWER WILL BE PROVIDED BY FACILITIES.	ON-SITE SEWAGE

ADDITIONAL REQUIREMENTS:

1. ONE 2" CALIPER (AT BREAST HEIGHT) CANOPY TREE TO BE PLANTED IN THE FRONT YARD OF EVERY LOT. SPECIES SHALL CONFORM TO THE APPROVED CITY OF TEMPLE TREE LIST.

2. FENCE ALONG FM 93 SHALL BE A WOOD FENCE WITH MASONRY COLUMNS.

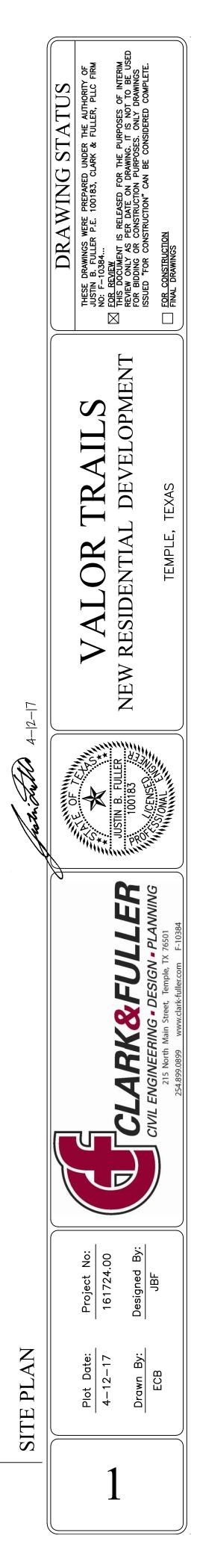




Revisions Remarks:

	NEW SIDEWALK WEST F. M. ROAD 93	
LOT 2 578 5F LOT 3 5770 5F LOT 4 107 4 107 7 107 7		LOT 1 BOD 5F LOT 2 BOD 5F LOT 3 BOD 5F LOT 5 BOD 5F LOT 6 BOD 5F LOT 7 BOD 5F LOT 7 BOD 5F LOT 8 BOD 5F LOT 8 BOD 5F LOT 9 BOD 5F BOD 5F LOT 9 BOD 5F COT 9 BOD 5
EXISTIN TRANSFOR	PROPERTY LINE	



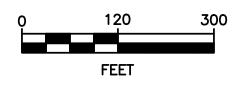


DEVELOPMENT	STATISTICS
	- 280

TOTAL NUMBER OF LOTS	=	280
MINIMUM LOT SIZE	=	7,800 S.F.
TRACT A – PARK	=	16.86 ACRES
TRACT B - LIFT STATION	=	0.18 ACRES

ADDITIONAL REQUIREMENTS:

1. ONE 2" CALIPER (AT BREAST HEIGHT) CANOPY TREE TO BE PLANTED PER ADDRESS. SPECIES SHALL CONFORM TO THE APPROVED CITY OF TEMPLE TREE LIST.



Revisions Remarks:

Date:

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ORDINANCE NO. <u>2017-4855</u> (Z-FY-17-32)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL ZONING DISTRICT TO PLANNED DEVELOPMENT-URBAN ESTATES ZONING DISTRICT AND Α PLANNED DEVELOPMENT SITE PLAN ON APPROXIMATELY 86.91 ACRES SITUATED IN THE REDDING ROBERTS SURVEY, ABSTRACT NO. 692, BELL COUNTY, TEXAS, LOCATED SOUTHEAST OF FM93 AND SOUTHWOOD DRIVE AND ADDRESSED AS 3093 WEST FM 93, TEMPLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE: PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, J.C. Wall, III requests rezoning of property located along the south side of FM 93 and along Southwood Drive, from the current zoning of Agricultural zoning district to Planned Development-Urban Estates zoning district to allow for a 103 lot single family residential development with Urban Estate lot sizes;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, recommends approval of the rezoning from Agricultural zoning district to Planned Development-Urban Estates zoning district, on approximately 86.91 acres, situated in the Redding Roberts Survey, Abstract 692, Bell County, Texas, located southeast of FM 93 and Southwood Drive, 3093 West FM 93, Temple, Texas, with the following conditions:

- 1. Development will be subject to the Planned Development Site Plan;
- 2. Development will also be subject to all Unified Development Code (UDC) platting requirements during the platting process;
- 3. Minimum lot size will be 22,500 square feet;
- 4. Minimum lot width will be 80 feet;
- 5. Minimum lot depth will be 110 feet;
- 6. Minimum front yard setback will be 25 feet;
- 7. Sewer will be provided by on-site sewage facilities;
- 8. Implementation of the Citywide Trails Masterplan and UDC's Parks requirements will be discussed with the applicant during the platting process;
- 9. The developer will keep property owners along Friar's Creek updated with any proposed trails or parks along Friar's Creek;
- 10. One 2-inch caliper (Diameter at Breast Height) canopy tree to be planted in the front yard of every lot. Species shall conform to the approved City of Temple Tree list, per the Unified Development Code (UDC);
- 11. Preservation of live oak trees (estimated 16-inches or greater) that are not in conflict with proposed structures or infrastructure;
- 12. The developer will limit homes to 1-story along the west property line abutting the Valley Ranch properties;
- 13. A fence along FM 93 shall be a wood fence with masonry columns; and

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

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

<u>**Part 1**</u>: **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.

<u>**Part 2:**</u> The City Council approves a rezoning from Agricultural zoning district to Planned Development-Urban Estates zoning district, on approximately 86.91 acres, situated in the Redding Roberts Survey, Abstract 692, Bell County, Texas, located southeast of FM 93 and Southwood Drive, 3093 West FM 93, Temple, Texas, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

<u>Part 3:</u> The City Council approves the Site Development Plan attached hereto as Exhibit 'B,' and made a part hereof for all purposes.

Part 4: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

<u>Part 5</u>: 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.

<u>**Part 6**</u>: 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.

<u>**Part 7**</u>: 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 **20th** day of **July**, 2017.

PASSED AND APPROVED on Second Reading on the 3rd day of August, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Kayla Landeros City Attorney

ATTEST: