



**MEETING OF THE
TEMPLE CITY COUNCIL
MUNICIPAL BUILDING
2 NORTH MAIN STREET
3rd FLOOR – CONFERENCE ROOM
THURSDAY, JUNE 7, 2018
3:00 P.M.
AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, June 7, 2018.
2. Discuss the Central Texas Council of Government Bell County Hazard Mitigation Plan.
3. Discuss the City's cross-control connection and backflow prevention program.
4. Discuss a potential developer participation agreement for the extension of Melrose Lane.
5. Discuss the status of right-of-way acquisition for the Outer Loop, Phases 1-6 and discuss the status of pending eminent domain litigation involving property required for the Outer Loop project, which includes property required for the expansion of Moore's Mill Road and Old Howard Road.

Executive Session – Pursuant to Chapter 551, Government Code Section 551.071 – Consultations with Attorney – The City Council may meet in executive session to consult with its attorney on pending or contemplated litigation or settlement offers.

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

5:00 P.M.

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

**TEMPLE CITY COUNCIL
REGULAR MEETING AGENDA**

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PUBLIC COMMENTS

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

III. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. Recognize the Temple Public Library for receiving the 2018 Achievement of Excellence Award.

IV. CONSENT AGENDA

All items listed under this section, Consent Agenda, are considered to be routine by the City Council and may be enacted by one motion. If discussion is desired by the Council, any item may be removed from the Consent Agenda at the request of any Councilmember and will be considered separately.

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

Minutes

- (A) [May 17, 2018 Special and Regular Meeting](#)

Contracts, Leases, & Bids

- (B) [2018-9143-R](#): Consider adopting a resolution authorizing the purchase of two Kubota M5-111 Tractors from Kubota Tractor Corporation of Grapevine, in the amount of \$103,945.

- (C) [2018-9144-R](#): Consider adopting a resolution authorizing the purchase of right of way and a drainage easement necessary for the expansion of Kegley Road Phase IV and authorizing closing costs associated with the purchase in an estimated amount of \$32,000.
- (D) [2018-9145-R](#): Consider adopting a resolution authorizing the purchase of an easement and temporary construction easement necessary for the construction of the Shallowford Force Main and authorizing closing costs associated with the purchase, in an estimated amount of \$9,000.
- (E) [2018-9146-R](#): Consider adopting a resolution authorizing the purchase of 3310 Old Howard Road, a portion of which is necessary for the expansion of Old Howard Road, and authorizing closing costs, in an estimated amount of \$567,000.
- (F) [2018-9147-R](#): Consider adopting a resolution authorizing an Interlocal Agreement with the Belton Independent School District to provide school locations for after school latchkey programming.
- (G) [2018-9148-R](#): Consider adopting a resolution authorizing an Interlocal Agreement with the Temple Independent School District to provide school locations for after school latchkey programming.
- (H) [2018-9149-R](#): Consider adopting a resolution ratifying a two year lease agreement with Ducharme Marketing Group, Inc., for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library).
- (I) [2018-9150-R](#): Consider adopting a resolution authorizing a one year lease agreement with William T. Wilson for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library).
- (J) [2018-9151-R](#): Consider adopting a resolution amending Resolution 2018-9042-R to authorize the application for and acceptance of grant funds from the Office of the Governor, Homeland Security Grants Division's Homeland Security Law Enforcement Terrorism Prevention Activities grant program for the replacement of Haz-mat equipment.

Ordinances – Second & Final Reading

- (K) [2018-4915](#): SECOND READING – FY-18-1-AMND: Consider adopting an ordinance authorizing amendments to Chapter 31 of the Code of Ordinances (Recreational Vehicle Parks) primarily related to definitions, application and permitting process, inspection and enforcement process, density, private streets and amenities.
- (L) [2018-4916](#): SECOND READING – Z-FY-18-10: Consider adopting an ordinance authorizing a Conditional Use Permit and its development site plan to allow a recreational vehicle park on 18.58 +/- acres situated in the Sarah Fitzhenry Survey, Abstract No. 312, located at 14220 State Highway 317.
- (M) [2018-4917](#): SECOND READING – Z-FY-18-15: Consider adopting an ordinance authorizing amending Ordinance No. 2017-4835 to attach a site plan showing a Popeye's and Arby's restaurants on Lots 2 & 3, Block 1, Heritage Square Phase II, a non-residential subdivision, located on the north side of West Adams Avenue, east of Holy Trinity Catholic High School and west of Brooks Drive, addressed as 6512 & 6490 West Adams Avenue.

Ordinances – Fourth & Final Reading

- (N) [2018-4911](#): FOURTH READING – Z-FY-18-14: Consider adopting an ordinance authorizing a rezoning with a site/development plan from General Retail zoning district to Planned Development General Retail zoning district to allow the following Commercial uses: major vehicle repair, equipment sales and rentals, auto sales, auto and truck rental, Freeman Heights, Block 30, Lot 3-6, located at 311 South 25th Street, Temple, Texas.

Misc.

- (O) [2018-9152-R](#): Consider adopting a resolution authorizing the use of the Construction Manager-at-Risk project delivery method for the acquisition of construction services needed for the renovations at the Conventional Water Treatment Plant Administrative Office and the City Manager Office Suite.
- (P) [2018-9153-R](#): Consider adopting a resolution approving an updated Central Texas Council of Governments Bell County Hazard Mitigation plan.
- (Q) [2018-9154-R](#): Consider adopting a resolution rescheduling the July 5, 2018 City Council meeting for June 28, 2018.
- (R) [2018-9155-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2017-2018.

V. REGULAR AGENDA

RESOLUTIONS

5. [2018-9156-R](#): Consider adopting a resolution authorizing the creation of the Temple Main Street Advisory Committee and appointing its members.
6. [2018-9157-R](#): Consider adopting a resolution authorizing a Developer Participation Agreement with Patco Construction, LLC., in the not to exceed amount of \$1,351,903 for construction of a portion of Azalea Drive as a part of The Reserve at Friars Creek subdivision.
7. [2018-9158-R](#): Consider adopting a resolution authorizing a construction contract with Emerson Construction Company, Inc. of Temple, in the amount of \$9,629,872.59 for the construction of Santa Fe Phase 2 Roadway and Landscaping Improvements, as well as, declare an official intent to reimburse the expenditures with the issuance of the 2018 Tax Increment Financing Reinvestment Zone Bonds.
8. [2018-9159-R](#): FY-18-5-PLT: Consider adopting a resolution authorizing approval of the Reserve at Pea Ridge Phase I Final Plat, a residential subdivision consisting of 48.23 +/- acres, 247 lots, and six blocks, and located west of South Pea Ridge Road approximately 2500 feet north of its intersection with Poison Oak Road, addressed as 1810 South Pea Ridge Road with requested exceptions to the Design Criteria for the number of residential subdivision entrances, to Unified Development Code Section 8.2.1D related to street layout and projection of streets, and to Section 8.2.1E1 related to street radius.

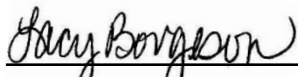
9. [2018-9160-R](#): FY-18-7-PLT: Consider adopting a resolution authorizing approval of the Replat of Enterprise Business Park Phase VI, a 26.376 acre two lot, one block non-residential subdivision, situated in the Elizabeth Berry Survey, Abstract No. 56, Temple, Bell County, Texas, located at 2062 Enterprise Road, Temple, 76504.

ORDINANCES – FIRST READING/PUBLIC HEARING

10. [2018-4918](#): FIRST READING – PUBLIC HEARING: 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 Santa Fe Phase 2 and Strategic Investment Zone Grants in FY 2018.
11. [2018-4919](#): FIRST READING – PUBLIC HEARING – FY-18-2-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning to Planned Development Single-Family One zoning district and a binding 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.
12. [2018-4920](#): FIRST READING – PUBLIC HEARING – FY-18-3-ZC: Consider adopting an ordinance authorizing a rezoning for 91.15 +/- acres, from Agricultural to Single Family Two, situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, addressed as 401 North 42nd Street.
13. [2018-4921](#): FIRST READING – PUBLIC HEARING – FY-18-3-SITE: Consider adopting an ordinance amending Ordinance No. 2011-4422 to attach a site plan showing a three suite retail building consisting of 3,708 square feet of retail space on Lot 1, Block 1, Stonegate, Phase III subdivision, addressed as 5075 South 31st Street.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 4:30 pm, on Friday, June 1, 2018.



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 _____ 2018.

Title _____



COUNCIL AGENDA ITEM MEMORANDUM

06/07/18
Item #4(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) May 17, 2018 Special and Regular Meetings

STAFF RECOMMENDATION: Approve minutes as presented in item description.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

[May 17, 2018 Special and Regular Meetings
Video](#)

TEMPLE CITY COUNCIL

MAY 17, 2018

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, May 17, 2018 at 3:00 PM, at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

PRESENT:

Councilmember Susan Long
Councilmember Jessica Walker
Councilmember Michael Pilkington
Mayor Pro Tem Judy Morales
Mayor Timothy A. Davis

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, May 17, 2018.

Mayor Timothy Davis stated that Councilmember Pilkington will abstain for voting purposes on item #8(H) concerning Kegley Road/FM 2305 Intersection Improvements.

City Council also discussed appointments for Mayor Pro Tem, TEDC, KTMPO and P & Z.

Traci Barnard, Director of Finance, provided a brief presentation to the Council the bond item on regular agenda. She gave a brief history, revenue by entity, revenue estimates, and assumptions for Bond issue in FY 2018.

Brynn Myers, City Manager and Brian Chandler, Director of Planning reported on item #11 on regular agenda. Mr. Chandler stated Mr. Pallewatta was not in agreement to remove the old broken 20'x80' pavement, but was willing to agree with all other 16 conditions.

Kayla Landeros, City Attorney, stated that staff is requesting that item #9 be tabled due to agreements made with the property owners.

2. Receive a presentation from Dr. Battershell regarding the Go2Work program.

Dr. Battershell introduced Dennis Macano with Temple College. Mr. Macano provided a presentation to Council regarding the Go2Work program. He gave the background and history of the program. There is a capacity of 20 per class and these classes help individuals with resumes, interview skills, teach technology and time management. The program has had great success and is funded by donations.

Vickie Gidion, with the Central Texas Workforce Solutions also address the Council in regards to the partnership that the Central Texas Workforce Solutions has with this program and stated the success of the program.

Dr. Battershell also stated this program is helping with the drop out rate at Temple ISD and how it has helped families.

Council stated appreciation and thanked them for all their work with this program.

3. Receive a presentation regarding the creation of a Downtown Main Street Advisory Board.

Brynn Myers, City Manager, stated that as a part of the Texas Main Street Program, the City of Temple is required to form an advisory group to support the program on a local level. The staff recommends creating the Temple Main Street Advisory Committee to meet this requirement.

Nancy Glover, Convention and Visitor Bureau Manager, provided a presentation stated the Main street program would use a four point approach which includes, (1) organization, (2) promotion, (3) design, and (4) economic vitality. The committee will be responsible for supporting the Main Street Manager as needed with various projects in addition to supporting the following subcommittees: (1) place, (2) events, (3) retention, and (4) reservation. She also provided a list of possible initial members recommended by staff.

Council discussed possible additional members to this committee and the funding of this program.

4. Receive a presentation regarding the Second Quarter financial results for Fiscal Year 2018.

Ms. Barnard provided a brief overview regarding the Second Quarter Financials to the Council for the period ending March 31, 2018.

5. Discuss the City's FY 2019 budget process and calendar, and various strategic and budget related policy issues.

Ms. Myers, Acting City Manager reviewed the calendar and budget process with the Council.

At this time, approximately 4:27 pm, Mayor Davis announced the Temple City Council would enter into an executive session.

6. Discuss the status of right-of-way acquisition for the Outer Loop, Phases 1-6 and discuss the status of pending eminent domain litigation involving property required for the Outer Loop project, which includes property required for the expansion of Moore's Mill Road and

Old Howard Road.

Executive Session – Pursuant to Chapter 551, Government Code Section 551.071 – Consultations with Attorney – The City Council may meet in executive session to consult with its attorney on pending or contemplated litigation or settlement offers.

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

At this time, approximately 5:06 pm, Mayor Dunn adjourned the executive session of the Temple City Council.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, May 17, 2018 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

Councilmember Susan Long
Councilmember Jessica Walker
Councilmember Mike Pilkington
Councilmember Judy Morales
Mayor Timothy A. Davis

I. CALL TO ORDER**1. Invocation**

Pastor Scott Meyer, Western Hills Church of Christ, voiced the invocation.

2. Pledge of Allegiance

Jason Deckman, City Planner, lead the Pledge of Allegiance.

II. PUBLIC COMMENTS

Latiesha Johnson, 1212 North 17th Street, addressed Council regarding noise ordinance due to a neighbor. She also spoke concerning individual trash receptacles in 1200 block of North 17th street.

III. PUBLIC APPEARANCE**3.**

Receive comments from Kathryn Young and Brian Parker regarding IDIS Corp lease of Hanger 20 on Draughon-Miller Airport.

Kathryn Young, IDIS partner, addressed Council concerning IDIS Corp's sublease at the airport. She gave a brief background of IDIS, estimated economic analysis, the impact IDIS has had on the City of Temple, and possible solutions for IDIS to continue doing business at the Draughon-Miller Airport.

IV. PROCLAMATIONS & SPECIAL RECOGNITIONS

4. Public Works Week May 2018

5. Recognition of the City of the Temple Employee of the Quarter for the second quarter of 2018.

Karl Reigle, Crew Leader for the Parks and Recreation department received recognition for being Employee of the Quarter

V. ELECTION ITEMS

6. 2018-9127-R: Consider adopting a resolution electing a Mayor Pro Tem for the City of Temple.

Mayor Davis provided a presentation to Council. Council elected Judy Morales as Mayor Pro Tem.

Motion by Councilmember Susan Long to adopt resolution to appoint Judy Morales as Mayor Pro Tem, seconded by Councilmember Jessica Walker.

Motion passed unanimously.

VI. BOND ITEMS

7. 2018-4914: FIRST & FINAL READING - PUBLIC HEARING: Consider adopting a "Second Supplemental Ordinance to the Master Ordinance Establishing the City of Temple, Texas Reinvestment Zone Number One Tax Increment Revenue Financing Program" to authorize the issuance of City of Temple, Texas Reinvestment Zone Number One Tax Increment Revenue Bonds, Series 2018.

Traci Barnard, Finance Director, provided a presentation to Council. She stated that by adoption of the Master Ordinance, the City has established the City of Temple, Texas Reinvestment Zone Number One Tax Increment Revenue Financing Program for the purpose of

enabling the City to provide for the financing of projects within the Zone authorized by the Enabling Act and any other applicable provisions of State law pursuant to which, the City may issue and enter into obligations, including bonds and other types of obligations, secured by and payable from a pledge of and lien on all or part of the Security. This Second Supplement provides for the authorization, form, characteristics, provisions of payment and redemption, and security of the Bonds. This Second Supplement is subject to the terms of the Master Ordinance. The Master Ordinance is incorporated in the attached ordinance by reference.

In simple terms, this item delegates authority to the Director of Finance to issue revenue bonds and finalize pricing within parameters defined in the attached ordinance in a par amount not to exceed \$30,000,000*. The delegation of authority will allow the City to obtain the most advantageous terms and net borrowing cost on the bonds.

The proposed revenue bonds will fund the projects included in the Reinvestment Zone No. 1 Financing and Project Plans. The projects were identified from the Downtown Master Plan and the 2022 RZ#1 Master Plan. All projects have been reviewed for updated cost estimates, project scope, and project readiness/delivery.

Ratings for the bonds will be applied for with Standard & Poors. The ratings will be published prior to the pricing and sale of the bonds. The date and method by which the bonds will be issued, sold, and delivered will be determined to achieve the most advantageous net borrowing costs for the City.

The City's Financial Advisor, Specialized Public Finance Inc., and bond council, McCall, Parkhurst & Horton, L.L.P, will be present at the meeting to review the parameters and details of the ordinance with Council.

Specialized Public Finance Inc, will return at a date to be determined to brief City Council on the sales results.

Dan Wegmiller, Financial Advisor with Specialized Public Finance, Inc, addressed Council in regards to the next steps in this process and that he would be back with the final results pending the Council's approval.

Mayor Davis declared the public hearing open with regards to agenda item 7, and asked if anyone wished to address this item. There being none, Mayor Davis declared the public hearing closed.

Motion by Councilmember Judy Morales to adopt ordinance as presented on first and final reading, seconded by Councilmember Mike Pilkington.

Motion passed unanimously.

VII. CONSENT AGENDA

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

(A) May 3, 2018 Special and Regular Meeting

(B) May 8, 2018 Special Meeting

(C) 2018-9128-R: Consider adopting a resolution authorizing the purchase of video detection equipment at five existing signalized intersections from Texas Highway Products, Ltd. of Round Rock, in the amount of \$74,663.

(D) 2018-9129-R: Consider adopting a resolution authorizing the purchase of wastewater line chemical root control services for FY 2018 from Duke's Root Control, Inc. of Syracuse, NY, in an estimated amount of \$50,000.

(E) 2018-9130-R: Consider adopting a resolution authorizing the purchase of one property necessary for the expansion of Old Howard Road and Moores Mill Road and authorizing closing costs and relocation benefits associated with the purchase in an estimated amount of \$210,000.

(F) 2018-9131-R: Consider adopting a resolution authorizing the acceptance of a donation of a 0.0103-acre permanent drainage easement from Patco, LLC and a donation of a 0.0103-acre permanent drainage easement from Dacyn Investments, Ltd. which are necessary for the construction of the Avenue D and 14th Street Drainage project.

(G) 2018-9132-R: Consider adopting a resolution authorizing a construction contract with Clark Roofing and Construction, Inc. of Waco, in the amount of \$207,212.24 for the re-roofing at the Central Fire Station and Mayborn Convention Center.

(H) 2018-9133-R: Consider adopting a resolution authorizing change order #1 with Lone Star Grading & Materials, LLC, of Salado, in amount not to exceed \$37,674 for construction of the Kegley Road/FM 2305 Intersection Improvements.

(I) 2018-9134-R: Consider adopting a resolution authorizing a contract amendment with Clark & Fuller, PLLC, of Temple, in an amount not to exceed \$384,733.60 for final design and bidding phase services for Williamson Creek Trunk Sewer Improvements Phases II and III.

(J) 2018-9135-R: Consider adopting a resolution authorizing an interlocal agreement with the Texas Department of State Health Services for the provision of on-line computer services including access to Texas Electronic Registration Remote System for vital records through August 31, 2023.

(K) 2018-9136-R: Consider adopting a resolution ratifying a two-year lease agreement with Morris & Pursley Financial Plans, for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library).

(L) 2018-4912: SECOND READING: Consider adopting an ordinance authorizing the annexation of 1.310 acres of land out of the William Gilmore Survey, Abstract No.339, Bell County, Texas, in the extraterritorial jurisdiction of the City of Temple, Bell County, Texas, located at 2391 FM 1237.

(M) 2018-4913: SECOND READING – FY-18-1-SITE: Consider adopting an ordinance amending Ordinance No. 2017-4870 to attach a site plan showing a 1500 square foot building to be located on Lot 1, Block 1, Cox Center subdivision, addressed as 830 FM 2271, Temple.

(N) 2018-9137-R: Consider adopting a resolution confirming the appointment of Nicole Warren as a Deputy City Attorney and setting compensation for the position.

(O) 2018-9138-R: Consider adopting a resolution approving second quarter financial results for Fiscal Year 2018.

(P) 2018-9139-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2017-2018.

Motion by Councilmember Susan Long to approve consent agenda, except for item 8(H), seconded by Councilmember Jessica Walker.

Motion passed unanimously.

Councilmember Pilkington abstained from all discussions and vote on item 8(H); while all others voted.

Motion by Councilmember Judy Morales to approve item #8 (H), seconded by Councilmember Jessica Walker.

Councilmember Mike Pilkington abstained. The other Councilmembers voted aye. The motion passed.

VIII. REGULAR AGENDA

RESOLUTIONS

9. **2018-9140-R: Consider adopting a resolution pursuant to Government Code § 2206.053 finding that 3.527-acre, 0.075-acre, 0.646-acre, and 0.410-acre temporary construction easements and a 1.141-acre and 0.072-acre permanent easements situated in the O.T. Tyler Survey, Abstract 20, are necessary for the construction of the Shallowford Force Main and authorizing the use of eminent domain to condemn the property.**

Motion by Councilmember Susan Long to table item #9, seconded by Councilmember Mike Pilkington.

Motion passed unanimously.

10. **2018-9141-R: FY-18-1-APL: Consider adopting a resolution authorizing an Appeal of Standards to Sec. 6.7 of the Unified Development Code related to I-35 Corridor Overlay Zoning District in the Retail Sub-District for landscaping and architecture for a new car dealership (Garlyn Shelton BMW) at 6006 South General Bruce Drive.**

Tammy Lyerly, Senior Planner provided a presentation to Council. She stated that the applicant has submitted a building permit request (FY-18-17-BDNC) which proposes construction of a new BMW car dealership for Garlyn Shelton at 6006 South General Bruce Drive. Due to corporate BMW mandated building design requirements, the applicant requests an appeal to several I-35 Corridor Overlay requirements. The applicant proposes 21.7 percent landscaping for the site even though the I-35 Corridor Overlay requires 15 percent.

Although City Council granted approval of the applicant's appeal to the I-35 Corridor Overlay requirements at 5420 Midway Drive, that existing car dealership was never redeveloped. Instead, the applicant requests to transfer City Council's approved I-35 Appeal, per Resolution 2017-8604-R, to the new BMW car dealership site for Garlyn Shelton Nissan proposed at 6006

South General Bruce Drive.

The applicant's project proposes an appeal to the following I-35 Corridor Overlay Standards:

- (1) Foundation plantings are required along 50% of length of façade (Project meets the intent but the proposed landscaping is buffering the perimeter, rather than the foundation to allow maximum showroom visibility)
 - (2) Interior parking island (not provided for inventory to the rear)
 - (3) Parking or vehicle use area must be screened by shrubs, berms or walls or a combination thereof (partial compliance for purposes of vehicle display)
 - (4) Building entrances must be articulated and defined for strong entry presence, offset by six feet (request BMW corporate mandated building design)
 - (5) Architecture: tri-partite design/defined base, middle and top required (does not comply with BMW mandated corporate design of mostly glass showroom)
 - (6) Structures must be generally earth tone in hue (request BMW corporate design of white)
 - (7) No single building material may cover more than 90 percent of the front of any building in the Retail sub-district (request BMW mandated corporate design)
 - (8) Parking Lot Islands for Vehicle Sales: evergreen shrubs (five gallon minimum) must completely fill the island area (partial compliance, proposed to include mulch for several)
- The applicant's proposal complies with all other I-35 Corridor Overlay standards for this development.

Ms. Lyerly also stated that staff recommends approval of the appeal as submitted based on the following reasons: (1) the applicant's submittal is a compromise that would meet the needs of BMW corporate requirements, while also meeting the intent of the I-35 Corridor Overlay to beautify the corridor, (2) city Council already approved the applicant's requested I-35 appeal with Resolution 2017-8604-R, but the applicant opted to change the construction site to the subject property at 6006 South General Bruce Drive.

Motion by Councilmember Susan Long to adopt resolution as presented, seconded by Councilmember Jessica Walker.

Motion passed unanimously.

ORDINANCES

- 11. 2018-4911: THIRD READING - PUBLIC HEARING - Z-FY-18-14: Consider adopting an ordinance authorizing a rezoning**

with a site/development plan from General Retail zoning district to Planned Development General Retail zoning district to allow the following Commercial uses: major vehicle repair, equipment sales and rentals, auto sales, auto and truck rental, Freeman Heights, Block 30, Lot 3-6, located at 311 South 25th Street, Temple, Texas.

Lynn Barrett, Assistant Planning Director, provided a presentation to Council. She stated that at first reading on April 19th City Council tabled the request to allow staff to work with the applicant to develop options related to screening of inventory and improving the aesthetics of the public street frontage, then on May 3rd, Council also tabled the request at the applicant's request in order to continue discussion on additional conditions relating to landscaping.

Mrs. Barrett stated that after meeting with the applicant on April 20, 2018, staff recommends (and the applicant agrees with) the following additions:

(1) A wall consisting of 2' x 5' limestone blocks screening the south side of the existing parking lot (from front building corner to the alley), which would be four feet tall at the front and six feet tall from the rear corner of the building back to the alley

a. The wall could be moved in the future to screen parking/inventory along Avenue D once property is developed

(2) A 4' tall (minimum) ornamental metal gate from the front corner of the building to the limestone wall

(3) Four landscape beds along the South 25th Street frontage consisting of a minimum of 2" river rock and weed barrier with drought-tolerant plants, which would provide buffering between existing driveways, the street curb and the existing sidewalk

(4) Parking in front of the building would be limited to employees and customers only (no inventory)

Staff had proposed an additional condition for the removal of approximately 1500 square feet of old broken paved parking material on lots 5 and 6; however, the applicant has indicated he does not wish to remove the old pavement until such time as those lots are developed and cited compaction issues.

Based on the following, staff recommended at the 04/19/18 meeting, approval with conditions for a rezoning from the current GR zoning district to the PD-GR zoning district for the following reasons:

(1) That the proposed Development Plan/Site Plan reflects compliance with the provisions of the Planned Development Criteria as required by Unified Development Code Section 3.4.5;

(2) The base zoning remains GR with the PD-GR bringing

forward those C uses on Lots 3-6 desired by the applicant: major auto repair, auto and equipment sales and rentals; auto and truck rentals;

(3) That the PD request complies with UDC, Section 5.3.19 that states for any auto sales use - new or used, outdoor lot that the office must be less than 10% of the lot area;

(4) That the request complies with UDC, Section 5.3.22 that states for Vehicle Servicing-major any auto servicing occurs inside a building and any vehicle parts stored outside must be behind a building, screened from public view and occupy less than 10% of the lot;

(5) The request is in compliance with the Future Land Use Map Auto-Urban Commercial character district designation and current auto uses nearby along South 25th Street;

(6) The proposed zoning is compatible with surrounding zoning;

(7) The request complies with the Thoroughfare Plan and Trails Master Plan; and

(8) Public facilities serve the subject property.

PD conditions updated for May 17th meeting:

(1) Allowing for the major vehicle repair, equipment sales and rentals, auto sales, auto and truck rentals uses

(2) No parking of any vehicles or inventory will occur on non-paved surfaces

(3) Any auto/truck repair must occur inside the building

(4) No parking or storage of inventory allowed in the street ROW

(5) No outside parts storage unless completely screened behind the building

(6) All building alterations required to obtain building permits

(7) Any additional paving requires a building permit

(8) Pave rear entry drive to building, and any additional area needed for inventory storage

(9) Building to be kept in good repair; repaint/re-stucco as needed

(10) Any refuse, rubbish or other materials removed; premises to be kept mowed

(11) Remove old sign pole and base in ROW

(12) Any new signage added on subject property requires a permit

(13-16) The additional four conditions listed above.

At their March 19, 2018 meeting, the Planning & Zoning Commission voted eight to zero to recommend approval of the rezoning to PD SF-2 with development/site plan per staff's recommendation.

The applicant, Kelum Pellawata, owns an existing building and improved parking on two of four contiguous lots and has previously had auto servicing uses at that location. He is

requesting major vehicle servicing, equipment sales and rentals, auto sales, auto and truck rentals as Commercial uses for the lot, while retaining the base GR zoning for other allowed uses. Two of the four lots are unimproved except for broken pavement and would require additional landscaping when developed. Conditions agreed upon also include adding screening, fencing, front landscaping and no parking of vehicles on unimproved surfaces. Applicant also agreed to remove the old noncompliant sign and base, and to pave the rear drive.

UDC Section 3.4.1 defines a PD 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.”

Per UDC Section, 3.4.3.A, a PD is subject to review and approval by City Council. Uses requested:

Auto sales, major vehicle servicing and equipment sales/rentals; auto/truck rental with storage of inventory on paved surfaces only and all repair to occur inside the existing building. Improvements will include removal of old signage and improving the front facade.

In the FLUM, the subject property is designated as the Auto-Urban Commercial character district. This district is intended for commercial uses at major intersections and along commercial corridors such as 25th Street.

The proposal is in compliance with the FLUM and current zoning as it includes several proposed commercial uses that are similar to many along South 25th Street.

The subject property takes access from South 25th Street, which is designated as minor arterial in the Thoroughfare Plan and West Avenue D, a local street. Therefore, this request is compliant with the Thoroughfare Plan.

Water and Sewer are available to and currently service the subject property.

As required by UDC Section 3.4.2 B, the Development/Site Plan for the proposed PD was reviewed by the Development Review Committee on February 20, 2018. Site characteristics and history of the property were discussed.

Twenty-six notices were mailed to property owners within the 200 foot buffer area of the subject property. The notices included information on the public hearing as required by State

Law and City Ordinance. One notice was received in disagreement; and five in agreement were returned, with zero notice returned undeliverable.

Mayor Pro Tem Judy Morales recommended that the timeline be no more than 3 months to complete improvements.

Mayor Davis declared the public hearing open with regards to agenda item 11, and asked if anyone wished to address this item.

Pallewatta, stated he would not be able to complete the projects within 3 months.

Mayor Davis asked if he could do it in 6 months.

Pallewatta, stated that he would try his best to get it done within 6 months.

Councilmember Susan Long asked Mr. Chandler what would happen if he was unable to meet the requirements within 6 months.

Brian Chandler, Director of Planning, stated that they would review the case at that time.

There being no one else wishing to speak, Mayor Davis declared the public hearing closed.

Motion by Councilmember Susan Long to adopt ordinance as per staff recommendations with 16 conditions to be met within 6 months, excluding the flatwork on lots 5 & 6, with fourth and final reading on June 7, 2018, seconded by Councilmember Mike Pilkington.

Motion passed unanimously.

ORDINANCES

- 12. 2018-4915: FIRST READING – PUBLIC HEARING – FY-18-1-AMND: Consider adopting an ordinance authorizing amendments to Chapter 31 of the Code of Ordinances (Recreational Vehicle Parks) primarily related to definitions, application and permitting process, inspection and enforcement process, density, private streets and amenities.**

Brian Chandler, Planning Director, provided a presentation to Council. He stated that during the proposed Conditional Use Permit to allow a 72-unit RV park at 14220 State Highway 317, it became apparent that amendments to Chapter 31 were needed to improve 1) the aesthetics and amenities for this and other future RV park projects and 2) the permitting and enforcement processes to ensure the safety of these parks.

The amendments can be summarized as follows:

- Expanding the authority of those who can inspect to ensure compliance
- Streamlining the permitting and enforcement processes
- Allowing reduced private one-way drive/street widths
- Reducing the allowed density from 14 to seven RVs/acre
- Expanding the allowed continuous occupancy period from three months to six months, while also ensuring a check in and check out registration process for tracking purposes
- Expanding the required options of outdoor recreational amenities to include trails
- Requiring tree planting and picnic tables for each RV site

Planning staff has worked closely with Public Works, Code Compliance and Legal staff to get their input on the draft.

Councilmember Judy Morales asked how many RVs are allowed in the area.

Mr. Chandler stated it is proposed seven RVs per acre as opposed to fourteen that are allowed now.

Brynn Meyers, City Manager stated that this item is a code amendment that will apply not only to the next case to be heard but any future cases as well.

Councilmember Mike Pilkington stated that he was unsure about going from the three months to six months, along with concerns about opening this up to all the RV parks.

Council discussed with staff the reasoning for three months changing to six months.

Mayor Davis declared the public hearing open with regards to agenda item 12, and asked if anyone wished to address this item. There being none, Mayor Davis declared the public hearing closed.

Motion by Councilmember Mike Pilkington to adopt ordinance as presented, with second and final reading on June 7, 2018, seconded by Councilmember Judy Morales.

Motion passed unanimously.

13. 2018-4916: FIRST READING – PUBLIC HEARING – Z-FY-18-10: Consider adopting an ordinance authorizing a Conditional Use Permit and its development site plan to allow a recreational vehicle park on 18.58 +/- acres situated in the Sarah Fitzhenry Survey, Abstract No. 312, located at 14220 State Highway 317.

Brian Chandler, Planning Director, provided a presentation to Council. He stated that at their April 16, 2018 meeting, P&Z recommended unanimous approval per staff recommendation.

Mr. Chandler stated that staff recommends approval of the requested Conditional Use Permit and its development site plan with the following conditions: (1) the 20-foot pavement width requires a Code of Ordinance Chapter 31 code amendment, (2) minimum two inch diameter (at breast height) trees from the City's approved tree list, (3) amenities to include grills, picnic tables, a pavilion, dog park, pool, and playground.

Virgel Smith is pursuing a Conditional Use Permit to allow a 72-unit RV park on his property. Voluntary annexation was approved by City Council at Second Reading on May 3, 2018.

The proposed CUP will also be subject to a required development site plan for the RV park. The CUP development site plan proposes 72 RV stands with a parking space at each site, which represents a density of 3.88 RVs/acre and is significantly lower than the 14 RVs/acre maximum per Chapter 31. The RV park proposes a private roadway providing circulation throughout the development to a laundry facilities, restrooms, recreational area, private horse stables and equine area, pool, RV park office, and a dumpster area. But the proposed CUP development site plan is not compliant with the following requirements of the City of Temple Code of Ordinance Section 31: Recreational Vehicle Parks.

(1) The private roadway width does not meet the minimum pavement width of 27 feet;

(2) However, staff has agreed to propose Code of Ordinance Chapter 31 code amendments allowing 20 feet of paving for one-way drive

a. The proposed Code Amendments will also be presented at the May 17, 2018 City Council meeting.

The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan: If City Council approves Virgel Smith's voluntary annexation, the subject property would be annexed with an Agricultural zoning district designation within the Agricultural/Rural character district of the *Choices '08* City of Temple Comprehensive Plan. Since RV parks are allowed with the Agricultural zoning district with a CUP and the applicant's proposal includes overall low density (3.88 RVs/acre), the requested use complies with the Future Land Use Map.

The subject property fronts State Highway 317, a major arterial on the Thoroughfare Plan. This request complies with the Thoroughfare Plan.

The City of Temple does not have water facilities within the boundaries of the subject property. Pendleton Water Supply Corp. CNN is the water provider for the subject property. Per staff's request, the applicant has submitted a letter from Pendleton Water Supply Corp. CNN confirming there is a six inch water line directly across State Highway 317 from the proposed RV park that can supply a fire hydrant with 400 GPM at 20 PSI. A septic system is proposed for the RV park, which would require approval by the Bell County Sanitarian.

DRC met on March 19th (internally) and 22nd (with applicant) to review the project and all comments have been sufficiently addressed by the applicant.

Fourteen 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. Four notices were returned from the applicant in favor of the Conditional Use Permit and four notices were returned in denial of the request, representing an opposition area calculation of 37.6%, triggering a super-majority vote requirement (four of five) to approve by City Council.

Mayor Davis declared the public hearing open with regards to agenda item 13, and asked if anyone wished to address this item. There being none, Mayor Davis declared the public hearing closed.

Motion by Councilmember Jessica Walker to adopt ordinance as presented, with second and final reading on June 7, 2018, seconded by Councilmember Judy Morales.

Motion passed unanimously.

- 14. 2018-4917: FIRST READING – PUBLIC HEARING – Z-FY-18-15: Consider adopting an ordinance authorizing amending Ordinance No. 2017-4835 to attach a site plan showing a Popeye’s and Arby’s restaurants on Lots 2 & 3, Block 1, Heritage Square Phase II, a non-residential subdivision, located on the north side of West Adams Avenue, east of Holy Trinity Catholic High School and west of Brooks Drive, addressed as 6512 & 6490 West Adams Avenue.**

Mark Baker, Senior Planner, provided a presentation to Council. He stated while the above referenced conditions of Ordinance 2017-4835 are still in effect, staff recommends approval of amending Ordinance 2017-4835 with the following additional Development/ Site Plan condition:

(1) That the Director of Planning, with consultation as needed by the Design Review Committee, may be authorized to approve minor changes to the Development/ Site Plan which include but not limited to: overall lot layout, landscaping, exterior building elevations/ materials, parking configuration, buffering and screening materials, in compliance with minimum UDC development standards.

During the April 16, 2018, meeting, the Planning & Zoning Commission voted eight to zero to recommend approval of the proposed development/ site plan per staff’s recommendation.

During the meeting it was discussed that Public Works staff is awaiting calculation and a report regarding underground drainage. It was understood that the applicant is completing final steps in the report preparation. In addition, concerns from an adjacent property owner about lighting were addressed. The developer has agreed to provide a photometric lighting plan at the time of building plan submittal which will be used to identify and prevent light trespass. The applicant, Thomas Engineering, on behalf of Heritage Ridge Investments, requests development site plan approval, as required by the rezoning ordinance (Ordinance 2017-4835) approved by City Council on March 16, 2017, on the approximately 2.080 +/- acre, portion of the 4.820 +/- acre Planned Development-zoned property.

Per Ordinance 2017-4835, the proposed development, must comply with the following conditions, which staff confirms have been satisfied and are described as follows:

- (1) Site plan approval is required by the Planning & Zoning Commission and the City Council;
- (2) Site plan approval will include notification of property owners

within 200-feet of the boundaries of the PD-GR zoned area; and (3)The 2.080 acres shall be screened by an eight foot solid masonry wall or solid masonry fence along the entire length of the eastern property line save and except the building set back line from West Adams Avenue and shall be made of one or a combination of the following materials: masonry, natural stone, precast masonry fence products, or other acceptable products upon consultation with the Director of Planning, as necessary.

The project is summarized in more detail as follows: The site plan reflects development of Lots 2 & 3 of the Heritage Square, Phase II final plat for the two restaurant pad sites. The two restaurant pad sites are described as follows:

Popeye's (Lot #2): 2,550 square foot - Approximate dimensions 30' X 90'

Arby's (Lot #3): 2,570 SF - Approximate dimensions 30' X 87'

Both buildings will be setback approximately 75 feet from the right-of-way of West Adams Avenue (FM 2305). Both pad sites provide for parking, on-site maneuverability, drive-thru queuing with bypass (escape) lanes and landscaping. In addition, the site plan provides for the replacement of an existing six foot asphalt sidewalk, upgraded to a 10-foot concrete sidewalk. Opportunities exist for cost sharing of the upsizing to the sidewalk to 10-feet through a 380 agreement to include some additional landscaping being provided by the developer as part of that agreement opportunity.

In order to accommodate minor amendments to the site plan, to include but not limited to lot layout, parking configuration, landscaping, building elevation materials and buffering and screening may be necessary and lot configuration. Staff is proposing to accommodate any minor but necessary changes by Condition #1 as proposed above.

Site development is within Lots 2 & 3 of the four-lot, one-block subdivision plat named Heritage Square, Phase II (P-FY-17-22). The plat was recorded by Bell County on April 24, 2017. The plat references a private 36-foot joint access easement which provides the only access point for the four lots.

The DRC reviewed the Development/ Site Plan on April 5, 2018. While drainage concerns were discussed, there was discussion about the design for the solid masonry wall on the eastern property line. It was identified that a wall made from pre-cast materials with enhanced sound attenuation properties is recommended, which is consistent with Condition #3 of

Ordinance 2017-4835. It was also identified that any maintenance issues related to a “no man’s land” that resulted between the existing fence and the proposed wall would be located on the private property side and not the side of the proposed development.

The building elevations for both restaurants are proposed using brick, simulated stone and exterior insulation and finish systems (EIFS). Popeye’s proposes exterior elevations containing acme brick and simulated stone finishing. Architecturally proposed are elements reminiscent of New Orleans’s French Quarter with elements of Greek revival, Art Nouveau, Art Deco and Renaissance Colonial with the use of balconies with railings and double louver shutters as well as other distinctive features such as “goose-neck” down lighting. On the other hand, Arby’s, is proposed using a new and revitalized design which according to the Arby’s franchise website, reflect their fast-crafted identity. While an exterior canopy will be metal with 10-foot tall posts supporting the metal canopy, exterior materials will be comprised of brick and EIFS. Aluminum is also proposed around windows.

The Popeye’s restaurant is proposed to be 23-feet tall at the top of the parapet, while the Arby’s is proposed to be 22-feet tall at the top of the parapet. Roofing for both restaurants is proposed to be flat and recessed to conceal mechanical equipment.

A concrete paved parking area providing shared parking spaces is proposed. At the rate of one space per three seats, as required by UDC Section 7.5, the Arby’s restaurant requires 15 spaces and 45, including two stalls, which are compliant with the Americans with Disabilities Act requirements (ADA) are provided. On the other hand, the Popeye’s restaurant requires 23 spaces and 16, including two ADA spaces are provided for 57 typical spaces or a total of 61 spaces, which include four ADA spaces. The deficiency on Popeye’s parking is being addressed through shared parking. The arrangements for shared parking, as provided for by UDC Section 7.5.3 is acceptable. The Development/ Site Plan is dimensioned and provides the minimum dimensions for circulation and parking.

The site shows a 10-foot drive aisle with queuing for vehicles and a parallel 12-foot bypass (escape) for both restaurants located on each building western side, reducing residential impacts. The queuing lane provides direct access to the pick-up window which runs parallel with the bypass lane. On the north side of the queuing lane is the menu board / order board, located in a manner to reduce intrusive sound, light and glare.

The site plan shows separate dumpster locations for trash collection for both restaurants. Both locations are provided in the rear of their respective lots. Notable is the dumpster location for the Arby's restaurant which will be located approximately 35 feet from the eastern property line. Both dumpster enclosures will be required to comply with UDC Section 7.7.6 regarding refuse containers as well as meet the specifications of the Design and Development Standards manual.

Site landscaping consists trees, shrubs and turf. Trees to be provided include: the Live Oak, Cedar Elm and Texas Red Oak. Shrubs include the Texas Sage and grass will consist of Bermuda and native grasses. The Landscape Plan reflects the number of plants and the diameter of the plants at breast height (DBH). Per UDC Section 7.4, site landscaping is required to contain a minimum 5% of the lot area is described in more detail as follows:

Popeye's Site Landscaping (Lot #2): The Popeye's site landscaping consists of 30% of the overall lot area to be landscaped. Per UDC Section 7.4.4, at the rate of one tree per 40 feet of linear street frontage, 2.5 trees required and three are provided. Compliance with code requirements will be made at the review of building plans.

Arby's Site Landscaping (Lot #3): The Arby's site landscaping consists of 25% of the overall lot area to be landscaped. Per UDC Section 7.4.4, at the rate of one tree per 40 feet of linear street frontage, five trees are required and five are provided. Compliance with code requirements will be made at the review of building plans. Screening and buffering will be provided by an eight foot tall solid masonry wall, landscaping and restaurant pad locations are described in more detail as follows:

Pre-Cast Concrete Screening Wall: An eight foot tall pre-cast concrete screening wall is proposed along the 258 +/- foot eastern property line. While the site plan does not depict a detail of the wall, the wall would meet the requirements of Ordinance 2017-4835, consistent with UDC Section 7.7.5. It should be noted that a "no man's land", varying between two feet and five feet, is being created between the location of the existing wood privacy fence and the proposed wall. The "no man's land" will be created within the private property owner's side and is not the responsibility of the developer, as discussed earlier in this report. The developer has agreed to coordinate with the adjacent property owner to eliminate the creation of the "No man's land" as a result of the masonry wall.

20-foot Landscape Strip: The applicant has agreed to provide

grass and irrigation within the existing 15-foot drainage easement along the eastern property line. In addition trees and shrubs, as described earlier, will be provided within a five foot landscape strip outside of the drainage easement.

Restaurant Pad Location(s): The Popeye's pad site (Lot 2) will be located approximately 230 feet from the eastern property line. The Arby's pad site (Lot 3) will be located closest to the residences, at approximately 75 feet from the eastern property line. Drive-through windows have been located on the western sides of both pad sites.

While the 20-foot landscape strip and the eight foot tall masonry fence exceed minimum buffering and screening standards as provided for by UDC Section 7.7. Collectively, the additional buffering measure with the location of the Arby's restaurant pad site, the applicant has made a significant effort to buffer and screen the impacts of the restaurant uses from the existing single family uses, as further detailed elsewhere in this report.

Undimensioned signage is shown on the building elevations to render approximate size and location of franchise signage. Compliance with UDC Section 7.6 will be made with the review of separate sign permit applications. A pole or freestanding sign location is not reflected on the site plan but would require review of a separate sign permit application.

The subject property is undeveloped and has been used for recent agricultural cultivation. Although drainage concerns have been discussed during the DRC process, to date, a Drainage Report and calculations have been reviewed by Public Works. Public Works is confident that remaining comments can be addressed during the review of the Construction Plans.

Sewer is available from an existing six inch sewer line in West Adams Avenue Water is available through a four inch water line in West Adams Avenue, which will be expanded to six inch to serve the four lot subdivision. Provisions for utilities was addressed by the Heritage Square, Phase II final plat that was recorded on April 24, 2017.

While both restaurant pads front along West Adams Avenue (FM 2305), direct access to each pad site will be from a private 36-foot wide access easement providing 36 feet of pavement for clear two-way travel lanes as well as a fire lane. The driveway cut was addressed during the platting process for the Heritage Square final plat and was reviewed by TxDOT during that time. No issues have been identified.

TxDOT has confirmed that the driveway has been permitted in alignment with the recorded joint access easement. The easement provides access to all four lots within the Heritage Square final plat. TxDOT has also confirmed that there will be no additional driveway access points granted and so access to these lots will be limited to this one permitted driveway.

Fourteen 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. Per Ordinance 2017-4835, notice was to include all properties within 200-feet of the PD-NS zoned area. Four notices, three of which represent by the same property owner, have been received. In addition, staff has had a phone conversation with an adjacent property owner regarding concerns about the wall and maintenance concerns from a created "no man's land." Staff will provide an update at the Planning & Zoning Commission meeting, if necessary.

Mayor Davis asked Mr. Baker if the shared parking has to be in agreement with both entities or is it within the Code that allows the shared parking.

Mr. Baker stated that is was a private agreement that was reflected on the plat.

Kayla Landeros, City Attorney, stated it would be a private agreement between the property owners and the City request a receive a copy. She also stated that it would have to be agreed upon.

Council member Judy Morales asked how far is it from the school.

Mayor Davis declared the public hearing open with regards to agenda item 14, and asked if anyone wished to address this item. There being none, Mayor Davis declared the public hearing closed.

Motion by Councilmember Mike Pilkington to adopt ordinance as presented, with second and final reading on June 7, 2018, seconded by Councilmember Susan Long.

Motion passed unanimously.

BOARD APPOINTMENTS

- 15. 2018-9142-R: Consider adopting a resolution appointing members to the following City boards and commissions:**

(A) Killeen-Temple Metropolitan Planning Organization – one member to fill a position on the KTMPO Policy Board;

Appoint Susan Long to fill a position on the KTMPO Policy Board.

(B) Planning & Zoning Commission – one member to fill an unexpired term through September 1, 2020; and

Appoint Donna Wright to fill an unexpired term through September 1, 2020.

(C) Temple Economic Development Corporation – one councilmember to fill a standing position.

Appoint Judy Morales to fill a standing position on TEDC.

Mayor Davis discussed the appointments.

Motion by Councilmember Susan Long to adopt resolution with the recommended appointments, seconded by Councilmember Judy Morales.

Motion passed unanimously.

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

Daniel A. Dunn, Mayor

ATTEST:

Lacy Borgeson
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

06/07/18
Item #4(B)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Kirk Scopac, Fleet Services Director
Kevin Beavers, Parks and Recreation Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of two Kubota M5-111 Tractors from Kubota Tractor Corporation of Grapevine, in the amount of \$103,945.

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

ITEM SUMMARY: Parks and Recreation has two tractors used for cutting rural roadsides, TXDOT roadsides, large open areas and parks in and around the city. These tractors have been identified for routine replacement by the Fleet Services Director in the annual vehicle replacement review. The purchase will replace a 1996 New Holland Tractor (Asset #10090) and a 1999 New Holland Tractor (Asset #10480) which are used for daily operations during the mowing season.

Kubota Tractor Corporation has been awarded contract #529-17 by BuyBoard. Staff is recommending the use of this BuyBoard contract for the purchase of these two tractors. Contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities

FISCAL IMPACT: Funding for the purchase of two Kubota M5-111 Tractors from Kubota Tractor Corporation in the amount of \$103,945 is appropriated in account 110-5935-552-6222 as follows:

	101676	101677	Total
Project Budget	\$ 51,972	\$ 51,973	\$ 103,945
Encumbered/Committed to Date	-	-	-
WC Tractor - 2 Kubota Tractors	(51,972)	(51,973)	(103,945)
Remaining Project Funds	\$ -	\$ -	\$ -

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF TWO KUBOTA M5-111 TRACTORS FROM KUBOTA TRACTOR CORPORATION OF GRAPEVINE, IN THE AMOUNT OF \$103,945; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Parks and Recreation Department has two tractors used for cutting rural roadsides, TXDOT roadsides, large open areas and multiple parks around the city which have been identified for routine replacement by the Fleet Services Director in the annual vehicle replacement review;

Whereas, the purchase of two Kobota M5-111 tractors will replace a 1996 New Holland tractor (Asset No. 10090) and a 1999 New Holland tractor (Asset No. 10480), which are used for daily operations during the mowing season;

Whereas, Kubota Tractor Corporation has been awarded Contract No. 529-17 through the BuyBoard Local Government Online Purchasing Cooperative and Staff recommends the use of this BuyBoard contract for this purchase;

Whereas, contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

Whereas, Staff recommends Council authorize the purchase of two Kubota M5-111 tractors from Kubota Tractor Corporation of Grapevine, Texas, in the amount of \$103,945;

Whereas, funding for this purchase is available in Account No. 110-5935-552-6222, Project Nos. 101676 and 101677; and

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

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

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

Part 2: The City Council authorizes the purchase of two Kubota M5-111 tractors from Kubota Tractor Corporation of Grapevine, Texas, in the amount of \$103,945.

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

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

PASSED AND APPROVED this the 7th day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of right of way and a drainage easement necessary for the expansion of Kegley Road Phase IV and authorizing closing costs associated with the purchase in an estimated amount of \$32,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City is currently in the design phase for the proposed expansion of Kegley Road. The design requires the acquisition of eight rights-of-way, four drainage easements, and six temporary construction easements from nine property owners. Appraisals have been performed and offers have been made to the all the owners. The City has acquired right of way from two of the property owners and continues to negotiate with the remaining owners. Staff hopes to reach agreements in the coming weeks for the remaining property needs.

The City has reached an agreement with a property owner for right of way. At this time, Staff is asking for authorization to purchase the right of way and drainage easement and pay closing costs in an estimated amount of \$32,000.

The address and Bell County Appraisal District ID Numbers of the property is 2671 South Kegley Road, Temple, Texas—Bell CAD ID #238692.

FISCAL IMPACT: Funding is available for the purchase of right of way and a drainage easement necessary for the expansion of Kegley Road Phase IV and authorizing closing costs associated with the purchase in an estimated amount of \$32,000 in account 365-3400-531-6888, project 101607.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF RIGHT-OF-WAY AND A DRAINAGE EASEMENT NECESSARY FOR THE EXPANSION OF KEGLEY ROAD, PHASE IV; AUTHORIZING CLOSING COSTS ASSOCIATED WITH THE PURCHASE, IN AN ESTIMATED AMOUNT OF \$32,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently in the design phase for the proposed expansion to Kegley Road and the design requires the acquisition of eight rights-of-way, four drainage easements, and six temporary construction easements from nine property owners;

Whereas, appraisals have been performed, offers have been made to all of the owners, and the City has acquired right-of-way from two of the property owners – Staff continues to negotiate with the remaining owners and hopes to reach agreements for the remaining property needs in the coming weeks;

Whereas, Staff recommends Council authorize, the purchase of right-of-way and a drainage easement on property located at 2671 South Kegley Road, Temple, Texas, which are necessary for the expansion of Kegley Road, Phase IV, as well as the payment of closing costs associated with the purchase in a total estimated amount of \$32,000;

Whereas, the Bell County Appraisal District ID Number of this property is 238692;

Whereas, funding is available in Account No. 365-3400-531-6888, Project No. 101607;
and

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

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

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

Part 2: The City Council authorizes the purchase of right-of-way and a drainage easement from property located at 2671 Kegley Road, Temple, Texas, (Bell CAD ID No. 238692), which are necessary for the expansion of Kegley Road, Phase IV, as well as pay closing costs associated with the purchase, in an estimated amount of \$32,000.

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

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

PASSED AND APPROVED this the 7th day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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

Kayla Landeros, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of an easement and temporary construction easement necessary for the construction of the Shallowford Force Main and authorizing closing costs associated with the purchase, in an estimated amount of \$9,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City owns and operates the Shallowford Lift Station and Force Main. The Lift Station receives wastewater flow from both the Bird Creek and Pepper Creek drainage basins. The City is currently rehabilitating and expanding both gravity interceptors within Bird Creek and the Lift Station to alleviate wastewater overflows and improve capacity. To adequately convey the increased flow from the Lift Station, it was determined the Shallowford Force Main needs to be expanded. The new force main will run parallel to the existing force main.

The design for Shallowford Force Main requires the acquisition of six easements from six property owners. Three of the easements needed have been acquired and closing is being coordinated on two additional easements. With the assistance of Lone Star Right of Way Services, the City has reached an agreement with a property owner for the remaining easement. At this time, Staff is asking for authorization to purchase the easement and temporary construction easement necessary for the Shallowford Force Main and authorizing closing costs associated with the purchase, in an estimated amount of \$9,000.

The address and Bell County Appraisal District ID Number of the property is 2792 Taylors Valley Road—Bell CAD ID #479259.

FISCAL IMPACT: Funding for the purchase of an easement and temporary construction easement necessary for the construction of the Shallowford Force Main and authorizing closing costs associated with the purchase in an estimated amount of \$9,000 is available in account 520-5900-535-6352, project 101512.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF AN EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT NECESSARY FOR THE CONSTRUCTION OF THE SHALLOWFORD FORCE MAIN; AUTHORIZING CLOSING COSTS ASSOCIATED WITH THE PURCHASE IN AN ESTIMATED AMOUNT OF \$9,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City owns and operates the Shallowford Lift Station and Force Main which receives wastewater flow from both the Bird Creek and Pepper Creek drainage basins;

Whereas, the City is currently rehabilitating and expanding both gravity interceptors within Bird Creek and the Lift Station to alleviate wastewater overflows and improve capacity - in order to adequately convey the increased flow from the Lift Station, it was determined the Shallowford Force Main needs to be expanded and will run parallel to the existing force main;

Whereas, the design for Shallowford Force Main requires the acquisition of six easements from six property owners - three of the easements needed have been acquired and closing is being coordinated on two additional easements;

Whereas, with the assistance of Lone Star Right of Way Services (Lone Star), the City has reached an agreement with a property owner for the remaining easement located at 2792 Taylors Valley Road, Belton (Bell CAD ID No. 479259);

Whereas, Staff recommends Council authorize the purchase of an easement and temporary construction easement which is necessary for the Shallowford Force Main and authorize closing costs associated with the purchase, in an estimated amount of \$9,000;

Whereas, funding is available for the purchase of an easement, temporary construction easement, and closing costs in Account No. 520-5900-535-6352, Project No. 101512; and

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

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

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

Part 2: The City Council authorizes the purchase of an easement and a temporary construction easement located at 2792 Taylors Valley Road, Belton (Bell CAD ID No. 479259) which is necessary for the Shallowford Force Main and authorizes closing costs associated with the purchase, in an estimated amount of \$9,000.

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

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

PASSED AND APPROVED this the 7th day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of 3310 Old Howard Road, a portion of which is necessary for the expansion of Old Howard Road, and authorizing closing costs, in an estimated amount of \$567,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City is currently in the design phase for the proposed expansion of Old Howard Road from Central Pointe Parkway to Moores Mill Road, as well as an expansion of Moores Mill Road from Old Howard Road to IH-35, including a realigned intersection at Pegasus Drive. The design requires the acquisition of right-of-way from 21 different property owners. Appraisals have been performed on all of the parcels.

The City has acquired or has possession of eighteen properties needed for right-of-way and is coordinating closing on another property. The City also has reached an agreement to purchase 3310 Old Howard Road, Bell County Appraisal District ID Number #47580. The property is approximately 3.85 acres and approximately 0.932 acres is needed for right-of-way. The property is also adjacent to another 121-acre tract that is currently owned by the City, but which lacks access to Old Howard Road. During negotiations, the property owners asked if the City would consider buying the entire property. Staff believes there is benefit to purchasing the entire property to combine with the larger City-owned tract and provide access to the new Outer Loop after construction. Acquisition of this property will increase the property value and marketability of the 121-acre tract.

Staff continues to actively negotiate with each of the remaining property owners and hopes to reach agreements with them in the coming weeks. At this time, Staff is asking for authorization to purchase one property and pay closing costs in an estimated amount of \$567,000.

FISCAL IMPACT: Funding is appropriated for the purchase of 3310 Old Howard Road, a portion of which is necessary for the expansion of Old Howard Road, and authorizing closing costs in an estimated amount of \$567,000 in account 795-9500-531-6110, project #101846.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 3310 OLD HOWARD ROAD, A PORTION OF WHICH IS NECESSARY FOR THE EXPANSION OF OLD HOWARD ROAD; AUTHORIZING THE PAYMENT OF CLOSING COSTS ASSOCIATED WITH THE PURCHASE IN AN ESTIMATED AMOUNT OF \$567,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently in the design phase for the proposed expansion of Old Howard Road from Central Pointe Parkway to Moores Mill Road, as well as an expansion of Moores Mill Road from Old Howard Road to IH-35, including a realigned intersection at Pegasus Drive, and the design requires the acquisition of rights-of-way from 21 different property owners;

Whereas, appraisals have been performed on all of the parcels, the City has acquired or has possession of eighteen rights-of-way, and is coordinating closing on another property;

Whereas, Staff has reached an agreement to purchase 3310 Old Howard Road, Bell County Appraisal District ID No. 47580 which is approximately 3.85 acres, approximately 0.932 acres of which is needed for right-of-way;

Whereas, the property is also adjacent to another 121-acre tract that is currently owned by the City, but which lacks access to Old Howard Road - during negotiations, the property owners asked if the City would consider buying the entire property and Staff believes there is benefit to purchasing the entire property to combine with the larger City-owned tract, provide access to the new Outer Loop after construction;

Whereas, acquisition of this property will increase the property value and marketability of the 121-acre tract currently owned by the City;

Whereas, Staff is actively negotiating with each of the remaining property owners and hopes to reach agreements in the coming weeks;

Whereas, Staff recommends Council authorize the purchase of 3310 Old Howard Road, (BellCAD ID 47580), and authorize the payment of closing costs in an estimated amount of \$567,000;

Whereas, funding for the purchase of 3310 Old Howard Road is available in Account No. 795-9500-531-6110, Project No. 101846; and

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

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

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

Part 2: The City Council authorizes the purchase of 3310 Old Howard Road, a portion of which is necessary for the expansion of Old Howard Road, and authorizes the payment of closing costs associated with the purchase, in an estimated amount of \$567,000.

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

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

PASSED AND APPROVED this the 7th day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kevin Beavers, Director, Parks and Recreation

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

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

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

In 2009 Temple Parks and Recreation was awarded the contract to provide “Latch Key Program Management Services” at Tarver, Pirtle, and Lakewood Elementary Schools. In 2013 High Point Elementary was added to the latch key program. During the 2017-18 school year, Temple Parks and Recreation provided an after school program for 308 kids, ages five to 13 year olds, Monday through Friday, from 3 pm to 6 pm.

The term of this agreement will be from July 1, 2018 through the last day of the 2018-19 school year, at which time both parties may extend or renegotiate the agreement by mutual consent.

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

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

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

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

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

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

Whereas, during the 2017-2018 school year, the Temple Parks and Recreation Department provided an after school program for 308 5-to-13 year olds, Monday through Friday, from 3 pm to 6 pm;

Whereas, the term of this Interlocal Agreement will run from July 1, 2018 through the last day of the 2018-2019 school year, at which time both parties may extend or renegotiate the agreement by mutual consent;

Whereas, this agreement with BISD assists in Council’s goal of jointly partnering with school districts to provide services and programs, and BISD has agreed to waive all facility usage fees during the time the program is being offered, allowing the program to be offered at an affordable rate to the participants; and

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

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

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

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute an Interlocal Agreement with the Belton Independent School District to provide school locations for after school latchkey programming beginning July 1, 2018 through the last day of the 2018-2019 school year.

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 7th day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



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DEPT./DIVISION SUBMISSION & REVIEW:

Kevin Beavers, Parks and Recreation Director

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

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Temple Parks and Recreation is requesting City Council approval to enter into an Inter-local Agreement with T.I.S.D. The agreement would allow the Parks and Recreation Department to continue to provide an after school program at four T.I.S.D. schools.

Temple Parks and Recreation provides the After School Zone at Cater, Western Hills, Kennedy-Powel and Thornton Elementary Schools. During the 2017-18 school year, Temple Parks and Recreation provided an after school program for 140 kids, five to 13 year olds, Monday through Friday, from 3 pm to 6 pm.

The term of this agreement will be for the 2018-19 school year, at which time the parties may renew or renegotiate the agreement by mutual consent.

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

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

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

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

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

Whereas, Temple Parks and Recreation Department provides after school programming at four Temple Independent School District (“TISD”) schools;

Whereas, during the 2017-2018 school year, the Temple Parks and Recreation Department provided an after school program Monday through Friday, from 3pm to 6pm to 140 5-to-13 year olds at Cater, Western Hills, Kennedy-Powel and Thornton Elementary Schools;

Whereas, the term of this Interlocal Agreement will run from July 1, 2018 through the last day of the 2018-2019 school year, at which time both parties may extend or renegotiate the agreement by mutual consent;

Whereas, this agreement with TISD assists in Council’s goal of jointly partnering with school districts to provide services and programs, and TISD has agreed to waive all facility usage fees during the time the program is being offered, thus allowing the program to be offered at an affordable rate to the participants; and

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

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

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

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute an Interlocal Agreement with the Temple Independent School District to provide school locations for after school latch key programming for the 2018-2019 school year.

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 7th day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution ratifying a two year lease agreement with Ducharme Marketing Group, Inc., for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library).

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Ducharme Marketing Group, Inc. ("Tenant") currently leases Suites 308-309 in the Temple Public Library. The current lease expires May 31, 2018 and they have requested to renew the lease for another two year period. The lease will run from June 1, 2018 to May 31, 2020.

Tenants will pay \$1,200 per month for the term of the lease.

FISCAL IMPACT: The annual rent to be received from Ducharme Marketing Group, Inc is \$14,400 and will be deposited into account 110-0000-461-0937.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING A TWO-YEAR LEASE AGREEMENT WITH DUCHARME MARKETING GROUP, INC., FOR LEASE OF SPACE IN THE E. RHODES AND LEONA B. CARPENTER FOUNDATION BUILDING; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Ducharme Marketing Group, Inc. (“Tenant”) currently leases Suites 308-309 in the Temple Public Library and the current lease expired May 31, 2018;

Whereas, Tenant has requested to renew the lease for another two year period which will run from June 1, 2018 to May 31, 2020, at the rental rate of 0.8415 per square foot or \$1,200 per month for both suites;

Whereas, Staff recommends Council ratify a two-year lease extension with Ducharme Marketing Group, Inc. for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (Temple Public Library);

Whereas, the lease agreement allows for a 30-day termination clause for any reason should the lessee or the City desire to terminate the lease;

Whereas, the City will receive annual rent in year one of \$14,400, and those funds will be deposited into Account No. 100-0000-461-0937; and

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

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

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

Part 2: The City Council ratifies a two-year lease agreement with Ducharme Marketing Group, Inc., for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library).

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 7th day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one year lease agreement with William T. Wilson for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library).

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Law Offices of William T. Wilson, a current tenant at the Temple Public Library, has requested to renew his lease of Suite 301 for a period of one year. The lease will run from August 1, 2018 to July 31, 2019. Mr. Wilson will pay a monthly lease rate of \$1,814.20

FISCAL IMPACT: The annual rent to be received from William T. Wilson is \$21,770.40 and will be deposited into account 110-0000-461-0937.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZES A ONE-YEAR LEASE AGREEMENT WITH WILLIAM T. WILSON, FOR LEASE OF SPACE IN THE E. RHODES AND LEONA B. CARPENTER FOUNDATION BUILDING; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Law Offices of William T. Wilson (“Tenant”) currently leases Suite 301 in the Temple Public Library and the current lease expires August 1, 2018;

Whereas, Tenant has requested to renew the lease for a one-year period which will run from August 1, 2018 to July 31, 2019, at the rental rate of 0.94 per square foot, or \$1,814.20 per month;

Whereas, Staff recommends Council authorize a one-year lease extension with William T. Wilson for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (Temple Public Library);

Whereas, the lease agreement allows for a 30-day termination clause for any reason should the lessee or the City desire to terminate the lease;

Whereas, the City will receive annual rent in year one of \$21,770.40, and those funds will be deposited into Account No. 110-0000-461-0937; and

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

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

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

Part 2: The City Council authorizes a one-year lease agreement with William T. Wilson, for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library).

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 7th day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Mitch Randles, Fire Chief

ITEM DESCRIPTION: Consider adopting a resolution amending Resolution 2018-9042-R to authorize the application for and acceptance of grant funds from the Office of the Governor, Homeland Security Grants Division's Homeland Security Law Enforcement Terrorism Prevention Activities grant program for the replacement of Haz-mat equipment.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On February 15, 2018, Council authorized Temple Fire & Rescue (TFR) to apply to the Assistance to Firefighters Grant program (AFG) to obtain funding for the replacement of hazardous materials equipment in the amount of \$132,600 and requiring a 10% City match.

During the application process it was determined that applying for grant funding through the Office of the Governor, Homeland Security Grants Division's (HSGD) Homeland Security Law Enforcement Terrorism Prevention Activities (LETPA) grant program, which is a parallel grant program to the AFG grant program but focuses on Homeland security needs was a better program fit for replacing the needed equipment. Both the AFG and LETPA grants are Federal Emergency Management Agency (FEMA) programs.

Temple Fire & Rescue has applied for grant funding through the LETPA program to replace equipment which is nearing the end of its service life. This equipment includes a Haz-mat Infrared chemical identifier with an approximate cost of \$59,950, a wide area chemical monitoring system with an approximate cost of \$58,522, and an electronic chemical weapon monitor with an approximate cost of \$12,600. The total cost of equipment replacement is \$131,072. TFR's grant application requested funding in the full equipment replacement amount of \$131,072. This is a 100% funding grant and no City match is required for this grant, unlike the AFG grant.

After review of the grant applications, Central Texas Council of Governments' (CTCOG) Homeland Security Advisory Committee recommended to the Office of the Governor HSGD that TFR's grant request be funded in the amount of \$51,789.17, and Staff anticipates funding in that amount.

In addition to amending the previous resolution and accepting any grant funding awarded, Staff also asks Council to authorize the City Manager to execute any necessary documents associated with the LETPA grant program, upon receiving a grant award.

FISCAL IMPACT: If awarded the grant, the City anticipates receiving \$51,789.17 in grant funds with no City matching funds. Funding will be available to the City on October 1, 2018 and will be used to purchase replacement Haz-mat equipment.

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING RESOLUTION 2018-9042-R TO AUTHORIZE THE APPLICATION FOR AND ACCEPTANCE OF GRANT FUNDS FROM THE OFFICE OF THE GOVERNOR, HOMELAND SECURITY GRANT DIVISION'S HOMELAND SECURITY LAW ENFORCEMENT TERRORISM PREVENTION ACTIVITIES GRANT PROGRAM FOR THE REPLACEMENT OF HAZARDOUS MATERIALS EQUIPMENT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on February 15, 2018, Council authorized Temple Fire & Rescue (TFR) to apply to the Assistance to Firefighters Grant program (AFG) to obtain funding for the replacement of hazardous materials equipment in the amount of \$132,600, which required a 10% City match;

Whereas, during the application process, it was determined that applying for grant funding through the Office of the Governor, Homeland Security Grants Division's (HSGD) Homeland Security Law Enforcement Terrorism Prevention Activities (LETPA) grant program, which is a parallel grant program to the AFG grant program but focuses on Homeland security needs, was a better program fit for replacing the needed equipment - both the AFG and LETPA grants are Federal Emergency Management Agency (FEMA) programs;

Whereas, Temple Fire & Rescue has applied for grant funding through the LETPA program to replace equipment, which is nearing the end of its service life, and which includes a hazmat infrared chemical identifier, a wide area chemical monitoring system, and an electronic chemical weapon monitor;

Whereas, the total cost of equipment replacement is \$131,072 and TFR's grant application requested funding in the full equipment replacement amount of \$131,072 - this is a 100% funding grant with no City match, unlike the AFG grant;

Whereas, after review of the grant applications, Central Texas Council of Governments' (CTCOG) Homeland Security Advisory Committee recommended to the Office of the Governor HSGD that TFR's grant request be funded in the amount of \$51,789.17, and Staff anticipates funding in that amount;

Whereas, in addition to amending the previous Resolution and accepting any grant funding awarded, Staff also recommends Council authorize the City Manager to execute any necessary documents associated with the LETPA grant program, upon receiving a grant award;

Whereas, if awarded, the City anticipates receiving \$51,789.17 in grant funds with no City matching funds required - funding will be available to the City on October 1, 2018 and will be used to purchase replacement hazmat equipment; and

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

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

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

Part 2: The City Council amends Resolution 2018-9042-R to authorize the application for and acceptance of grant funds from the Office of the Governor, Homeland Security Grant Division's Homeland Security Law Enforcement Terrorism Prevention Activities grant program for the replacement of hazardous material equipment.

Part 3: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents which may be necessary for this grant, and accept any funds that may be received for this grant.

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 7th day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



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DEPT. /DIVISION SUBMISSION & REVIEW:

Brian Chandler, Planning Director

ITEM DESCRIPTION: SECOND READING – FY-18-1-AMND: Consider adopting an ordinance authorizing amendments to Chapter 31 of the Code of Ordinances (Recreational Vehicle Parks) primarily related to definitions, application and permitting process, inspection and enforcement process, density, private streets and amenities.

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

ITEM SUMMARY: During the proposed Conditional Use Permit to allow a 72-unit RV park at 14220 State Highway 317, it became apparent that amendments to Chapter 31 were needed to improve 1) the aesthetics and amenities for this and other future RV park projects and 2) the permitting and enforcement processes to ensure the safety of these parks.

The amendments can be summarized as follows:

- Expanding the authority of those who can inspect to ensure compliance
- Streamlining the permitting and enforcement processes
- Allowing reduced private one-way drive/street widths
- Reducing the allowed density from 14 to seven RVs/acre
- Expanding the allowed continuous occupancy period from three months to six months, while also ensuring a check in and check out registration process for tracking purposes
- Expanding the required options of outdoor recreational amenities to include trails
- Requiring tree planting and picnic tables for each RV site

Planning staff has worked closely with Public Works, Code Compliance and Legal staff to get their input on the draft.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Draft Chapter 31 Amendments Ordinance](#)

Chapter 31

RECREATIONAL VEHICLE PARKS

Sec. 31-1. Purpose, scope and applicability of regulations.

(a) The purpose and scope of these regulations is to prescribe procedures and standards for the construction, extension, improvement, and maintenance of recreational vehicle parks in order to achieve and maintain an acceptable sanitary operation of and to provide for the protection of the public health, safety, and welfare within the corporate limits of the City of Temple, Texas.

(b) These regulations will be applicable to all recreational vehicles and recreational vehicle parks containing a combination of these facilities.

Sec. 31-2. Definitions.

In this chapter, the following words and phrases shall have the following meanings:

(a) *Building permit*. Written authorization issued by the city's building inspector permitting new construction or reconstruction of a recreational vehicle park or a permit authorizing the expansion or modification of an existing recreational vehicle park.

(b) *Dependent recreational vehicle*. A recreational vehicle which is so constructed that it does not have a flush toilet and a bath or shower and its own independent sewage storage tanks and is dependent on the recreational vehicle park facilities and utilities to function fully as a temporary residence.

(c) *Director of Planning*. The city employee in charge of zoning map amendments, including Conditional Use Permits (CUP).

(d) *Director of Public Works*. The city employee in charge of all municipal engineering functions and public works functions.

(e) *Independent recreational vehicle*. A recreational vehicle which has a flush toilet and a bath or shower and has its own independent storage tank and can function independently of the recreational park facilities and utilities as a temporary residence. It contains a water flush toilet, lavatory, shower, and kitchen sink, all of which are connected to water storage and sewage holding tanks elevated within the trailer.

(f) *Health District*. The Bell County Public Health District.

(g) *House trailer*. A trailer or semitrailer, other than a towable recreational vehicle, that:

(a) is transportable on a highway in one or more sections;

(b) is less than 45 feet in length, excluding tow bar, while in the traveling mode;

(c) is built on a permanent chassis;

(d) is designed to be used as a dwelling or for commercial purposes if connected to required utilities; and

(e) includes plumbing, heating, air-conditioning, and electrical systems.

(h) *Recreational vehicle*. Includes a dependent recreational vehicle, an independent recreational vehicle, a house trailer and/or a towable recreational vehicle as those terms are defined in this Chapter.

(i) *Recreational vehicle park*. A parcel of land which has been planned and improved for the placement of recreational vehicles for transient use and for the temporary parking of recreational vehicles, placement of supplementary structures, and accessory uses not prohibited by the City Code or the Unified Development Code and containing sanitary facilities for the direct discharge from recreational vehicle holding tanks and utility hookups.

(j) *Recreational vehicle stand*. A plot of ground or constructed foundation within a recreational vehicle park designed for the accommodation on a temporary basis of one recreational vehicle and its towing vehicle, if any.

(k) *Site plan*. A line drawing or set of drawings clearly describing the recreational vehicle park and its environs and including adequate labeling and dimensioning of all fundamental features of the project, the legal description of the property, and showing north point and date, which shall be drawn to engineering scale and signed and sealed by a professional engineer licensed to practice in the State of Texas.

(l) *Towable recreational vehicle*. A non-motorized vehicle that:

(a) is designed:

(i) to be towable by a motor vehicle; and

(ii) for temporary human habitation for uses including recreational camping or seasonal use;

(b) is permanently built on a single chassis;

(c) may contain one or more life-support systems; and

(d) may be used permanently or temporarily for advertising, selling, displaying, or promoting merchandise or services, but is not used for transporting property for hire or for distribution by a private carrier.

All words and phrases not specifically defined herein are to be construed in accordance with their customary usage in municipal standards of construction and planning and particularly in accordance with their meanings as defined in the applicable sections of the Temple City Code, the Unified Development Code of the City of Temple, the plumbing, electrical, fire, and building codes, and other applicable laws of said city and the State of Texas.

Sec. 31-3. Application and Permitting Process.

(a) It shall be unlawful for any person to construct, operate, alter, or extend any recreational vehicle park within the corporate limits of the City of Temple unless they hold a valid Conditional Use Permit (CUP) per Sec. 3.5 of the Unified Development Code (UDC).

(b) All CUP applications shall be made to the Director of Planning or their designee and shall contain the following:

- (1) Name and address of the applicant;
- (2) Interest of the applicant in the recreational vehicle park;
- (3) Location and legal description of the recreational vehicle park area; and
- (4) Complete site plans compiled by a registered professional engineer of the proposed park or area showing:
 - (a) The legal description and dimension of the tract of land;
 - (b) The number, location, and size of all recreational vehicle parking spaces;
 - (c) The location, width, method of construction, and detailed type of roads, walkways, and vehicle parking areas;
 - (d) The location of service buildings and other proposed structures;
 - (e) The location of water and sewer lines and riser pipes;
 - (f) Plans and specifications of the water supply, sewage disposal, collection points of refuse, and disposal arrangement;
 - (g) Plans and specifications of all buildings constructed within the park or recreational vehicle parking area;
 - (h) The location and details of lighting and electrical systems, including recreational vehicle connections; and
 - (i) Drainage calculations showing size and placement of culverts, collection, and disposal of drainage.

(c) When, upon review of the application by the Director of Planning, this director is satisfied that the proposed plans meet the requirements of this Chapter and other applicable regulations, the application will proceed to Planning and Zoning Commission for review and recommendation, followed by City Council for consideration of issuing a CUP per UDC Sec. 3.5.

(d) Building permits must be obtained to perform work within any recreational vehicle park as required by this chapter, other adopted City Code chapters, or State law regulations.

Sec. 31-4. Inspection of recreational vehicle parks.

(a) *Authority to inspect.* The Building Official, Fire Marshal, Building Inspectors, Code Compliance Officers, and Bell County Public Health District Director, or their designees, are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this chapter.

(b) *Authority to enter upon private premises.* The Building Official or their designee or the other officials or employees and their designees referenced in paragraph (a) above shall have the power to enter recreational vehicle parks and their supplementary structures or facilities to inspect and investigate conditions relating to the enforcement of this chapter.

(c) *Duty of owners.* It shall be the duty of the owners of recreational vehicle parks, sites, or lots contained therein, or of the person in charge thereof, including, but not limited to, CUP holders or recreational vehicle park managers, to give authorized inspectors free access to such areas at reasonable times to inspect and investigate conditions related to the enforcement of this chapter.

Sec. 31-5. Environmental, open space, and access requirements.

(a) *General requirements.* Condition of soil, groundwater level, drainage, and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion subject to unpredictable or sudden flooding, subsidence, or erosion shall be used for any purpose which would expose persons or property to hazards.

(b) *Soil and ground cover requirements.* Exposed ground surfaces in all parts of every recreational vehicle park shall be paved, covered with stone screenings or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and eliminating objectionable dust.

(c) *Site drainage requirements.* The ground surface in all parts of every recreational vehicle park area shall be graded and equipped to drain all surface water in a safe, efficient manner.

(d) *Park areas for nonresident uses:*

- (1) No part of any recreational vehicle park should be used for nonresidential purposes, except such uses that are required for the direct servicing and well-being of park occupants and for the management and maintenance of the park. Convenience stores, laundry, and similar conveniences are allowed under this chapter.
- (2) Nothing contained in this paragraph should be deemed as prohibiting the sale of a recreational vehicle located on a parking site, stand, or area and connected to the pertinent utilities.

(e) *Required separation between recreational vehicles.* Recreational vehicles shall be separated from each other and from other structures by at least twenty-five (25) feet. Any accessory structure to a recreational vehicle such as attached awnings, carports, or individual storage facilities shall, for purposes of this separation requirement, be considered to be part of the recreational vehicle.

(f) *Density requirement.* The density shall not exceed seven (7) recreational vehicle spaces per acre of gross site area.

(g) *Required recreational areas.*

- (1) A minimum of eight (8) percent of the gross site area for the recreational vehicle park shall be set aside as open space for open or enclosed recreational facilities. No recreational vehicle site, street, right-of-way, storage area, or utility site shall be counted in meeting this requirement. Such an area shall contain adequate facilities for recreational activities for recreational vehicle park users and their guests which may include swings, slides, playground equipment, picnic tables, swimming pools, trails, fishing ponds, community use facilities for adult recreation, and other like amenities.
 - (i) When playground space is provided, it shall be so designated and shall be protected from traffic, thoroughfares, and parking areas.
- (2) Recreational areas shall be so located as to be free of traffic hazards.
- (3) Recreational areas must be easily accessible from all recreational vehicle stands.
- (4) Recreational areas shall be maintained in a sanitary condition and free of safety hazards.

(h) *Required setbacks, buffer strips and screening:*

- (1) All recreational vehicles should be located at least twenty-five (25) feet from any public street or highway and at least fifteen (15) feet from adjacent property lines.
- (2) There should be a minimum distance of ten (10) feet between an individual recreational vehicle and adjoining pavement of a recreational vehicle park street, common parking area, or other common area.
- (3) All recreational vehicle parks shall provide screening adjacent to non-recreational vehicle park residential and non-residential uses, which shall be not less than six (6) feet nor more than eight (8) feet in height and constructed of wood, stone, brick, or concrete block or other permanent material, and having a completely solid area with no openings except for entrances and exits along the property boundary lines separating the recreational vehicle park and such adjacent uses. The recreational vehicle park owner or CUP applicant may request an exception to this requirement during the CUP process.

(i) *Park street system:*

- (1) *General requirements.* All recreational vehicle parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each recreational vehicle stand. Alignment and gradient shall be properly adapted to topography. All public streets shall comply with the UDC and the City of Temple

Design and Development Standards Manual, while internal streets within the recreational vehicle park must be constructed as provided by this section.

- (2) *Access.* Access to recreational vehicle parks shall be designed to minimize congestion and hazards at entrances and exits and allow free movement of traffic on adjacent streets. The entrance road connecting the recreational vehicle park street with a public street or road shall have a minimum road width of thirty-four (34) feet where parking is permitted on both sides, or a minimum road width of twenty-seven (27) feet where parking is limited to one side. Where the primary entrance road is more than one hundred (100) feet long and does not provide access to abutting recreational vehicle spaces within such distance, the minimum road pavement width may be twenty-seven (27) feet, provided parking is prohibited on both sides.
- (3) *Internal streets.* Internal streets shall be privately owned, built, maintained, and designed for safe and convenient access to all recreational vehicle stands and to facilities for common use of recreational vehicle park occupants. Surfaced streets shall be of adequate width to accommodate anticipated traffic and shall meet the following minimum requirements:
 - a. All two-way streets—a minimum of twenty-seven (27) feet in width;
 - b. All one-way streets – a minimum of twenty (20) feet in width; and
 - c. Dead-end streets shall be limited in length to one thousand (1,000) feet; and
 - d. Culs-de-sac shall meet the requirements of the City of Temple Design and Development Standards Manual.
- (4) *Illumination of park street systems.*
 - a. It is recommended that all parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide the following average maintained levels of illumination for the same movement of pedestrians and vehicles at night:
 - (1) All parts of the park street systems: 0.6 footcandle, with a minimum of 0.1 footcandle; and
 - (2) Potentially hazardous locations, such as major street intersections and steps or stepped ramps: Individually illuminated, with a minimum of 0.3 footcandle.
 - b. All luminaires must be full-cutoff as installed.
 - c. 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 to prevent light trespass to neighboring properties and of the sky.

(5) *Street construction and design standards.*

- a. Street surfaces. All streets shall be provided with a smooth, hard, and dense all-weather surface (double seal coat, one and one-half-inches hot mix, six-inch concrete surface), which shall be durable and well drained under normal use and weather conditions. Surface edges shall be protected to prevent raveling of the wearing surface and shifting of the base. Street surfaces shall be maintained free of cracks, holes, and other hazards.
- b. Grades. Grades of all streets shall be sufficient to ensure adequate surface drainage, but shall be not more than seven and one-half (7 1/2) percent. Short runs with a maximum grade of nine (9) percent may be permitted, provided traffic safety is assured by appropriate paving, adequate leveling areas, and avoidance of lateral curves.
- c. Intersections. Within one hundred (100) feet of an intersection, streets shall be at right angles. A distance of at least one hundred fifty (150) feet shall be maintained between center lines of offset intersecting streets. Intersections of more than two (2) streets at one point shall be avoided.

(6) *Required off-street parking areas.*

- a. Off-street parking areas shall be of the same construction as streets in all recreational vehicle parks for the use of park occupants and guests. Such areas shall be furnished at the rate of at least 1.25 car spaces for each recreational vehicle site.
- b. Required car parking spaces shall be so located as to provide convenient access to the recreational vehicle, be easily accessible to occupants and visitors, and not exceed a distance of three hundred (300) feet from the recreational vehicle that it is intended to serve.
- c. Required parking spaces shall be appropriately defined and marked and be so located and regulated that no parking, or maneuvering incidental to parking, shall be on any public street or walk.
- d. Required parking spaces shall provide adequate barriers to keep any parked vehicles from extending into or overhanging a street and be so designed that any vehicle may be parked and unparked without requiring the moving of any other vehicle.

(7) *Recreational vehicle stands.*

- a. A recreational vehicle stand should not heave, shift, or settle unevenly under the weight of a recreational vehicle due to frost action, inadequate drainage, vibration, or other forces acting on the superstructure.
- b. A recreational vehicle stand should have an asphalt, concrete, or other surface of equivalent material which shall adequately support the weight of a

recreational vehicle placed thereon and be durable and well drained under normal use and weather conditions.

- c. Each stand site must have either a preserved tree or a two-inch DBH (diameter-at-breast-height) planted tree from the City's approved tree list of Sec. 7.4.5.B., UDC.
- d. Picnic tables shall be provided for use by each stand.
- e. The inclusion of a grill, fire ring (at least 10 feet from recreational vehicle stand with a metal mesh cover), or covered pavilion is required.

Sec. 31-6. Water supply.

(a) *General requirements.* An accessible, adequate, safe, and potable supply of water shall be provided in each recreational vehicle park.

(b) *Source of supply.*

- (1) The water supply shall be of acceptable quality and be capable of supplying the needs of all occupants of the recreational vehicle park. The water supply system shall be the City of Temple water supply system, a system managed by said city, or an approved rural water supply system. No wells will be permitted unless they are in conjunction with the above-mentioned water systems.
- (2) No well casings, pumping machinery, or suction pipes shall be placed in any pit, room, or space above ground, which is walled in or otherwise enclosed, unless such room, whether above or below ground, shall have free drainage by gravity to the surface of the ground.

(c) *Water storage reservoirs.* All water storage reservoirs shall be covered, watertight, and constructed of impervious material. Overflows and vents of such reservoirs shall be effectively screened. Manholes shall be constructed with overlapping covers, so as to prevent the entrance of contaminated materials. Reservoir overflow pipes shall discharge through an acceptable air gap.

(d) *Water distribution system.*

- (1) The water supply system of the recreational vehicle park shall be connected by pipes to all recreational vehicles, buildings, and other facilities requiring water.
- (2) All water piping, fixtures, and other equipment shall be constructed and maintained in accordance with state and local regulations and requirements. Public water supply improvements shall be of a type and in locations approved by the City's Public Works Department or the approved rural water system, while private water supply improvements shall be approved by the appropriate inspector.
- (3) Every recreational vehicle site shall be provided with an individual branch

service line delivering safe, pure, and potable water. The outlet of the branch service line shall terminate on the left side of the site of the recreational vehicle.

- (4) Water service lines to each recreational vehicle site shall be sized to provide a minimum of eight (8) gallons per minute (gpm) at the point of connection with the recreational vehicle distribution system.
- (5) A backpressure backflow preventer or reduced pressure principle backflow preventer shall be installed on the branch service line to each independent recreational vehicle at or near the trailer service connection. Backflow preventive devices shall be of an approved type certified by a recognized testing agency as to compliance and performance outlined herein. Valves shall be designed and maintained to close drip tight at a reduced pressure of not less than one (1) nor more than five (5) pounds per square inch. Valves must be identified with the manufacturer's name and model number.
- (6) A separate service shutoff valve shall be installed in each branch service line on the supply side of the backflow preventer device.
- (7) The individual branch service line shall be not less than one-half (1/2) inch in diameter; no rigid pipe may be used. Flexible metal tubing is permitted. Fittings at either end shall be of a quick disconnect type not requiring any special tools or knowledge to install or remove.

(e) *Service buildings.*

- (1) Each recreational vehicle park shall have at least one service building to provide necessary sanitation and laundry facilities. Those parks serving independent recreational vehicles are required to have the minimum sanitation and laundry fixtures and facilities as provided by this section (e).
- (2) Service buildings shall be of permanent construction with an interior finish of moisture-resistant material which must withstand frequent washing and cleaning; service buildings shall be well lit and ventilated at all times.
- (3) The service buildings of independent recreational vehicle parks shall have a minimum of the following sanitation and laundry fixtures as follows:
 - (a) For women:
 - i. One laundry tray;
 - ii. One bathroom with flush toilet and sink; and
 - iii. One shower or bathtub.
 - (b) For men:
 - i. One laundry tray;

- ii. One bathroom with flush toilet and sink; and
 - iii. One shower or bathtub.
- (4) The service buildings in recreational vehicle parks that accommodate dependent recreational vehicles shall have a minimum of the following sanitation and laundry fixtures as follows:
 - (a) For women:
 - i. One laundry tray;
 - ii. Two (2) toilet stalls with flush toilets;
 - iii. One sink; and
 - iv. One shower or bathtub.
 - (b) For men:
 - i. One laundry tray;
 - ii. One toilet stall with flush toilet;
 - iii. One urinal;
 - iv. One sink; and
 - v. One shower or bath tub.
 - (c) One slop-water closet for emptying containers of human waste.
 - (d) The fixtures required in subsections 31-7(e)(4)(a) and (b) above are for a maximum of ten (10) dependent recreational vehicles.
 - i. For every ten (10) additional dependent recreational vehicles the following additional fixtures shall be provided: one laundry tray and one shower or bathtub for each sex and one toilet stall with flush toilet for each sex.
 - (e) No dependent vehicle shall be parked at any time in a space designed and designated for an independent recreational vehicle unless public toilet and bath facilities are available within two hundred (200) feet of the dependent recreational vehicle.
- (5) Hot and cold water shall be provided for all sanitation and laundry fixtures except toilets and urinals. All slop-water closets shall be provided with hot and cold water faucets over the bowl in addition to the flushing mechanism

(preferably a flushometer valve).

- (6) Each toilet, slop-water closet, bathtub, and shower, shall be in a separate compartment, with self-closing doors on all toilet compartments (toilet stalls). Shower stalls shall be a minimum of three (3) feet wide by three (3) feet long in area. Women's shower stalls must have a separate dressing compartment with a stool or bench.
- (7) All rooms containing toilets, slop-water closets, bathtubs, and showers shall be screened to prevent direct view of the interior of the room when the exterior doors are open.
- (8) A floor drain (minimum of three (3) inches) shall be installed in each toilet room and laundry room.
- (9) Service buildings shall be screened from other activities by visual barriers such as fences, walls, or natural growth and shall be separated from any recreational vehicle space by a distance of at least fifty (50) feet.

(f) *Materials.* Unless otherwise provided for in this chapter, all plumbing fixtures, piping, drains, appurtenances, and appliances designed and used in a recreational vehicle park sanitary sewer collection and water supply system and service connections shall be installed in conformance with all applicable State and local regulations.

(g) *Sanitary Sewer Collection System.*

- (1) The main sewer and sewer laterals shall be installed in a separate trench not less than five (5) feet from the park water service or distribution.
- (2) The minimum size of pipe in any recreational vehicle park sewer system shall be four (4) inches for services and six (6) inches for mains.
- (3) Each recreational vehicle shall be considered as six (6) fixture units in determining discharge requirements in the design of park drainage and sewage disposal systems.
- (4) Minimum grade for sewers shall be so designed that the flow will have mean velocity of two (2) feet per second when the pipe is flowing half full.
- (5) The discharge of a recreational vehicle park drainage system shall be connected to a public sewer. Where a public sewer is not available, an individual sewage disposal system shall be installed of a type that is acceptable and approved by the administrative authority or other law enforcement agency having jurisdiction over this regulation.
- (6) Manholes and/or cleanouts shall be provided as required in the City Code of Ordinances, and Texas Commission on Environmental Quality (TCEQ) regulations. Manholes and cleanouts shall be accessible and brought to grade.
- (7) The main sewer shall be provided with a minimum four-inch vent, not more than

five (5) feet downstream from its upper trap, and long mains shall be provided with additional relief vents at intervals of not more than two hundred (200) feet thereafter, if the manhole covers are not of the perforated type. These relief vents shall be a minimum of four (4) inches and shall be securely supported and extended a minimum of ten (10) feet above the ground.

- (8) Branch lines or sewer laterals to individual recreational vehicles shall be not less than four (4) inches in diameter.
 - a. Sewer inlets shall be four (4) inches in diameter and extend above grade three (3) inches to six (6) inches. Each inlet shall be provided with a gas-tight seal when connected to a recreational vehicle and have a gas-tight plug for use when not in service.
 - b. Each recreational vehicle site shall be provided with a house trap. Sewer laterals over thirty (30) feet shall be properly vented and provided with a cleanout brought to grade.
 - c. To provide the shortest possible drain connection between the recreational vehicle outlet and drain inlet, all drain inlets shall terminate with reference to the site location of the recreational vehicle.
 - d. Drain connection shall slope continuously downward and form no traps. All pipe and connections shall be installed and maintained gas- and water- tight.
 - e. No sewage, wastewater, or any other effluent shall be allowed to be deposited on the surface of the ground.
 - f. Upon completion and before covering, the sanitary sewer collection system shall be subjected to a static water test. The water test shall be applied to the drainage system either in its entirety or in sections. If applied to the entire system, all openings in the piping shall be tightly closed, except the highest opening, and the system shall be filled with water to point of overflow.

If the system is tested in sections, each opening shall be tightly plugged except the highest opening of the section under test, and each section shall be filled with water, but no section shall be tested with less than a ten-foot head of water.

In testing successive sections at least the upper ten (10) feet of the next preceding section shall be tested, so that no joint or pipe in the system shall have been submitted to a test of less than a ten-foot head of water. The water shall be kept in a system, or in the portion under test, for at least fifteen (15) minutes before inspection starts; the system shall then be tight at all points.

(h) *Recreational vehicle connections; responsibility.*

- (1) When it is evident that there exists, or may exist, a violation of these rules, the owner, operator, lessee, person in charge of the recreational vehicle park, or any other person causing a violation shall correct the violation immediately or disconnect the service connection and recreational vehicle drain connection from the respective park branch service line and sewer lateral, or both as required for health and safety reasons.
- (2) Recreational vehicle drain connections shall be of approved semi-rigid or flexible reinforced hose having smooth interior surfaces of not less than three (3) inches inside diameter. Drain connections shall be equipped with a standback quick disconnect screw or clamp-type fitting, not less in size than the outlet. Drain connections shall be gas-tight and no longer than necessary to make the connection between the recreational vehicle outlet and the trip inlet on the site.

(i) *Maintenance.* All devices or safeguards required by this chapter shall be maintained in good working order. The owner, operator, lessee, person in charge of the recreational vehicle park, or his or her designated agent shall be responsible for their maintenance.

Sec. 31-7. Sewage disposal.

(a) *General requirements.* An adequate, safe sewage system shall be provided in all recreational vehicles for conveying and disposing of all sewage. Where an approved public system is available, such system will be used. Where a public system is not available, a recreational vehicle park system will be developed. Such system shall be designated, constructed, and maintained in accordance with state and local laws and will be approved by the appropriate health agency. In the event a "package" sewage disposal plant is used, a permit must be obtained from TCEQ and comply with applicable sections of the City Code.

(b) *Sanitary stations; dump station.*

- (1) A sanitary station shall be provided consisting of at least a trapped four-inch sewer riser pipe, connected to the recreational vehicle parking area sewerage system, surrounded at the inlet end by a concrete apron at least one hundred (100) square feet in area and sloped to the drain, which shall be provided with a suitable hinged cover and a water outlet, with the necessary appurtenances, connected to the recreational vehicle park area water supply system to permit periodic washdown of the immediate adjacent areas.

(c) *Sewer lines.* All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movement and shall be separated from the park water supply system at a safe distance. Sewers shall be at a grade which will ensure a velocity of two (2) feet per second when flowing at one-half capacity or one-half full. All sewer lines shall be constructed of materials approved by the applicable authority, shall be adequately vented, and shall have watertight joints.

(d) *Individual sewer connections.*

- (1) Every independent recreational vehicle shall provide a gas- and water-tight connection for sewage disposal which shall be connected to an underground sewage collection system discharging into a public or private disposal system.
- (2) The sewer riser pipe shall have at least a four-inch diameter, shall be trapped below the ground surface, and shall be located on the recreational vehicle stand so that the sewer connection to the recreational vehicle drain outlet will be approximately a vertical position.
- (3) The sewer connection shall have a nominal inside diameter of at least three (3) inches, and this slope of any portion thereof shall be at least one-fourth (1/4) inch per foot. The sewer connection shall consist of one pipe line only without any branch fittings. All joints shall be watertight.
- (4) All materials used for sewer connections shall be semi-rigid, corrosive resistant, nonabsorbent, and durable. The inner surface shall be smooth.
- (5) When a recreational vehicle site or dump station is not occupied, the sewer pipe must be capped. The rim of the pipe must be at least four (4) inches above ground elevation, and drainage shall be diverted away from it.
- (6) Installation of all risers, underground traps, septic tanks, and drain fields will be accomplished under the supervision of a plumber licensed by the State of Texas.
- (7) Where septic tanks and drain fields are used in recreational vehicle parks, individual septic systems for each recreational vehicle stand will be used. Exceptions to this requirement may be granted by the Director of Public Works where reasonable justification is presented by the applicant.

Sec. 31-8. Electrical distribution system.

(a) *General requirements.* Every recreational vehicle park shall contain an electrical wiring system consisting of wiring, fixtures, equipment, and appurtenances which shall be installed and maintained in accordance with the applicable codes and regulations governing such systems. All installation work of electrical fixtures will be accomplished in accordance with all applicable State and local regulations.

(b) *Power distribution lines.*

- (1) If individual recreational vehicle spaces are connected to the electrical wiring system, an approved type of disconnection device and overcurrent protective equipment shall be one hundred twenty (120) volts AC, fifteen (15) amperes and/or thirty (30) amperes.
- (2) Outlet receptacles at each recreational vehicle stand shall be located not more

than twenty-five (25) feet from the overcurrent protective devices in the recreational vehicle and a three-pole, four-wire grounding type shall be used. Receptacles shall be of weatherproof construction and configurations shall be in accordance with American Standard Outlet Receptacle C-73.1.

- (3) A minimum of number six (6) American Wire Gauge (AWG) copper wire or its equivalent will be used from service drop to metering equipment, overcurrent protection devices, and receptacle.
- (4) Reserved.
- (5) When the calculated load of the recreational vehicle is more than fifty (50) amperes, either a second outlet receptacle shall be installed or electrical service shall be provided by means of permanently installed conductors.

(c) *Required grounding.* All exposed noncurrent carrying metal parts of recreational vehicles and all other equipment shall be grounded by means of an approved grounding conductor with branch circuit conductors or other approved method of grounding metallic wiring. The neutral conductor shall not be used as an equipment ground for recreational vehicles or other equipment.

Sec. 31-9. Service building and other community service facilities.

(a) *Generally.* The requirements of this section shall apply to service buildings, recreation buildings, and other community service facilities such as:

- (1) Management offices, repair shops, and storage areas;
- (2) Sanitary facilities;
- (3) Laundry facilities;
- (4) Indoor recreation areas; and
- (5) Commercial uses supplying essential goods or services for the exclusive use of park occupants and guests.

(b) *Service buildings.*

- (1) A service building containing the necessary toilet and other plumbing fixtures specified in this chapter shall be provided in recreational vehicle park areas which provide stands for dependent recreational vehicles. Service buildings shall be conveniently located within a radius of approximately three hundred (300) feet to these stands.
- (2) When a recreational vehicle park area requiring a service building is operated in connection with a resort or other business establishment, the number of sanitary facilities for such business establishment shall be in excess of those required by this chapter for recreational vehicle stands and shall be based on

the total number of persons using such facilities as determined by the Director of Public Works.

(c) *Structural requirements for service buildings, recreation buildings, and other community service facilities.*

- (1) All portions of these structures shall be properly protected from damage by ordinary uses and by decay, corrosion, termites, and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.
- (2) All rooms containing sanitary or laundry facilities shall:
 - a. Have sound-resistant walls extending to the ceiling between male and female facilities. Walls and partitions around showers, bathtubs, toilets, and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof materials or covered with moisture-resistant material.
 - b. Have at least one window which can be easily opened or a mechanical device which will adequately ventilate the room.
- (3) Illumination levels shall be maintained as follows:
 - a. General seeing tasks--five (5) footcandles;
 - b. Laundry room work area--forty (40) footcandles; and
 - c. Toilet room, in front of mirrors--forty (40) footcandles.

(d) *Barbeque pits, grills, fireplaces, and stoves.* Cooking shelters, barbeque pits, grills, fireplaces, woodburning, gas, and propane stoves shall be so located, constructed, maintained, and used as to minimize fire hazards and smoke nuisance both on the property where it is used and as well as on adjacent property. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

Sec. 31-10. Refuse handling.

(a) The storage, collection, and disposal of refuse in the recreational vehicle park area shall be so conducted as to create no health hazard, rodent harborage, insect breeding areas, accident or fire hazards, or air or water pollution. Disposal of garbage will comply with State and local regulations pertaining to disposal of municipal solid waste.

(b) All refuse shall be stored in flytight, watertight, rodentproof containers which shall be located not more than one hundred fifty (150) feet from any recreational vehicle space or stand. Containers shall be in sufficient number and capacity to properly store all refuse and shall be supplied by the owner, operator, lessee, or person in charge of the recreational vehicle park or their designated agent.

(c) Garbage collection stands shall be provided by the CUP holder, owner, operator,

lessee, or person in charge of the recreational vehicle park or their designated agent for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around these containers and stands.

(d) All garbage shall be collected at least twice weekly. Where suitable collection service is not available from municipal or private agencies, CUP holder, owner, operator, lessee, or person in charge of the recreational vehicle park or their designated agent, shall provide the service. All refuse shall be collected and transported in covered vehicles or covered containers.

(e) Where municipal or private disposal service is not available, the recreational vehicle park operator shall dispose of the refuse by an approved incineration or method of transporting to a disposal site approved by the health authority. Such site must comply with state health department and local solid waste disposal regulations.

(f) Reserved.

Sec. 31-11. Insect and rodent control.

(a) Grounds, buildings, and structures shall be maintained so to be free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the health authority.

(b) Recreational vehicle parks shall be maintained so to be free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.

(c) Storage areas shall be so maintained as to prevent rodent harborage. Lumber, pipe, and other building material shall be stored at least one foot above the ground.

(d) Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials to prevent such infestation.

(e) The growth of brush, weeds, and grass shall be controlled to prevent harborage of ticks, chiggers, and other noxious insects. Recreational vehicle parks and their environs shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

Sec. 31-12. Fuel supply and storage.

(a) *Natural gas system.*

(1) Natural gas piping systems when available and utilized shall be installed and maintained in accordance with applicable City and State codes and regulations governing such systems.

(2) Each recreational vehicle space or stand provided with pipe gas shall have an

approved manual shutoff valve installed up stream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

(b) Liquefied petroleum gas system.

- (1) Liquefied petroleum gas ("LPG") systems shall be installed and maintained in accordance with applicable City and State codes and regulations governing such systems.
- (2) Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
- (3) Systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the recreational vehicle and shall be maintained in effective operating condition.
- (4) All LPG piping outside of the recreational vehicles shall be well supported and protected against mechanical injury. Undiluted LPG in liquid form shall not be conveyed through piping equipment and systems in recreational vehicles.
- (5) LPG containers installed on a recreational vehicle stand shall be securely, but not permanently fastened, to prevent accidental overturning. Tanks fastened to recreational vehicles shall not be less than five (5) nor more than sixty (60) U.S. gallons gross capacity.
- (6) No LPG vessel shall be stored or located inside or beneath any storage cabinet, carport, recreational vehicle, or other structure, unless such installation is approved by the health authority or fire department.

(c) Fuel oil supply systems.

- (1) All fuel oil supply systems shall be installed and maintained in accordance with applicable City and State codes and regulations governing such systems. All piping from outside fuel storage tanks or cylinders to recreational vehicles shall be permanently installed and securely fastened in place.
- (2) All fuel oil storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath any recreational vehicle or less than five (5) feet from a recreational vehicle exit.
- (3) Storage tanks located in areas subject to traffic shall be protected against physical damage.

Sec. 31-13. Fire protection.

(a) The recreational vehicle park areas shall be subject to the rules and regulations of the City Code, Fire Marshal, and City of Temple Fire Department and any other applicable local, state and national fire codes or regulations.

(b) Recreation vehicle parks shall be kept free of litter, rubbish, and other flammable materials.

(c) Portable fire extinguishers of an approved type shall be kept in service buildings and at all other locations designated by the Fire Marshal or their designee and shall be maintained in good operating condition.

(d) Fires shall be made only in stoves, fire rings or pits, and other equipment intended for such purpose. All fire rings and pits shall be a minimum of ten (10) feet away from any structure or vehicle, including a recreational vehicle, and shall have a mesh metal cover.

(e) Fire hydrants shall be installed if the park or area water supply system is capable of serving them in accordance with the following requirements:

- (1) The water supply system permits the operation of minimum of two (2) one-and-one-half (1 ½) inch hose streams.
- (2) Each of two (2) nozzles, held four (4) feet above the ground, is capable of delivering at least seventy-five (75) gallons of water per minute at a flowing pressure of at least thirty (30) pounds per square inch at the highest elevation point of the park or area.

(f) Fire hydrants, if provided, shall be located within five hundred (500) feet of any recreational vehicle service building or other structure in the recreational vehicle park or area.

(g) The name of each recreational vehicle park shall be displayed on a sign having dimensions of not less than eighteen (18) square feet and shall be displayed in a conspicuous place when viewed from a public street or highway. Lettering shall not be less than eight (8) inches in height.

Sec. 31-14. Miscellaneous requirements.

(a) *General responsibilities for persons responsible for recreational vehicle park.* Parties responsible for the recreational vehicle park, including, but not limited to, the CUP holder, property owner, recreational vehicle park operator, lessee, or management and their designees, shall operate the park in compliance with this chapter and other regulations issued hereunder and shall provide adequate supervision to maintain the recreational vehicle park and its environs, facilities, and equipment in good repair and in a clean and sanitary condition.

(b) *Notification of park occupants of their duties and responsibilities.* Parties responsible for the recreational vehicle park, including, but not limited to, the CUP holder, property owner, recreational vehicle park operator, lessee, or management and their designees, shall notify recreational vehicle park occupants of all applicable provisions of this chapter and inform them of their duties and responsibilities under this chapter issued hereunder.

(c) *Supervision of recreational vehicle stand placement.* Parties responsible for the

recreational vehicle park, including, but not limited to, the CUP holder, property owner, recreational vehicle park operator, lessee, or management and their designees, shall supervise the placement of each recreational vehicle stand, which includes securing its stability and installing all utility connections.

(d) *Maintenance of register.* Parties responsible for the recreational vehicle park, including, but not limited to, the CUP holder, property owner, recreational vehicle park operator, lessee, or management and their designees, shall maintain a register containing the names of all recreational vehicle park occupants.

(e) *Designation of park office.* Parties responsible for the recreational vehicle park, including, but not limited to, the CUP holder, property owner, recreational vehicle park operator, lessee, or management and their designees, if a manager of the recreational vehicle park is living as a resident of the park, shall designate an office within the recreational vehicle park. In the absence of a manager of the recreational vehicle park living on site, the listed responsible parties must have posted a conspicuous sign indicating the telephone number of a local management representative.

(f) *General responsibilities of recreational vehicle occupants.* Recreational vehicle park occupants shall comply with all applicable requirements of this chapter and shall maintain their recreational vehicle stand and environs, its facilities, and equipment in good repair and in a clean and sanitary condition.

(g) *Placement of recreational vehicle on stand.* Recreational vehicle park occupants shall be responsible for the proper placement of their recreational vehicles on stands and proper installation of all utility connections in accordance with the instructions and under the supervision of the parties responsible for the recreational vehicle park, including, but not limited to, the CUP holder, property owner, recreational vehicle park operator, lessee, or management and their designees.

(h) *Animals.* No owner or person in care, custody, or control of a dog, cat or other animal shall permit it to run at large or to commit any nuisance within the limits of any recreational vehicle park or its environs.

(i) *Restrictions on occupancy.* A dependent recreational vehicle shall not be occupied for dwelling purposes unless it is properly placed on a stand and connected to water, sewerage, and electrical utilities.

(j) *Compliance with city regulations.* The parties responsible for the recreational vehicle park, including, but not limited to, the CUP holder, property owner, recreational vehicle park operator, lessee, or management and their designees, and all park occupants shall fully comply with all other applicable sections of the Temple City Code, the UDC, and all other local ordinances, regulations, and state and federal laws, as amended.

Sec. 31-15. Permanent occupancy prohibited.

(a) No recreational vehicle park shall be used as a permanent place of abode or dwelling. Continuous occupancy extending beyond six (6) months in any twelve-month period shall be presumed to be permanent occupancy and is prohibited.

(b) Any action toward removal of the wheels of a recreational vehicle, except for temporary purposes of repair or to attach the trailer to the ground for stabilization, is prohibited.

Sec. 31-16. Enforcement.

(a) Criminal Penalties.

- (1) An offense of this Chapter is a Class C misdemeanor, fine-only offense, punishable by a fine not to exceed \$500.
- (2) The State is not required to prove a culpable mental state for offenses of this chapter.
- (3) Each separate occurrence of a violation and each day a violation continues will constitute a separate offense.

(b) Civil Remedies.

- (1) The City of Temple may petition the applicable court of competent jurisdiction for injunctive relief, civil penalties, or both, whenever it appears that a person has violated or continues to violate any provision of this chapter pertaining to the preservation of public health or safety.
 - (2) The City of Temple may seek temporary or permanent injunctions that prohibit any conduct that violates any provision of this chapter or an order compelling the specific performance of any action that is necessary for compliance with any provision of this chapter.
- (c) The City of Temple may revoke or modify any CUP issued under this chapter as provided by Sec. 3.5.6, UDC.
- (d) Enforcement under this chapter does not preclude enforcement or prosecution by the State, or any other authority under local, state, or federal law.
- (e) The City's decision to pursue civil or criminal remedies is not exclusive; the City may pursue criminal or civil remedies, or both, for any violation of this chapter.

ORDINANCE NO. 2018-4915
(FY-18-A-AMND)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 31, "RECREATIONAL VEHICLE PARKS" RELATED TO DEFINITIONS, APPLICATION AND PERMITTING PROCESSES, INSPECTION AND ENFORCEMENT PROCESSES, DENSITY, PRIVATE STREETS AND AMENITIES; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, during the proposed Conditional Use Permit (CUP) to allow a 72-unit recreational vehicle (RV) park at 14220 State Highway 317, it became apparent that amendments to Chapter 31 were needed to improve the aesthetics and amenities for this and other future RV park projects, and the permitting and enforcement process to ensure the safety of these parks;

Whereas, the amendments requested are as follows:

- Expanding the authority of those who can inspect to ensure compliance of RV parks;
- Streamlining the permitting and enforcement process;
- Allowing reduced private one-way drive/street widths;
- Reducing the allowed density from 14 to 7 RVs per acre;
- Expanding the allowed continuous occupancy period from 3 months to 6 months, while also ensuring a check in and check out registration process for tracking purposes;
- Expanding the required options of outdoor recreational amenities to include trails; and
- Requiring tree planting and picnic tables for each RV site;

Whereas, for the above reasons, Staff recommends Council amend the Code of Ordinances, Chapter 31 "Recreational Vehicle Parks" related to definitions, application and permitting processes, inspection and enforcement processes, density, private streets and amenities, as outlined in Exhibit 'A,' attached hereto and incorporated herein for all purposes; and

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

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

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

Part 2: The City Council amends Chapter 31 of the Code of Ordinances, "Recreational Vehicle Parks" as attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **17th** day of **May**, 2018.

PASSED AND APPROVED on Second Reading on the **7th** day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/07/18
Item #4(L)
Consent Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Brian Chandler, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-18-10: Consider adopting an ordinance authorizing a Conditional Use Permit and its development site plan to allow a recreational vehicle park on 18.58 +/- acres situated in the Sarah Fitzhenry Survey, Abstract No. 312, located at 14220 State Highway 317.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At their April 16, 2018 meeting, P&Z recommended unanimous approval per staff recommendation.

STAFF RECOMMENDATION: Staff recommends approval of the requested Conditional Use Permit and its development site plan with the following conditions:

1. The 20-foot pavement width requires a Code of Ordinance Chapter 31 code amendment
2. Minimum two inch diameter (at breast height) trees from the City's approved tree list
3. Amenities to include grills, picnic tables, a pavilion, dog park, pool, and playground

ITEM SUMMARY: Virgel Smith is pursuing a Conditional Use Permit to allow a 72-unit RV park on his property. Voluntary annexation was approved by City Council at Second Reading on May 3, 2018.

The proposed CUP will also be subject to a required development site plan for the RV park. The CUP development site plan proposes 72 RV stands with a parking space at each site, which represents a density of 3.88 RVs/acre and is significantly lower than the 14 RVs/acre maximum per Chapter 31. The RV park proposes a private roadway providing circulation throughout the development to a laundry facilities, restrooms, recreational area, private horse stables and equine area, pool, RV park office, and a dumpster area. **But the proposed CUP development site plan is not compliant with the following requirements of the City of Temple Code of Ordinance Section 31: Recreational Vehicle Parks.**

1. The private roadway width does not meet the minimum pavement width of 27 feet;
2. However, staff has agreed to propose Code of Ordinance Chapter 31 code amendments allowing 20 feet of paving for one-way drives
 - a. The proposed Code Amendments will also be presented at the May 17, 2018 City Council meeting

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

Future Land Use Map (CP Map 3.1)

If City Council approves Virgel Smith's voluntary annexation, the subject property would be annexed with an Agricultural zoning district designation within the **Agricultural/Rural character district** of the *Choices '08* City of Temple Comprehensive Plan. **Since RV parks are allowed with the Agricultural zoning district with a CUP and the applicant's proposal includes overall low density (3.88 RVs/acre), the requested use complies with the Future Land Use Map.**

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

The subject property fronts State Highway 317, a major arterial on the Thoroughfare Plan. **This request complies with the Thoroughfare Plan.**

Availability of Public Facilities (CP Goal 4.1)

The City of Temple does not have water facilities within the boundaries of the subject property. Pendleton Water Supply Corp. CNN is the water provider for the subject property. Per staff's request, the applicant has submitted a letter from Pendleton Water Supply Corp. CNN confirming there is a six inch water line directly across State Highway 317 from the proposed RV park that can supply a fire hydrant with 400 GPM at 20 PSI. A septic system is proposed for the RV park, which would require approval by the Bell County Sanitarian.

DEVELOPMENT REVIEW COMMITTEE (DRC): DRC met on March 19th (internally) and 22nd (with applicant) to review the project and all comments have been sufficiently addressed by the applicant.

PUBLIC NOTICE: Fourteen notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property, as required by State law and City Ordinance. As of Tuesday, May 8, 2018 four notices were returned from the applicant in favor of the Conditional Use Permit and four notices were returned in denial of the request, representing an opposition area calculation of 37.6%, triggering a super-majority vote requirement (four of five) to approve by City Council.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Location map with Aerial](#)
[Zoning Map](#)
[Future Land Use and Character Map](#)
[Thoroughfare Map](#)
[Utility Map](#)
[Notification Map](#)
[Opposition Map](#)
[Notification Response Letters](#)
[CUP Development Site Plan Exhibits](#)
[Ordinance](#)



AG with CUP

AERIAL MAP

Zoning Case :
Z-FY-18-10


Address :
14220 SH 317

Transportation

Streets

 MAJOR ARTERIAL


 LOCAL STREET

 Temple Municipal Boundary

Parcel Features

 Parcels

 ETJ Parcels

 Production.SDE.Easement

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

tlyerly

Date: 3/14/2018





AG with CUP

Zoning Case :
Z-FY-18-10

Address :
14220 SH 317

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

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tlyerly

Date: 3/15/2018



AG

11300
PropID:
404810

14022
PropID:
96567
7222-A

14022
PropID:
66601
7221-A

14022
PropID:
71356
7220-A

14022
PropID:
96415
7219-A

14096
PropID:
68943
7218-A

14052
PropID:
13966
7217-A

AG

STATE HIGHWAY 317

SF-1

8334
PropID:
36509

8330
PropID:
36509

8326
PropID:
36509

8322
PropID:
36509

8318
PropID:
36509

8314
PropID:
36509

8310
PropID:
36509



AG with CUP FUTURE LAND USE MAP

Zoning Case :
Z-FY-18-10

Address :
14220 SH 317

Transportation

- EXPRESSWAY
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- RAMP

Parcel Features

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

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tlyerly

Date: 3/14/2018





AG with CUP THOROUGHFARE AND TRAILS MAP

Zoning Case :
Z-FY-18-10

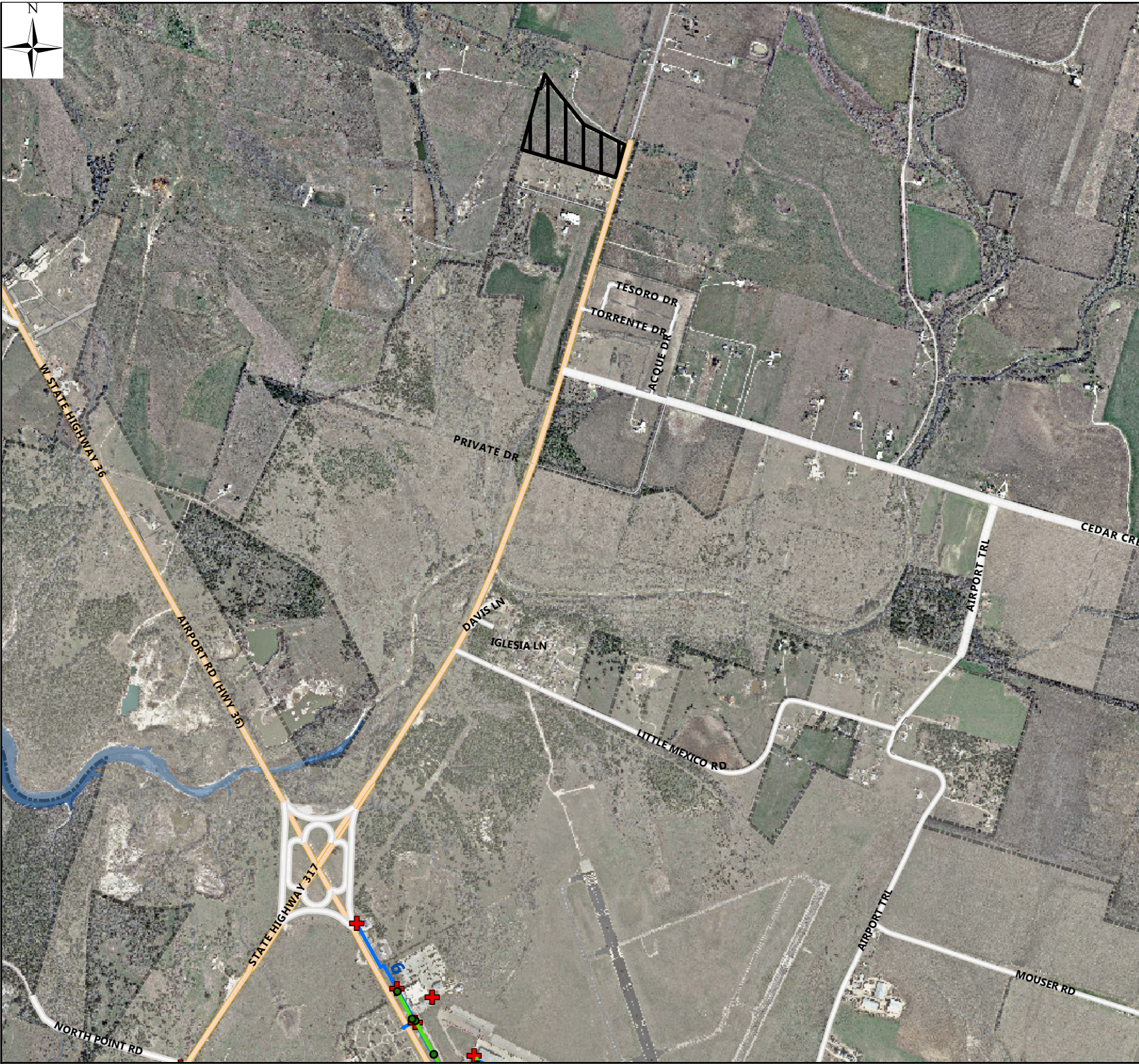
Address :
14220 SH 317

- Parcel Features**
- Parcels
 - Thoroughfare Plan
 - Expressway
 - Major Arterial
 - Proposed Major Arterial
 - Minor Arterial
 - Proposed Minor Arterial
 - Collector
 - Proposed Collector
 - Trails Master Plan
 - EXISTING, CITY WIDE SPINE
- Legend:**
- EXISTING, COMMUNITY WIDE CONNECTOR
 - EXISTING, LOCAL CONNECTOR
 - PROPOSED, CITY WIDE SPINE
 - PROPOSED, COMMUNITY WIDE CONNECTOR
 - PROPOSED, LOCAL CONNECTOR
 - Production.SDE

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

tlyerly
Date: 3/14/2018





AG with CUP

UTILITY MAP

Zoning Case :
Z-FY-18-10

Address :
14220 SH 317

Sewer

● Manhole

— Gravity Main

WaterDistribution

+ Hydrant

— Main

□ Production.SDE.Easement

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tlyerly
Date: 3/14/2018

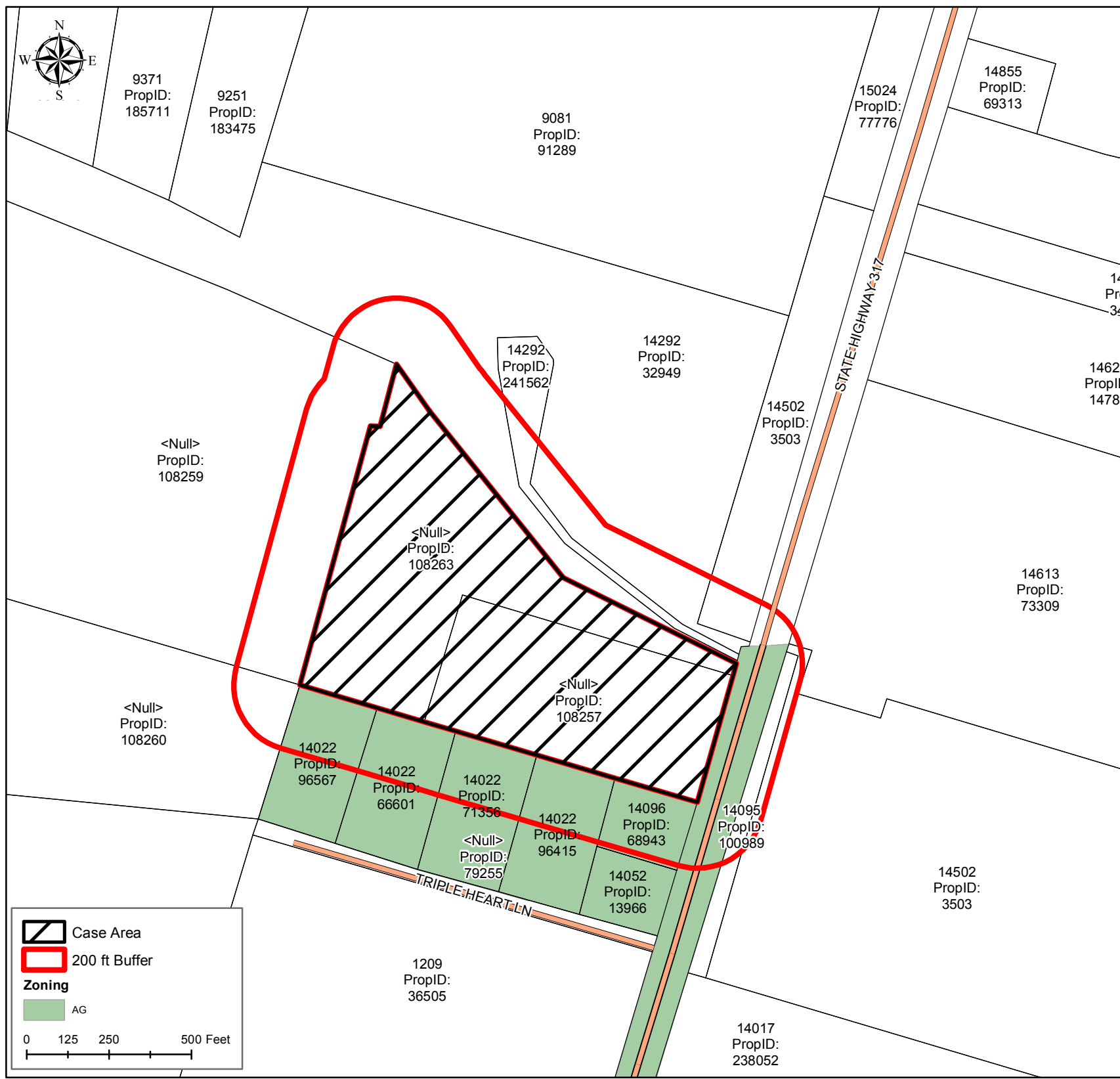


Z-FY-18-10

200'

NOTIFICATION MAP

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9251
PropID:
183475

9081
PropID:
91289

15024
PropID:
77776

14855
PropID:
69313

Z-FY-18-10
Opposition Map

<Null>
PropID:
108259

14292
PropID:
241562

14292
PropID:
32949

14502
PropID:
3503

1462
PropID
14782

14613
PropID:
73309

<Null>
PropID:
108260

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PropID:
108263

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PropID:
108257

PropID:
96567

14022
PropID:
66601

14022
PropID:
71356

14022
BrepID:

14096
PropID
68943

14096
PropID:
68943

14095
PropID:
100989

14095
PropID:
100989


14502
PropID:
3503

1209
PropID:
36505

14017
PropID:
238052

 Case Area
 200 ft Buffer
 Opposition Area

Zoning

 AG

0 125 250 500 Feet

Opposition area - 357,056.803 sq ft.
Buffer area - 949,625.537 sq ft.

Opposition percentage - 37.60%

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

RAMIREZ, CECILIO ESTATE ETUX ANALIZA
14022 STATE HIGHWAY 317 UNIT 100
TEMPLE, TX 76504-6068

Zoning Application Number: Z-FY-18-01

Case Manager: Tammy Lyerly

Location: 14220 State Highway 317

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

I () agree

☒ disagree with this request

Comments:

I have disabled daughter and plan to live on our homestead with my daughter as long as god allows. My biggest fear is a person stay at RV Park assaulting my daughter. I am sure my disagreement will not stop the

Analiza Ramirez
Signature

Analiza Ramirez
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, tllyerly@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **April 2, 2018**.

Process but if a metal 10' Fence was put up I would feel a little safer.

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

Number of Notices Mailed: 14

Date Mailed: March 22, 2018

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

Please think about my innocent child who will always trust everyone ^{because of} her disability. Thank you a concerned mom.



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

BUTLER, MARGARET H
14022 STATE HIGHWAY 317 UNIT 200
TEMPLE, TX 76504-6066

RECEIVED

APR - 2 2018

City of Temple
Planning & Development

Zoning Application Number: Z-FY-18-01

Case Manager: Tammy Lyerly

Location: 14220 State Highway 317

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:

Having a mobile trailer park may increase crime rate, the traffic on the Highway will be worse, the property value will go down. The taxes will probably increase. They would need a nice wall blocking the view of a lot of RV's & NICE WALLS. Safety on the road with the horses and big RV's in and out on a narrow highway with speeds of 70 or higher. No turn lanes for either side of the road.
Margaret H. Butler

Signature

Print Name

Chita D. Butler

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, tyerly@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **April 2, 2018**.

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

Number of Notices Mailed: 14

Date Mailed: March 22, 2018

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



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

WILCOX, RANDY JOE & CONNIE
14292 FM 317
TEMPLE, TX 76504

RECEIVED
MAR 29 2018
City of Temple
Planning & Development

Zoning Application Number: Z-FY-18-01

Case Manager: Tammy Lyerly

Location: 14220 State Highway 317

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

I () agree

☒ disagree with this request

Comments:

Please Do not pass It will Ruin my
Quiet Neighbor hood + trash will all over
here too. This is my retirement home I live
here they do not they just visit sometimes
their property

Connie Wilcox

Signature

Connie Wilcox

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, tylerly@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **April 2, 2018**.

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

Number of Notices Mailed: 14

Date Mailed: March 22, 2018

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

RECEIVED

MAR 29 2018

City of Temple
Planning & Development

WILCOX, RANDY JOE
14292 STATE HIGHWAY 317
TEMPLE, TX 76504-6034

Zoning Application Number: Z-FY-18-01

Case Manager: Tammy Lyerly

Location: 14220 State Highway 317

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

I ☐ agree

☒ disagree with this request

Comments:

I've lived out here for 18 years and I moved into the country to not be near a lot of people and noise. This passes it's going to allow possible crime into our peaceful neighborhood. We don't know what kind of backgrounds some of these buyers will have. Cont.

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, tylerly@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **April 2, 2018**.

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

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(Conts.

19

Will a back ground check be done?

A Lot of the RVs coming and going will bring a Lot of traffic in and out all hours of day. For 50-70 RV Lots.

Swimming pool, Dog park and horse stable all By my Fence. They will also have

parties, Dogs Barking and horse running around. This will also cause my dogs to bark all the time. my horses graze

By that side of the fence and its a very small fence that a horse could easily go threw. The head lights at night shining this way would allow people

Please do not pass

Thank you
Randy Wade



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

RECEIVED

APR - 2 2018

City of Temple
Planning & Development

SMITH, VIRGEL D ETUX BARBARA A
4526 LAKEVIEW DR
BELTON, TX 76513-5107

Zoning Application Number: Z-FY-18-01

Case Manager: Tammy Lyerly

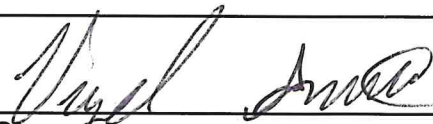
Location: 14220 State Highway 317

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I ☒ agree

() disagree with this request

Comments:


Signature

VIRGEL SMITH
Print Name

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

Number of Notices Mailed: 14

Date Mailed: March 22, 2018

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

SMITH, VIRGEL D ETUX BARBARA
4526 LAKEVIEW DR
BELTON, TX 76513-5107

RECEIVED

APR - 2 2018

City of Temple
Planning & Development

Zoning Application Number: Z-FY-18-01

Case Manager: Tammy Lyerly


Location: 14220 State Highway 317

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I ☒ agree

() disagree with this request

Comments:


Signature

VIRGEL SMITH
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, tlyerly@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **April 2, 2018**.

City of Temple
Planning Department
2 North Main Street, Suite 102
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RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

RECEIVED

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City of Temple
Planning & Development

SMITH, VIRGEL
4526 LAKEVIEW DR
BELTON, TX 76513-5107

Zoning Application Number: Z-FY-18-01

Case Manager: Tammy Lyerly

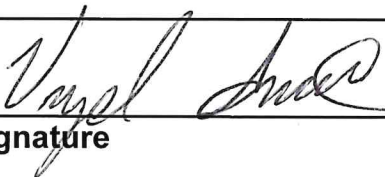
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I ☒ agree

() disagree with this request

Comments:


Signature

VIRGEL SMITH
Print Name

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

RECEIVED

APR - 2 2018

City of Temple
Planning & Development

SMITH, VIRGIL
4526 LAKEVIEW DR
BELTON, TX 76513-5107

Zoning Application Number: Z-FY-18-01

Case Manager: Tammy Lyerly

Location: 14220 State Highway 317

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I ☒ agree

() disagree with this request

Comments:


Signature



VIRGIL SMITH
Print Name

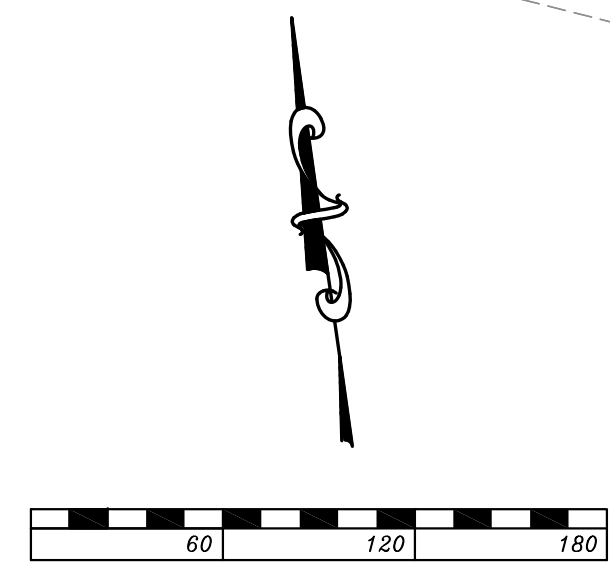
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**City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501**

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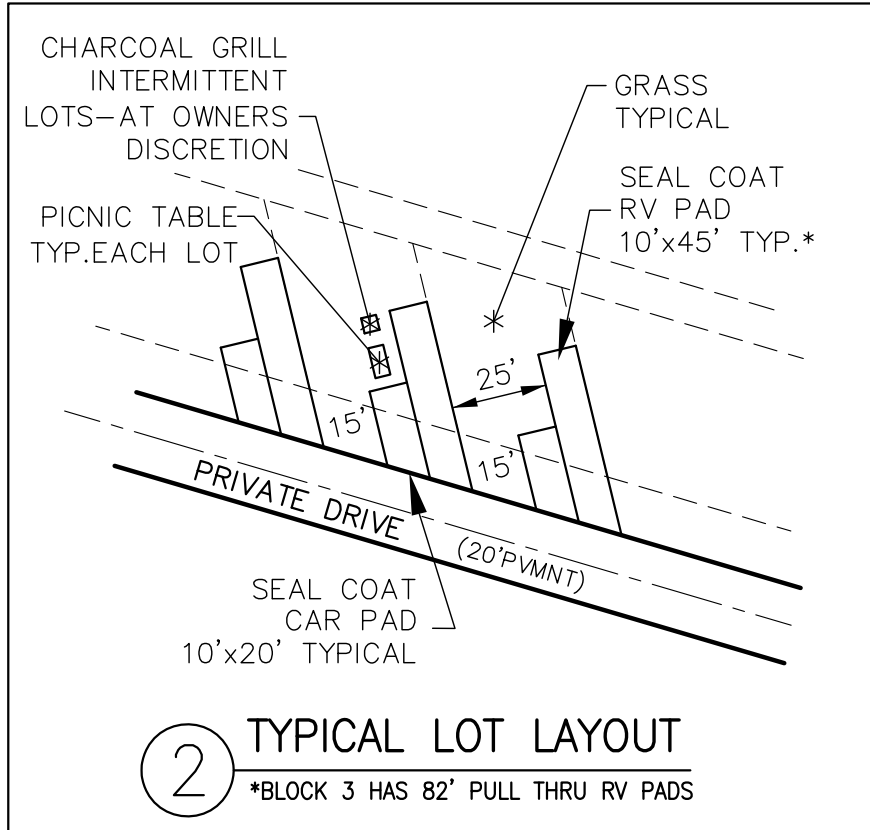
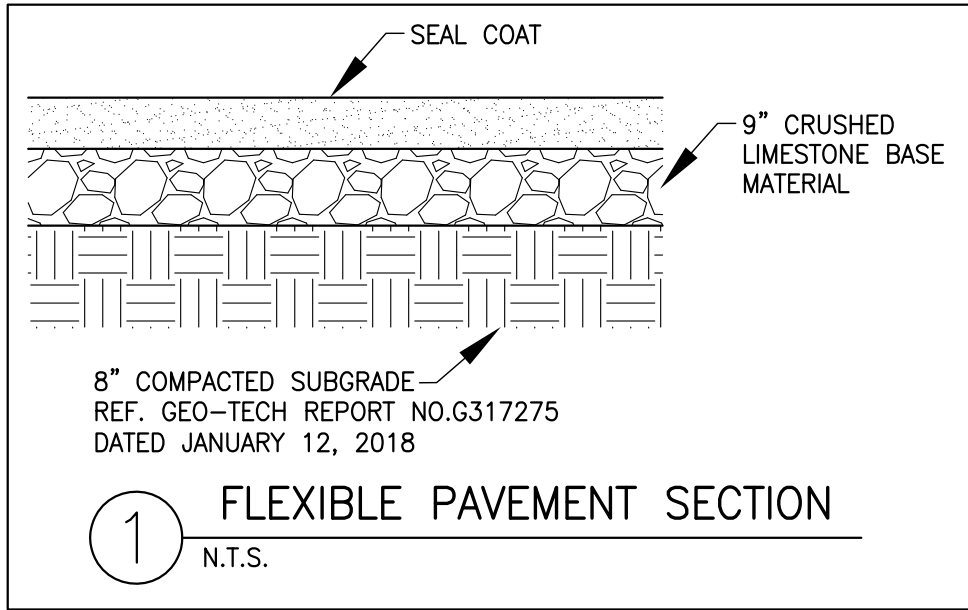
OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.



	NORTHING	EASTING	ELEVATION	MONUMENT
#32=	10406341.39	3210433.25	671.79	1/2"IRFnd
#197=	10407219.38	3210075.41	673.44	1/2"IRFnd
#202=	10406965.76	3210618.87	675.63	1/2"IRFnd

Curve Table				
Curve #	Arc Length	Radius	Chord Direction	Chord Length
C1	120.90'	350.00'	S63°40'55"E	120.30'
C2	120.90'	350.00'	N63°40'55"W	120.30'
C3	101.09'	200.00'	N51°31'38"W	100.02'
C4	78.54'	50.00'	N82°02'50"W	70.71'
C5	73.05'	50.00'	S11°06'01"W	66.72'
C6	123.50'	150.00'	N7°09'54"W	120.04'
C7	60.48'	38.50'	S28°34'40"E	54.45'

Line Table		
Line #	Length	Direction
L1	10.33'	N73°34'40"W
L2	22.50'	N73°34'40"W
L3	13.50'	N16°38'04"E
L4	13.50'	N16°38'04"E



Being a tract of land in Bell County, Texas, lying and situated in the SARAH FITZHENRY SURVEY, ABSTRACT No. 312, and the land herein described being all of that certain 18.58 acre tract conveyed to Virgil Smith and wife, Barbara A. Smith by Warranty Deed recorded in Volume 1638, Page 491, Deed Records of Bell County, Texas and being all of that certain 10.593 acre tract which is a part of said "18.58 Acres" conveyed to Virgil Smith and wife, Barbara A. Smith by Substitute Trustee's Deed recorded in Volume 1846, Page 84, Deed Records of Bell County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with orange cap stamped "BRYAN TECH SERVICES" set (North-10.406,546.484, East-3.210,494.702) being the northeast corner of that certain 1.249 acre tract of land conveyed to David D. Hinkley by Warranty Deed with Vendor's Lien recorded in Volume 9244, Page 672, Official Public Records of Bell County, Texas, from which a Type I concrete R.O.W. marker found bears S. 16°38'04" W., 481.07 feet, and being in the west right-of-way line of Farm-to-Market Road No. 317, a publicly maintained roadway, for the southeast corner of said "18.58 Acres";

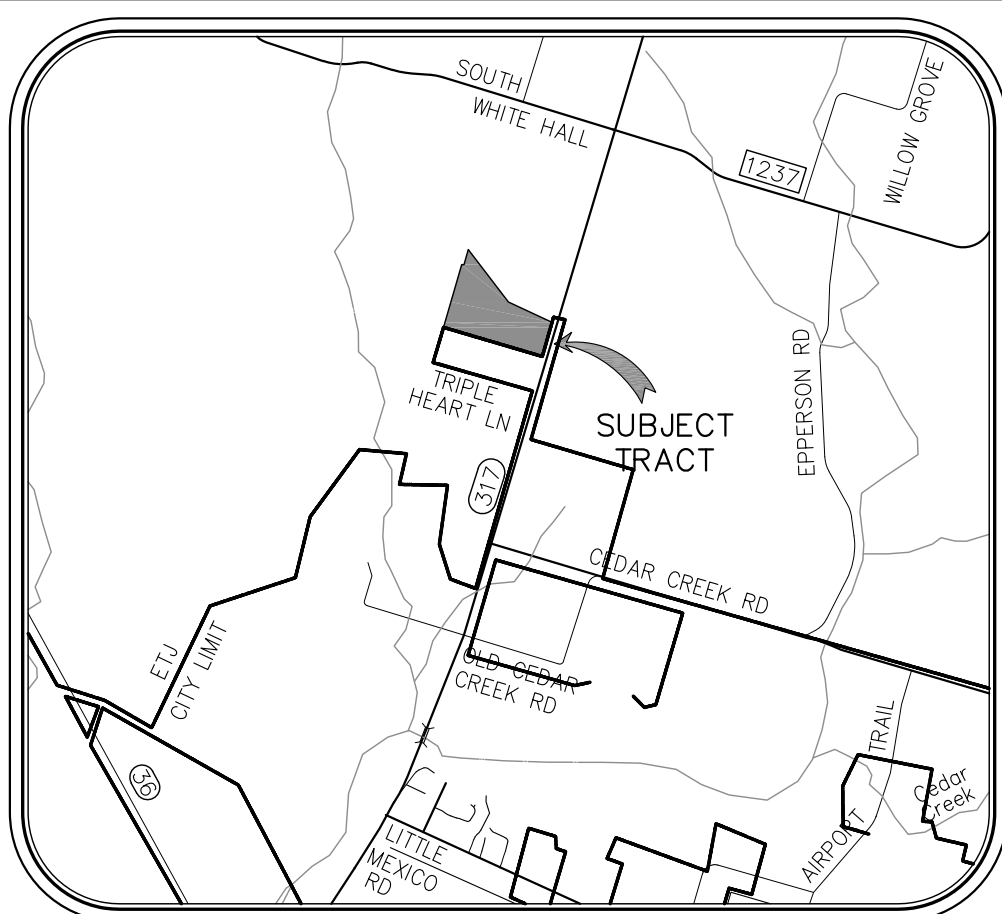
THENCE departing said west right-of-way line, **NORTH 73°34'40" WEST** at 508.14 feet with the south line of said "18.58 Acres" (calls N. 71°00'59" W., 1272.44 feet) and the north lines of said 1.249 acre tract (calls S. 70°56'24" E., 253.52 feet) and that certain 2.50 acre tract (calls S. 71°01' E., 254.5 feet) conveyed to Cecilio Ramirez and wife, Analiza Ramirez by Warranty Deed with Vendor's Lien recorded in Volume 2871, Page 290, Official Public Records of Bell County, Texas, to a 1/2" iron rod found being the northwest corner of said Ramirez tract and being the northeast corner of that certain 2.51 acre tract conveyed to Margaret H. Butler by General Warranty Deed with Vendor's Lien recorded in Volume 1588, Page 93, Official Public Records of Bell County, Texas, at 762.75 feet continuing with the north line of said Butler tract (calls S. 70°58'48" E., 254.61 feet) to a 1/2" iron rod found being the northwest corner of said Butler tract and being the northeast corner of that certain 2.51 acre tract conveyed to Don Luman and wife, Sandra Luman by Warranty Deed with Vendor's Lien recorded in Volume 1595, Page 520, Official Public Records of Bell County, Texas, at 871.19 feet continuing with the north line of said Luman tract (calls S. 71°01' E., 254.48 feet), to a 1" iron pipe found in the south line of said "18.58 Acres" and being the southeast corner of said "10.593 Acres", at 1016.62 feet continuing with the north line of said Luman tract to a 1/2" iron rod found being the northwest corner of said Luman tract and being the northeast corner of that certain 2.51 acre tract conveyed to Jose Eusebio Gonzalez and wife, Maria Hermelinda Gonzalez by Warranty Deed with Vendor's Lien recorded in Volume 3805, Page 450, Official Public Records of Bell County, Texas, at 1271.48 feet in all continuing with the north line of said Gonzalez tract (calls S. 71°01' E., 254.48 feet) to a 1/2" iron rod with orange cap stamped "BRYAN TECH SERVICES" set being the northwest corner of said Gonzalez tract and being the northeast corner of that certain 67.95 acre tract conveyed to Virgel D. Smith and wife, Barbara A. Smith by Warranty Deed with Vendor's Lien recorded in Volume 3075, Page 730, Official Public Records of Bell County, Texas, and being the southeast corner of that certain 46.38 acre tract conveyed to Virgel D. Smith and wife, Barbara Smith by Warranty Deed recorded in Volume 2874, Page 283, Official Public Records of Bell County, Texas, for the southwest corner of said "18.58 Acres" and also the southwest corner of said "10.593 Acres";

- THENCE** with the common lines of said "18.58 Acres", "10.593 Acres" and "46.38 Acres" the following three (3) calls:
- NORTH 16°05'56" EAST, 806.76 feet** (10.593 acre tract calls N. 18°54'03" E., 806.49 feet) (46.38 acre tract calls S. 15°38'25" W., 805.81 feet) to a 1/2" iron rod found, for corner;
- 1) **SOUTH 85°32'41" EAST, 28.84 feet** (10.593 acre tract calls S. 83°00'12" E., 28.87 feet) (46.38 acre tract calls N. 86°21'00" W., 28.74 feet) to a 3/8" iron rod found disturbed, for corner;
- 2) **NORTH 15°21'17" EAST, 196.21 feet** (10.593 acre tract calls N. 18°03'02" E., 196.06 feet) (46.38 acre tract calls S. 14°54'50" W., 196.14 feet) to a 1/2" iron rod found being the northeast corner of said "46.38 Acres" and being the northwest corner of said "10.593 Acres" and being in the south line of that certain 32.578 acre tract conveyed to Randy Joe Wilcox by Warranty Deed recorded in Volume 4640, Page 121, Official Public Records of Bell County, Texas, for the northwest corner of subject tract.

THENCE departing said "46.38 Acres", with the common lines of said "10.593 Acres", "18.58 Acres" and "32.578 Acres" the following two (2) calls:

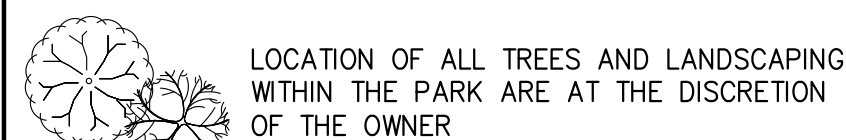
- 1) **SOUTH 37°23'52" EAST, 816.50 feet** (10.593 acre tract calls S. 34°42'22" E., 817.13 feet) (32.578 acre tract calls N. 34°48'47" W., 817.21 feet) to a 1/2" iron rod found, for corner;
- 2) **SOUTH 64°58'59" EAST, 600.79 feet** (10.593 acre tract calls S. 62°28'57" E., 599.71 feet) (32.578 acre tract calls N. 62°26'45" W., 599.56 feet) to a calculated point, from which a 1/2" iron rod found bears N. 64°58'59" W., 1.06 feet, and from which a Type I concrete R.O.W. marker found bears N. 18°38'04" E., 74.08 feet, and being the southeast corner of said "32.578 Acres" and being in the said west right-of-way line of Farm-to-Market Road 317, for the northeast corner of subject tract;

THENCE SOUTH 16°38'04" WEST, at 37.42 feet with the east line of said "10.593 Acres" (calls S. 19°15'31" W., 37.61 feet) to an exterior corner of said "10.593 Acres", from which a 1" iron pipe found bears N. 80°46'41" W., 0.85 feet, and continuing a total distance of 437.12 feet in all with said west right-of-way line and the east line of said "18.58 Acres" (residue portion) (calls S. 19°15'31" W., 436.66 feet) to the POINT OF BEGINNING and containing 18.589 acres of land.



LOCATION

TREE REQUIREMENTS:



REQUIRED TREES ALONG FRONTAGE OF F.M. 317:

A MINIMUM OF ONE TREE IS REQUIRED TO BE PLANTED IN THE LANDSCAPED AREA FOR EACH 40 FEET OF LINEAR STREET FRONTAGE

437 L.F. STREET FRONTAGE/40' = 11 TREES

ALTERNATIVE:

AS AN ALTERNATIVE TO SATISFYING THE REQUIREMENT FOR ONE TREE PER 40 LINEAR FEET OF STREET FRONTAGE, THREE SHRUBS, A MINIMUM OF FIVE GALLONS EACH IN SIZE, MAY BE SUBSTITUTED.

NOTES:

REQUIRED LANDSCAPED AREA MUST CONSIST OF LIVING TREES AND SHRUBS NATIVE TO CENTRAL TEXAS AND BELL COUNTY.

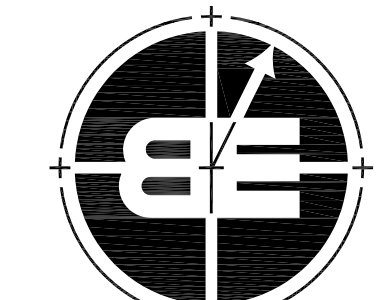
ALL REQUIRED CANOPY TREES MUST BE A MINIMUM OF TWO INCHES IN DIAMETER (SINGLE TRUNK) AT BREAST HEIGHT OR 65-GALLON CONTAINER SIZE AT PLANTING.

ALL REQUIRED SHRUBS MUST BE A MINIMUM THREE-GALLON CONTAINER SIZE AT PLANTING.

REVISIONS



Know what's below
Call before you dig.



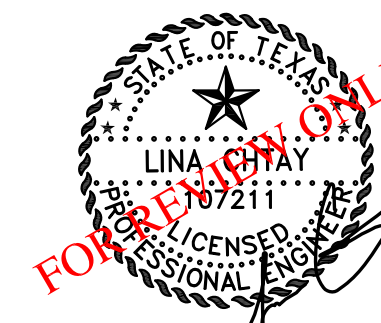
FIRM # F-13392

BELTON ENGINEERING INC.

106 NO. EAST STREET
BELTON, TEXAS 76513
OFFICE (254)731-5600
MOBILE (254)289-7273
BELTONENGINEERS.COM

- Engineering
- Design/Build
- Planning

SITE PLAN OF:
BRIAR FLATS SUBDIVISION
14220 HWY 317
CITY OF TEMPLE, BELL COUNTY, TEXAS
VIRGIL SMITH
1216 KINGS CT.
GAUTIER, MS 39553



3/29/18

SCALE: 1"=60'

DRAWN.: AJ

ELEC. DRAWING FILE
17035-Site Plan

DATE: 3/29/18

JOB NO.: 17-035

1 OF 5

C1

SITE PLAN OF:
BRIAR FLATS SUBDIVISION
14220 HWY 317
CITY OF TEMPLE, BELL COUNTY, TEXAS

**NOTES:

THIS SITE PLAN IS FOR HORIZONTAL CONTROL, AND SHOULD BE USED IN CONJUNCTION WITH THE FLOOR, FOUNDATION, STRUCTURAL, AND GRADING PLANS.

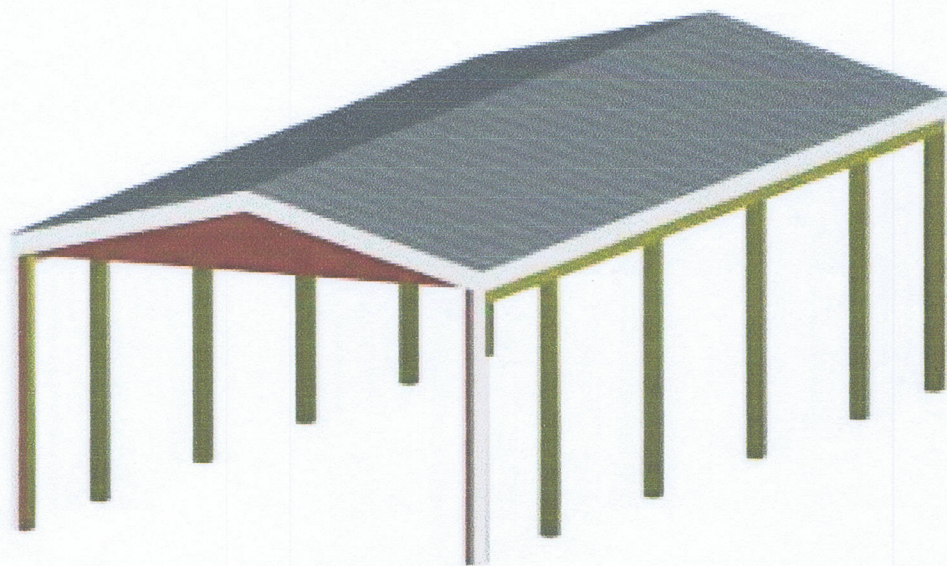
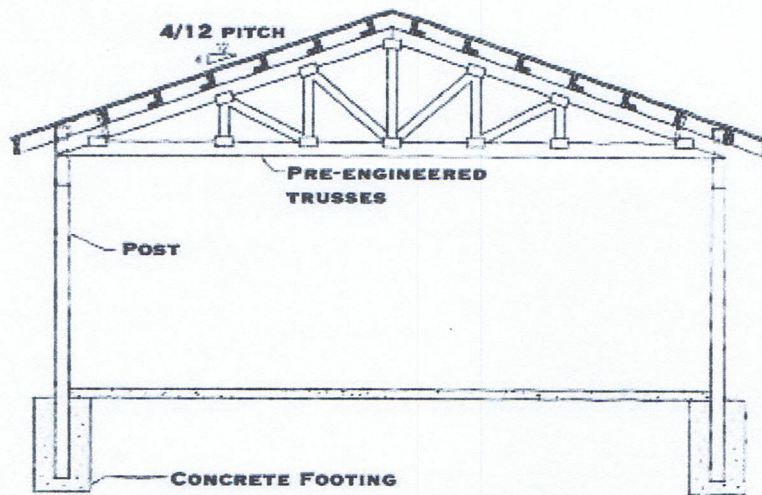
ON-SITE SURVEY CONDUCTED ON JUNE 20, 2017 BY BRYAN TECHNICAL SERVICES, INC.

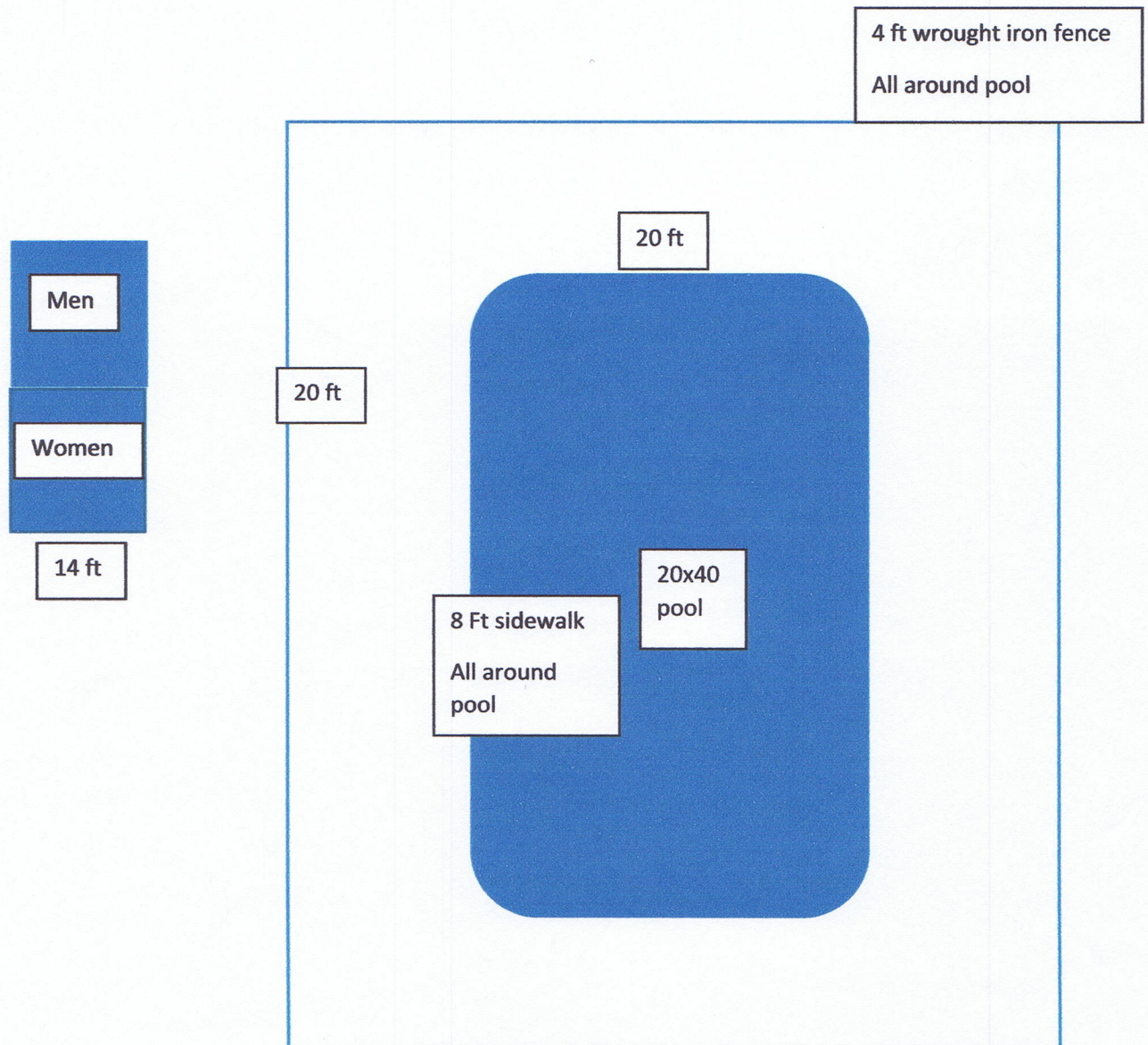
TOTAL ACREAGE:	18.589 ACRES
RV SPACES ALLOWED:	14 RV's PER ACRE=260 RV's
TOTAL PROPOSED RV SPACES:	72 RV's
GRASS AREA:	9.976 ACRES
CAR PARKING REQUIRED:	1.25 SPACES PER RV SPACE=90 SPACES
TOTAL PROPOSED CAR SPACES:	72 SPACES + 20 SPACES=92 SPACES
SQUARE YARDS PAVED ROADS:	18,232 SQUARE YARDS

There will be interior lighting

There will be a bbq pit and picnic tables in the pavilion

The flooring will be pea gravel





Pool Bathroom, two door, two toilets, two sinks, No heat, no air

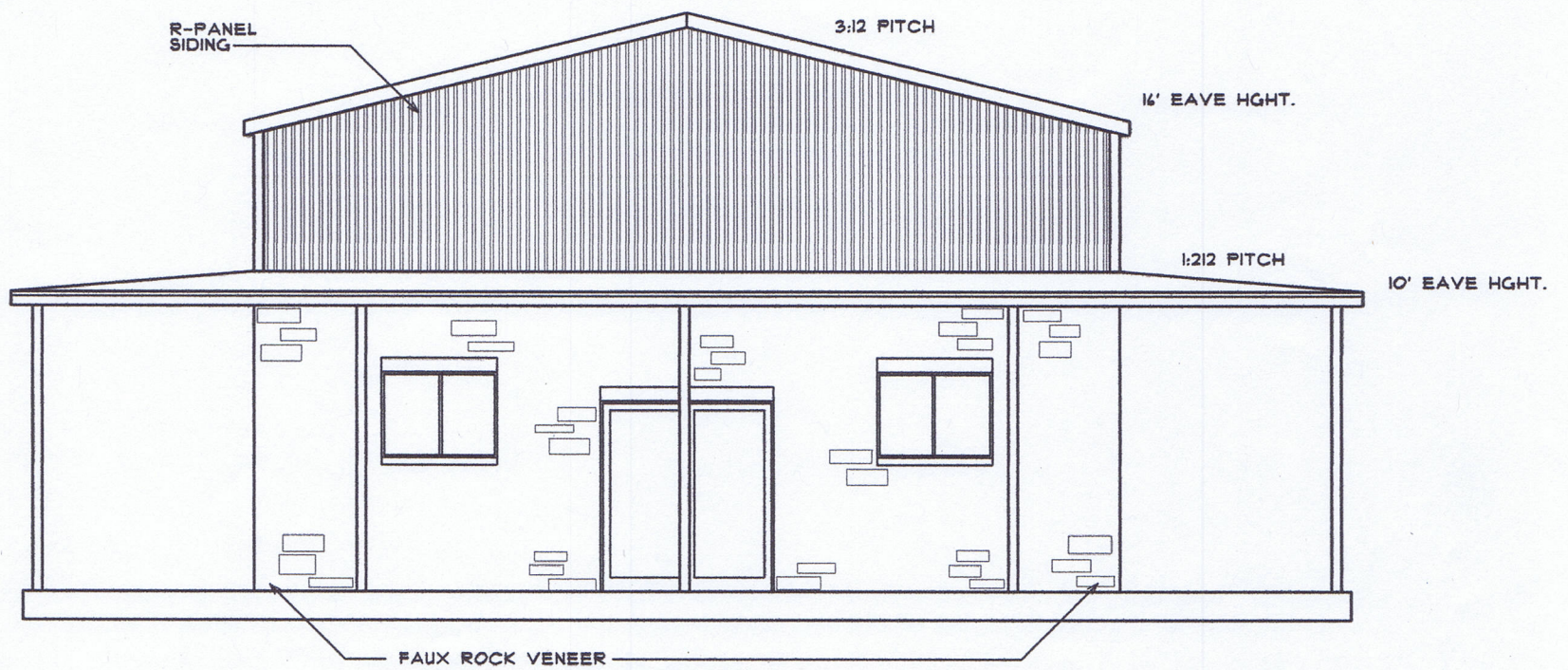


Pavilion will be 24 x 40 x 10 tall, open pole barn

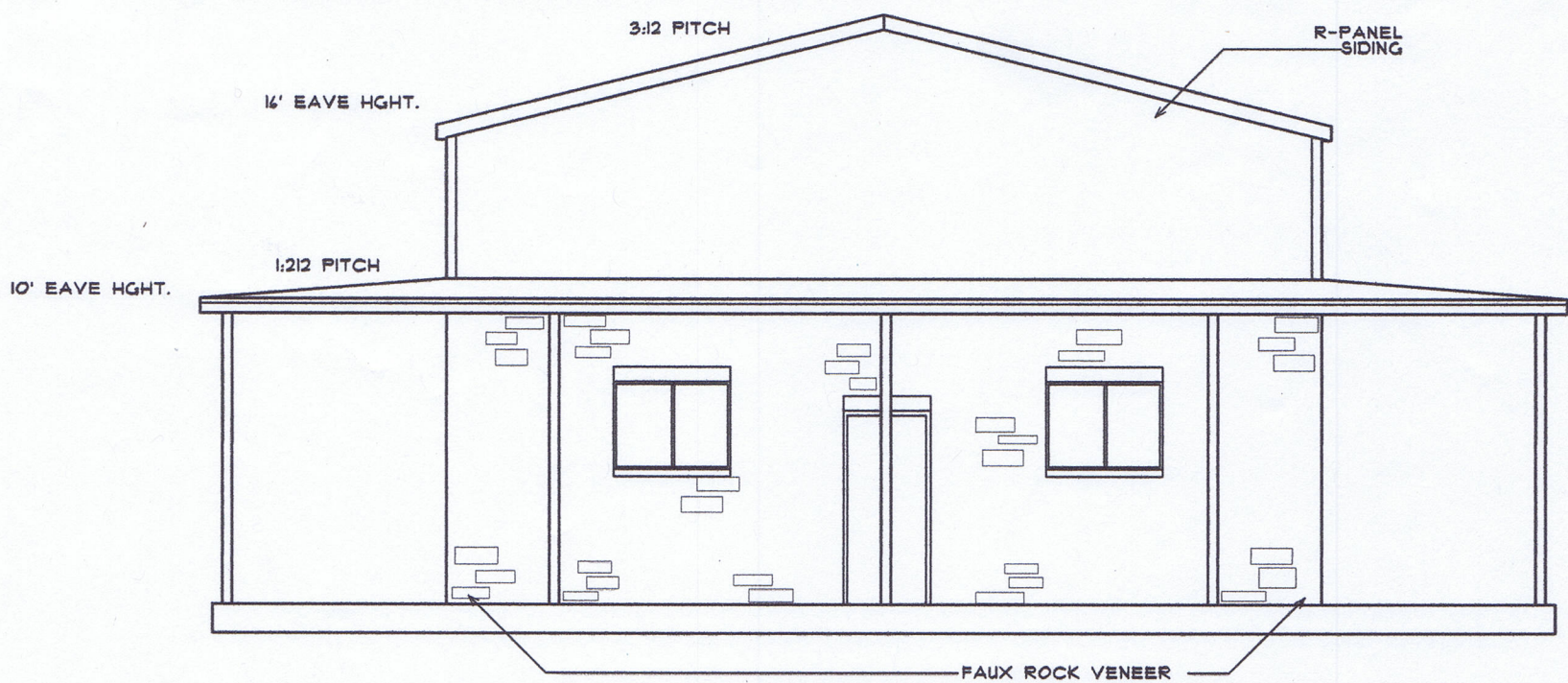
Columns will be treated 6x6 square post with wooden trusses and R panel roofing

[illegible]

Facilities and Restroo

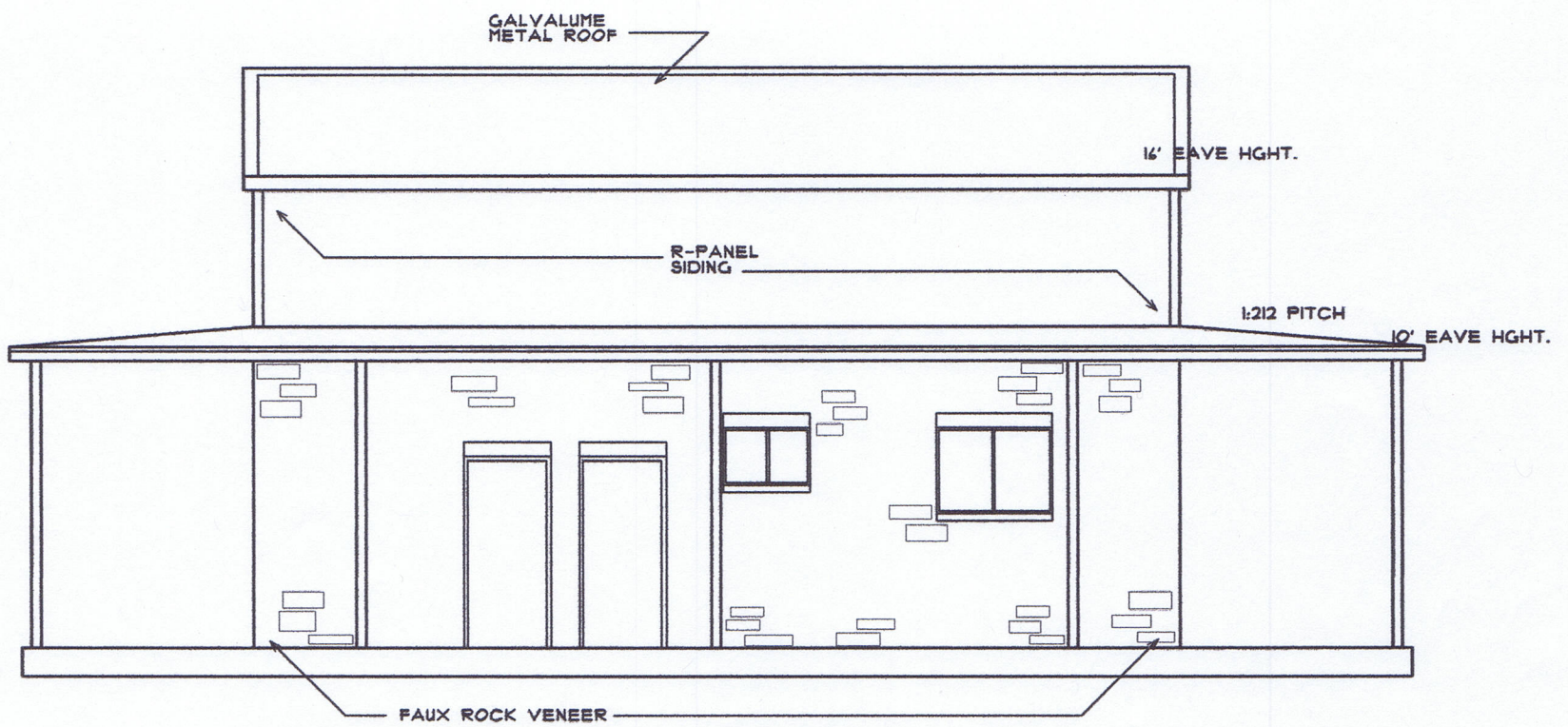


FRONT ELEVATION 1/4"

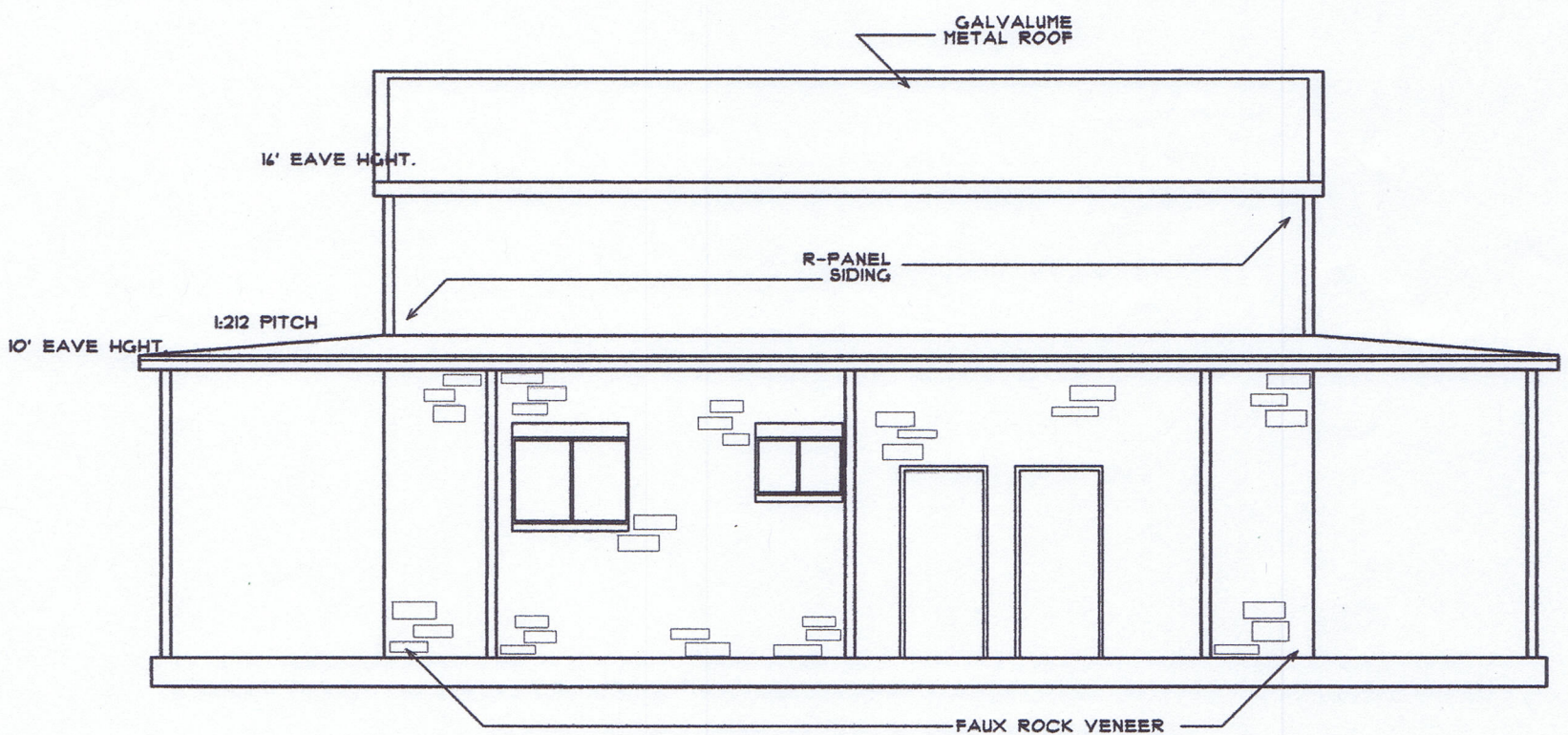


REAR ELEVATION 1/4"

Laundry Facilities and Restrooms



LEFT ELEVATION 1/4"



RIGHT ELEVATION 1/4"

ORDINANCE NO. 2018-4916
(Z-FY-18-10)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT AND SITE DEVELOPMENT PLAN TO ALLOW A RECREATIONAL VEHICLE PARK ON APPROXIMATELY 18.58 ACRES SITUATED IN THE SARAH FITZHENRY SURVEY, ABSTRACT NO. 312, LOCATED AT 14220 STATE HIGHWAY 317; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, Virgel Smith, has requested a Conditional Use Permit (CUP) to allow a 72-unit recreational vehicle (RV) park on his property located at 14220 State Highway 317;

Whereas, voluntary annexation of this property was approved by Council on May 3, 2018;

Whereas, the proposed CUP will be subject to a required site development plan for the RV park - the CUP development site plan proposes 72 RV stands with a parking space at each site, which represents a density of 3.88 RVs/acre and is significantly lower than the 14 RVs/acre maximum per Chapter 31;

Whereas, the RV park proposes a private roadway providing circulation throughout the development to laundry facilities, restrooms, recreational area, private horse stables and equine area, pool, RV park office, and a dumpster area;

Whereas, although RV use is allowed in an Agricultural zoning district, the proposed CUP development site plan is not compliant with the City of Temple Code of Ordinance Section 31: Recreational Vehicle Parks, “private roadway width does not meet the minimum pavement width of 27 feet,” and therefore a CUP is required;

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

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions and operation of said property being an approximately 18.58 acres situated in the Sarah Fitzhenry Survey, Abstract No. 312, located at 14220 State Highway 317, recommends that the City Council approve the application for this Conditional Use Permit for a proposed recreational vehicle park; and

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

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

Part 1: 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 Conditional Use Permit (CUP) for a proposed recreational vehicle park to be located on approximately 18.58 acres situated in the Sarah Fitzhenry Survey, Abstract No. 312, located at 14220 State Highway 317, more fully described in the aerial map attached hereto as Exhibit 'A', the CUP attached hereto as Exhibit 'B,' and the site development plan attached here as Exhibit 'C', all made a part hereof for all purposes.

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

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

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

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

Part 7: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **17th** day of **May**, 2018.

PASSED AND APPROVED on Second Reading on the **7th** day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/07/18
Item #4(M)
Consent Agenda
Page 1 of 5

DEPT. / DIVISION SUBMISSION & REVIEW:

Mark Baker, Senior Planner

ITEM DESCRIPTION: SECOND READING – Z-FY-18-15: Consider adopting an ordinance authorizing amending Ordinance No. 2017-4835 to attach a site plan showing a Popeye's and Arby's restaurants on Lots 2 & 3, Block 1, Heritage Square Phase II, a non-residential subdivision, located on the north side of West Adams Avenue, east of Holy Trinity Catholic High School and west of Brooks Drive, addressed as 6512 & 6490 West Adams Avenue.

STAFF RECOMMENDATION: While the above referenced conditions of Ordinance 2017-4835 are still in effect, staff recommends approval of amending Ordinance 2017-4835 with the following additional Development/ Site Plan condition:

1. That the Director of Planning, with consultation as needed by the Design Review Committee, may be authorized to approve minor changes to the Development/ Site Plan which include but not limited to: overall lot layout, landscaping, exterior building elevations/ materials, parking configuration, buffering and screening materials, in compliance with minimum UDC development standards.

PLANNING & ZONING COMMISSION RECOMMENDATION: During the April 16, 2018, meeting, the Planning & Zoning Commission voted eight to zero to recommend approval of the proposed development/ site plan per staff's recommendation.

During the meeting it was discussed that Public Works staff is awaiting calculation and a report regarding underground drainage. It was understood that the applicant is completing final steps in the report preparation. In addition, concerns from an adjacent property owner about lighting were addressed. The developer has agreed to provide a photometric lighting plan at the time of building plan submittal which will be used to identify and prevent light trespass.

ITEM SUMMARY: The applicant, Thomas Engineering, on behalf of Heritage Ridge Investments, requests development site plan approval, as required by the rezoning ordinance (Ordinance 2017-4835) approved by City Council on March 16, 2017, on the approximately 2.080 +/- acre, portion of the 4.820 +/- acre Planned Development-zoned property.

Per Ordinance 2017-4835, the proposed development, must comply with the following conditions, which staff confirms have been satisfied and are described as follows:

1. Site plan approval is required by the Planning & Zoning Commission and the City Council;
2. Site plan approval will include notification of property owners within 200-feet of the boundaries of the PD-GR zoned area; and
3. The 2.080 acres shall be screened by an eight foot solid masonry wall or solid masonry fence along the entire length of the eastern property line save and except the building set back line from West Adams Avenue and shall be made of one or a combination of the following materials: masonry, natural stone, precast masonry fence products, or other acceptable products upon consultation with the Director of Planning, as necessary.

The project is summarized in more detail as follows:

SITE PLAN: The site plan reflects development of Lots 2 & 3 of the Heritage Square, Phase II final plat for the two restaurant pad sites. The two restaurant pad sites are described as follows:

Popeye's (Lot #2): 2,550 square foot - Approximate dimensions 30' X 90'

Arby's (Lot #3): 2,570 SF - Approximate dimensions 30' X 87'

Both buildings will be setback approximately 75 feet from the right-of-way of West Adams Avenue (FM 2305). Both pad sites provide for parking, on-site maneuverability, drive-thru queuing with bypass (escape) lanes and landscaping. In addition, the site plan provides for the replacement of an existing six foot asphalt sidewalk, upgraded to a 10-foot concrete sidewalk. Opportunities exist for cost sharing of the upsizing to the sidewalk to 10-feet through a 380 agreement to include some additional landscaping being provided by the developer as part of that agreement opportunity.

In order to accommodate minor amendments to the site plan, to include but not limited to lot layout, parking configuration, landscaping, building elevation materials and buffering and screening may be necessary and lot configuration. Staff is proposing to accommodate any minor but necessary changes by Condition #1 as proposed above.

SUBDIVISION PLAT: Site development is within Lots 2 & 3 of the four-lot, one-block subdivision plat named Heritage Square, Phase II (P-FY-17-22). The plat was recorded by Bell County on April 24, 2017. The plat references a private 36-foot joint access easement which provides the only access point for the four lots.

DRC REVIEW: The DRC reviewed the Development/ Site Plan on April 5, 2018. While drainage concerns were discussed, there was discussion about the design for the solid masonry wall on the eastern property line. It was identified that a wall made from pre-cast materials with enhanced sound attenuation properties is recommended, which is consistent with Condition #3 of Ordinance 2017-4835. It was also identified that any maintenance issues related to a "no man's land" that resulted between the existing fence and the proposed wall would be located on the private property side and not the side of the proposed development.

BUILDING ELEVATIONS / MATERIALS / BUILDING HEIGHT: The building elevations for both restaurants are proposed using brick, simulated stone and exterior insulation and finish systems (EIFS). Popeye's proposes exterior elevations containing acme brick and simulated stone finishing. Architecturally proposed are elements reminiscent of New Orleans's French Quarter with elements of Greek revival, Art Nouveau, Art Deco and Renaissance Colonial with the use of balconies with railings and double louver shutters as well as other distinctive features such as "goose-neck" down lighting. On the other hand, Arby's, is proposed using a new and revitalized design which according to the Arby's franchise website, reflect their fast-crafted identity. While an exterior canopy will be metal with 10-foot tall posts supporting the metal canopy, exterior materials will be comprised of brick and EIFS. Aluminum is also proposed around windows.

The Popeye's restaurant is proposed to be 23-feet tall at the top of the parapet, while the Arby's is proposed to be 22-feet tall at the top of the parapet. Roofing for both restaurants is proposed to be flat and recessed to conceal mechanical equipment.

PARKING: A concrete paved parking area providing shared parking spaces is proposed. At the rate of one space per three seats, as required by UDC Section 7.5, the Arby's restaurant requires 15 spaces and 45, including two stalls, which are compliant with the Americans with Disabilities Act requirements (ADA) are provided. On the other hand, the Popeye's restaurant requires 23 spaces and 16, including two ADA spaces are provided for 57 typical spaces or a total of 61 spaces, which include four ADA spaces. The deficiency on Popeye's parking is being addressed through shared parking. The arrangements for shared parking, as provided for by UDC Section 7.5.3 is acceptable. The Development/ Site Plan is dimensioned and provides the minimum dimensions for circulation and parking.

DRIVE-THRU / PICK-UP WINDOW / MENU & ORDER BOARDS: The site shows a 10-foot drive aisle with queuing for vehicles and a parallel 12-foot bypass (escape) for both restaurants located on each building western side, reducing residential impacts. The queuing lane provides direct access to the pick-up window which runs parallel with the bypass lane. On the north side of the queuing lane is the menu board / order board, located in a manner to reduce intrusive sound, light and glare.

DUMPSTER LOCATION: The site plan shows separate dumpster locations for trash collection for both restaurants. Both locations are provided in the rear of their respective lots. Notable is the dumpster location for the Arby's restaurant which will be located approximately 35 feet from the eastern property line. Both dumpster enclosures will be required to comply with UDC Section 7.7.6 regarding refuse containers as well as meet the specifications of the Design and Development Standards manual.

LANDSCAPING: Site landscaping consists trees, shrubs and turf. Trees to be provided include: the Live Oak, Cedar Elm and Texas Red Oak. Shrubs include the Texas Sage and grass will consist of Bermuda and native grasses. The Landscape Plan reflects the number of plants and the diameter of the plants at breast height (DBH). Per UDC Section 7.4, site landscaping is required to contain a minimum 5% of the lot area is described in more detail as follows:

Popeye's Site Landscaping (Lot #2): The Popeye's site landscaping consists of 30% of the overall lot area to be landscaped. Per UDC Section 7.4.4, at the rate of one tree per 40 feet of linear street frontage, 2.5 trees required and three are provided. Compliance with code requirements will be made at the review of building plans.

Arby's Site Landscaping (Lot #3): The Arby's site landscaping consists of 25% of the overall lot area to be landscaped. Per UDC Section 7.4.4, at the rate of one tree per 40 feet of linear street frontage, five trees are required and five are provided. Compliance with code requirements will be made at the review of building plans.

SCREENING & BUFFERING: Screening and buffering will be provided by an eight foot tall solid masonry wall, landscaping and restaurant pad locations are described in more detail as follows:

Pre-Cast Concrete Screening Wall: An eight foot tall pre-cast concrete screening wall is proposed along the 258 +/- foot eastern property line. While the site plan does not depict a detail of the wall, the wall would meet the requirements of Ordinance 2017-4835, consistent with UDC Section 7.7.5. It should be noted that a "no man's land", varying between two feet and five feet, is being created between the location of the existing wood privacy fence and the proposed wall. The "no man's land" will be created within the private property owner's side and is not the responsibility of the developer, as discussed earlier in this report. The developer has agreed to coordinate with the adjacent property owner to eliminate the creation of the "No man's land" as a result of the masonry wall.

20-foot Landscape Strip: The applicant has agreed to provide grass and irrigation within the existing 15-foot drainage easement along the eastern property line. In addition trees and shrubs, as described earlier, will be provided within a five foot landscape strip outside of the drainage easement.

Restaurant Pad Location(s): The Popeye's pad site (Lot 2) will be located approximately 230 feet from the eastern property line. The Arby's pad site (Lot 3) will be located closest to the residences, at approximately 75 feet from the eastern property line. Drive-through windows have been located on the western sides of both pad sites.

While the 20-foot landscape strip and the eight foot tall masonry fence exceed minimum buffering and screening standards as provided for by UDC Section 7.7. Collectively, the additional buffering measure with the location of the Arby's restaurant pad site, the applicant has made a significant effort to buffer and screen the impacts of the restaurant uses from the existing single family uses, as further detailed elsewhere in this report.

SIGNAGE: Undimensioned signage is shown on the building elevations to render approximate size and location of franchise signage. Compliance with UDC Section 7.6 will be made with the review of separate sign permit applications. A pole or freestanding sign location is not reflected on the site plan but would require review of a separate sign permit application.

DRAINAGE: The subject property is undeveloped and has been used for recent agricultural cultivation. Although drainage concerns have been discussed during the DRC process, to date, a Drainage Report and calculations have been reviewed by Public Works. Public Works is confident that remaining comments can be addressed during the review of the Construction Plans.

PUBLIC FACILITIES: Sewer is available from an existing six inch sewer line in West Adams Avenue. Water is available through a four inch water line in West Adams Avenue, which will be expanded to six inch to serve the four lot subdivision. Provisions for utilities was addressed by the Heritage Square, Phase II final plat that was recorded on April 24, 2017.

ACCESS: While both restaurant pads front along West Adams Avenue (FM 2305), direct access to each pad site will be from a private 36-foot wide access easement providing 36 feet of pavement for clear two-way travel lanes as well as a fire lane. The driveway cut was addressed during the platting process for the Heritage Square final plat and was reviewed by TxDOT during that time. No issues have been identified.

TXDOT DRIVEWAY: TxDOT has confirmed that the driveway has been permitted in alignment with the recorded joint access easement. The easement provides access to all four lots within the Heritage Square final plat. TxDOT has also confirmed that there will be no additional driveway access points granted and so access to these lots will be limited to this one permitted driveway.

PUBLIC NOTICE: Fourteen 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. Per Ordinance 2017-4835, notice was to include all properties within 200-feet of the PD-NS zoned area. As of Thursday May 6, 2018 at 9:00 AM, four notices, three of which represent by the same property owner, have been received. In addition, staff has had a phone conversation with an adjacent property owner regarding concerns about the wall and maintenance concerns from a created “no man’s land.” Staff will provide an update at the Planning & Zoning Commission meeting, if necessary.

The newspaper printed notice of the public hearing on April 5, 2018, in accordance with state law and local ordinance.

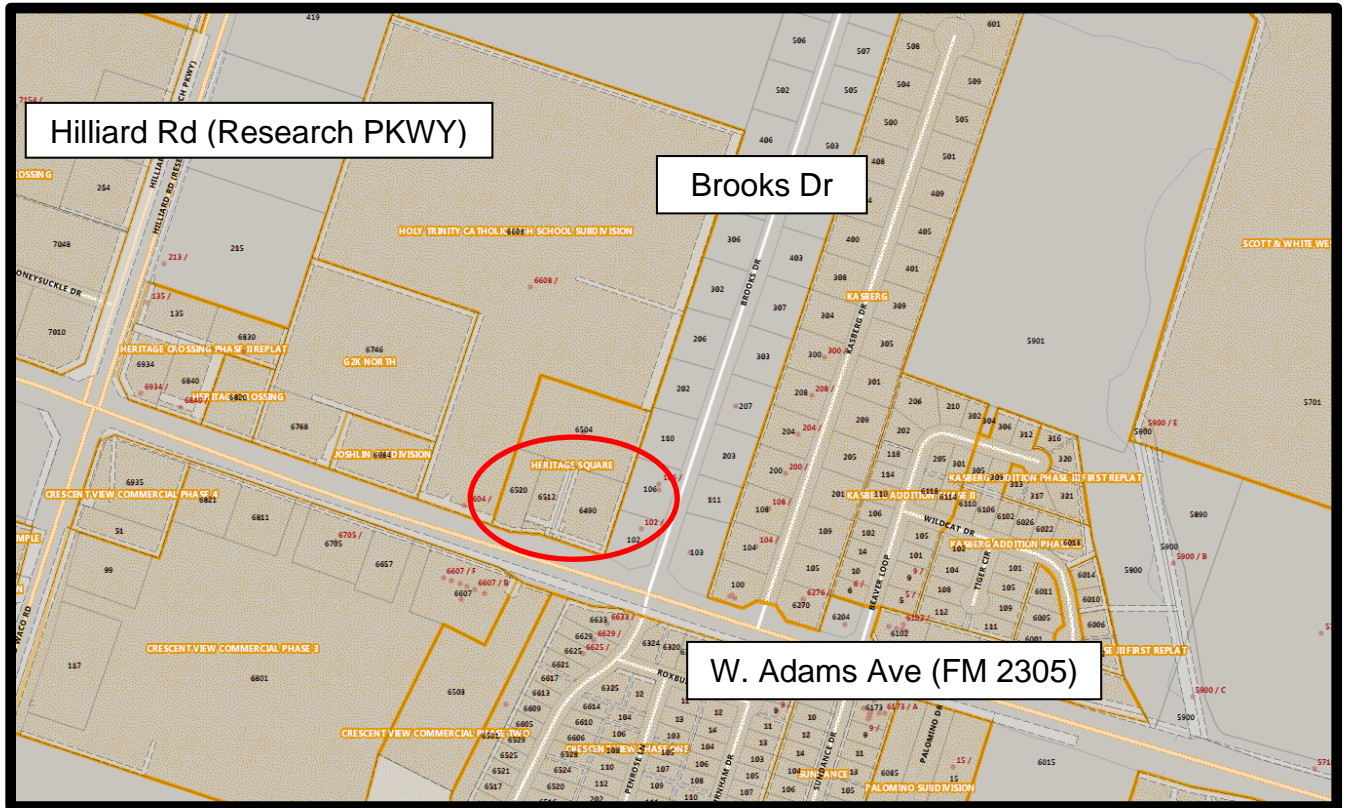
SCHOOL DISTRICT: Belton ISD

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Vicinity Map & Photos](#)
[Ordinance 2017-4835](#)
[Site Plan](#)
[Existing Conditions & Utilities Plan](#)
[Landscape Plan](#)
[Building Elevations \(Popeye’s & Arby’s\)](#)
[Notification Map](#)
[Returned Property Notices](#)
[P&Z Excerpts \(April 16, 2018\)](#)
[Ordinance](#)

Vicinity Map & Street View Photo



Vicinity Map (City of Temple GIS Maps)

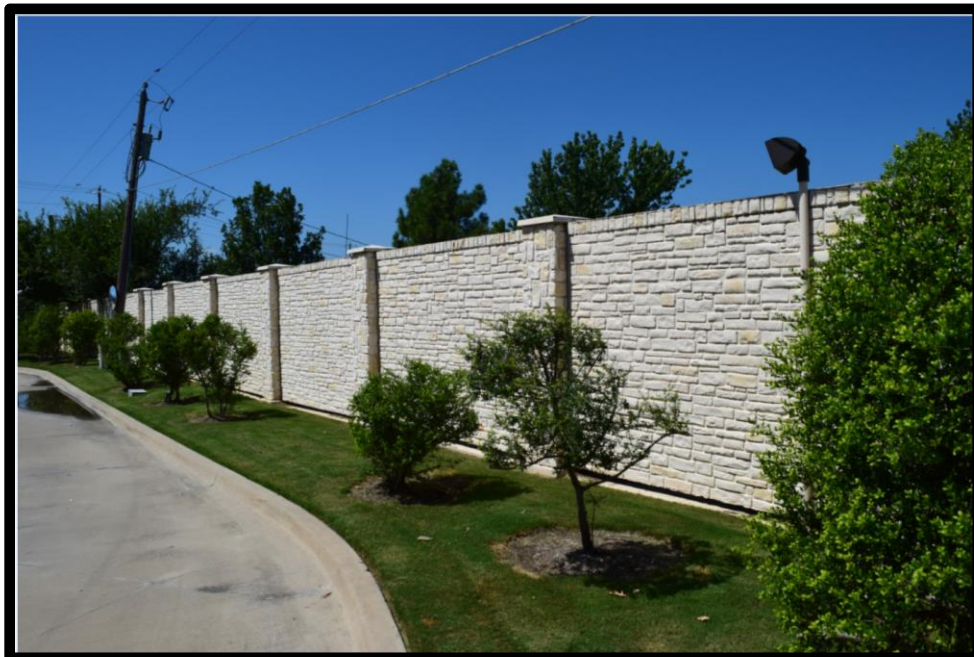


Street View (Google Earth Maps):
Looking northeast from FM2305



Eastern Property Boundary:

Note location of fence & approximate property boundary line by change of vegetation



Pre-Cast Concrete Wall:

A pre-cast concrete wall (similar to example in photo) is proposed along eastern property boundary

ORDINANCE NO. 2017-4835
(Z-FY-17-14)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM OFFICE ONE ZONING DISTRICT TO GENERAL RETAIL ZONING DISTRICT ON APPROXIMATELY 2.740 ACRES, AND FROM OFFICE ONE TO PLANNED DEVELOPMENT - GENERAL RETAIL ZONING DISTRICT ON APPROXIMATELY 2.080 ACRES, A PORTION OF AN APPROXIMATELY 4.820 ACRE TRACT OF LAND, SITUATED IN THE NANCY CHANCE SURVEY, ABSTRACT NO. 5, BELL COUNTY, TEXAS, AND LOCATED AT 6490 WEST ADAMS AVENUE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Office One zoning district to General Retail zoning district on approximately 2.740 acres and from Office One to Planned Development-General Retail on approximately 2.080 acres, a portion of an approximately 4.820 acre tract of land, situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 6490 West Adams Avenue, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

Part 2: Staff recommends approval of a rezoning from Office One zoning district to General Retail zoning district on approximately 2.740 acres as depicted in Exhibit 'B' attached hereto and made a part hereof for all purposes.

Part 3: Staff recommends approval of a rezoning from Office One to Planned Development-General Retail on approximately 2.080 acres as depicted in Exhibit 'B' and subject to the following conditions:

1. Site plan approval is required by the Planning & Zoning Commission and the City Council;
2. Site plan approval will include notification of property owners within 200-feet of the boundaries of the PD-GR zoned area; and
3. The 2.080 acres shall be screened by an eight foot solid masonry wall or solid masonry fence along the entire length of the eastern property line save and except the building set back line from West Adams and shall be made of one or a combination of the following materials: masonry, natural stone, precast masonry fence products, or other acceptable products upon consultation with the Director of Planning, as necessary.

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

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

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

Part 7: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the 2nd day of **March**, 2017.

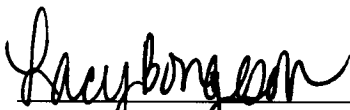
PASSED AND APPROVED on Second Reading on the 16th day of **March**, 2017.

THE CITY OF TEMPLE, TEXAS



DANIEL A. DUNN, Mayor

ATTEST:

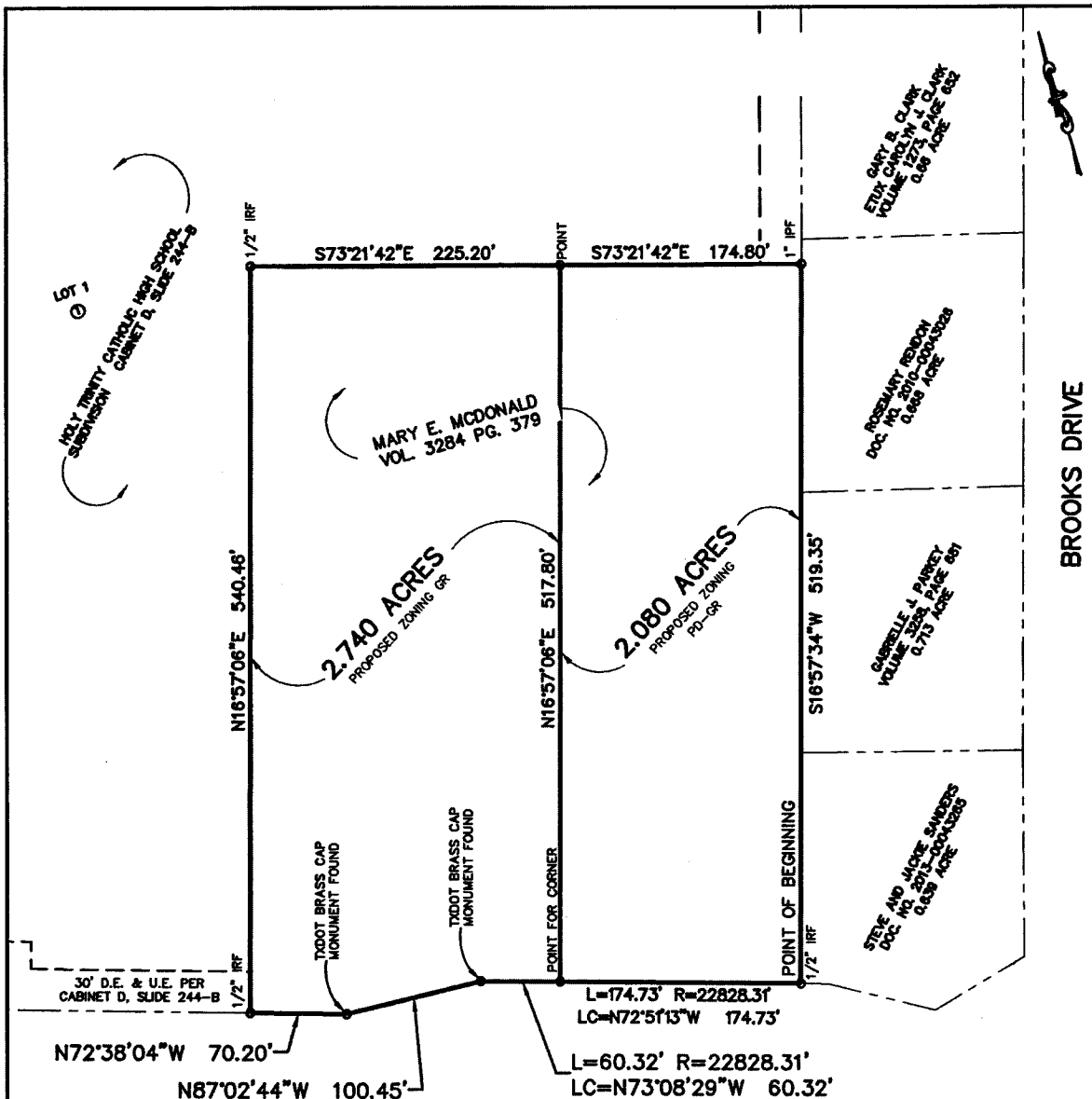


Lacy Borgeson
City Secretary

APPROVED AS TO FORM:



Kayla Landeros
City Attorney



NOTES: WEST ADAMS AVENUE (FARM-TO-MARKET ROAD NO. 2305)
 ALL CORNERS OF EASEMENT ARE CALCULATED POINTS, UNLESS OTHERWISE SPECIFIED. 2.142
 ACRE MORE FULLY DESCRIBED BY METES AND BOUNDS BY SEPARATE FILED NOTES.

BEING a 2.080 acre tract situated in the NANCY CHANCE SURVEY, ABSTRACT No. 5, Bell County, Texas and being a part or portion of that certain 5.000 acre tract of land described in a Warranty Deed with Vendor's Lien dated February 14, 1994 from U.S. Home Corporation to Mary E. McDonald and being of record in Volume 3125, Page 302, Official Public Records of Bell County, Texas.



STATE OF TEXAS § KNOW ALL MEN BY THESE PRESENTS, that I Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas,
 COUNTY OF BELL § do hereby certify that this survey was this day made on the ground of the property described herein and is correct and that there are no discrepancies, conflicts, shortages in the area, easements, and right-of-ways except as shown hereon, that this tract of land has access to and from a public road, and I have marked all corners with monuments.

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

IN WITNESS THEREOF, my hand and seal, this the 24th day of February, 2017.

Michael E. Alvis

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

EXHIBIT B

TURLEY ASSOCIATES, INC.
 ENGINEERING • PLANNING • SURVEYING
 201 N. 2nd St. Temple, Texas 76781
 WFO No. P-4028 • TPLS No. 1000000
 254.775.5000
 www.turley-ia.com

ZONING TRACT
HERITAGE SQUARE
 NANCY CHANCE SURVEY, ABSTRACT NO. 5
 CITY OF TEMPLE, BELL COUNTY, TEXAS

DATE: 2/8/2017	SCALE: SCALE	OWN. BY: MRG
REFERENCE: 13299-D/16-1304	F.S. & L.B.: SKETCH	
FILE NO: 16-1304	SHEET: 1	

BEING a 2.080 acre tract situated in the NANCY CHANCE SURVEY, ABSTRACT No. 5, Bell County, Texas and being a part or portion of that certain 5.000 acre tract of land described in a Warranty Deed with Vendor's Lien dated February 14, 1994 from U.S. Home Corporation to Mary E. McDonald and being of record in Volume 3125, Page 302, Official Public Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a $\frac{1}{2}$ " iron rod found being in the east boundary line of the said 5.000 acre tract and being in the north right-of-way line of Farm-to-Market Road No. 2305 (also known as West Adams Avenue) as described in a Deed dated March 3, 1995 from Mary E. McDonald to the State of Texas and being of record in Volume 3284, Page 379, Official Public Records of Bell County, Texas and being the southwest corner of that certain 0.639 acre tract of land described in a Warranty deed with Vendor's Lien dated September 30, 2013 from Bok Nim Buckland to Steve Sanders and Jackie Sanders and being of record in Document No. 2013-00043265, Official Public Records of Bell County, Texas and being at the beginning of a curve to the left having a radius equals 22,828.31 feet (calls 22,828.31 feet), chord bearing equals N. 72° 51' 13" W., 174.73 feet for corner;

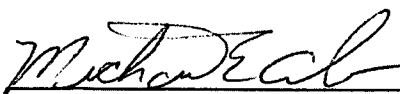
THENCE 174.73 feet departing the said east boundary line and the said 0.639 acre tract and with the said north right-of-way line of Farm-to-Market Road No. 2305 (West Adams Avenue) and over and across the said 5.000 acre tract to a point for corner;

THENCE N. 16° 57' 06" E., 517.80 feet departing the said north right-of-way line and continuing over and across the said 5.000 acre tract to a point being in the north boundary line of the said 5.000 acre tract and being in a south boundary line of that certain 31.108 acre tract of land described as Lot 1, Block 1, Holy Trinity Catholic High School Subdivision according to the map or plat of record in Cabinet D, Slide 244-B, Plat Records of Bell County, Texas for corner;

THENCE S. 73° 21' 42" E., 174.80 feet with the north boundary line of the said 5.000 acre tract (calls N. 71° 18' 52" W., 400.00 feet) and with a southerly boundary line of the said Lot 1, Block 1, Holy Trinity Catholic High School Subdivision (calls N. 73° 23' 16" W., 400.17 feet) to a 1" iron pipe found being the northeast corner of the said 5.000 acre tract and being the most easterly southeast corner of the said Lot 1, Block 1, Holy Trinity Catholic High School Subdivision and being in the west boundary line of that certain 0.668 acre tract of land described in a Deed to Rosemary Rendon and being of record in Document No. 2010-00043026, Official Public Records of Bell County, Texas for corner;

THENCE S. 16° 57' 34" W., 519.35 feet departing the said Lot 1, Block 1, Holy Trinity Catholic High School Subdivision and with the east boundary line of the said 5.000 acre tract (calls N. 19° 00' 00" E., 544.50 feet) and with the west boundary line of the said 0.668 acre tract and continuing with the west boundary line of that certain 0.713 acre tract of land described in a Deed to Gabrielle J. Parkey and being of record in Volume 3258, Page 681, Official Public Records of Bell County, Texas and continuing with the west boundary line of the aforementioned 0.639 acre tract of land (Document No. 2013-00043265) to the Point of BEGINNING and containing 2.080 acres of land.

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


Michael E. Alvis, R.P.L.S. #5402
February 23, 2017

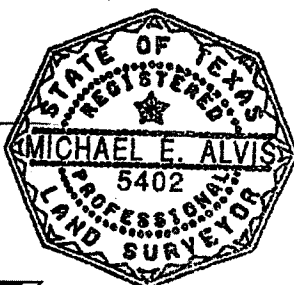


EXHIBIT B

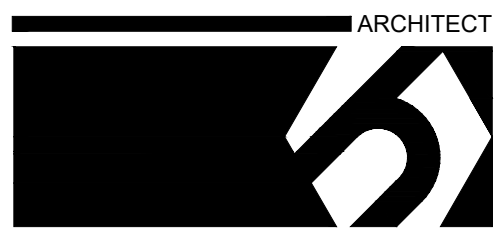
Page 1 of 2

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

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 511
THE THETA ANGLE AT SAID CITY MONUMENT IS $01^{\circ} 30' 27''$
THE COMBINED CORRECTION FACTOR (CCF) IS 0.999856
PUBLISHED CITY COORDINATES ARE $X = 3,212,276.86$ $Y = 10,381,314.93$
THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS
N. $73^{\circ} 24' 26''$ W., 1272.06 FEET.
GRID DISTANCE = SURFACE DISTANCE X CCF
GEODETIC NORTH = GRID NORTH + THETA ANGLE

EXHIBIT B

Page 2 of 2



Holtman Designworks Inc.
Firm No. BR-437
403 US 377 S.
Argyle, Texas 76226
Project Architect: Matthew R. Holtman
T: 940-240-0491

PROJECT OWNER
Sun Holdings, LLC
4055 Valley View Lane
Suite 500
Dallas, Texas 75244
Project Manager: David Grates
T: 972-232-2318

MEP ENGINEER
Meyer Engineering & Planning
Firm No. F-1437
4055 Coronado Drive
Plano, Texas
Project Engineer: Jim Meyer
972.814.6461

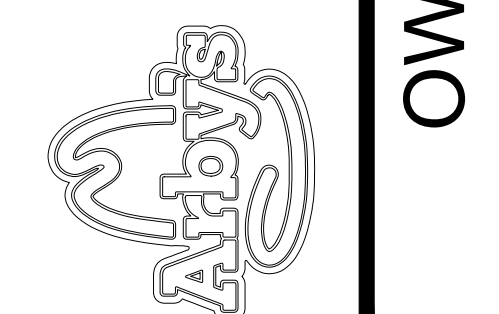
STRUCTURAL ENGINEER
HNH Engineering
Firm No. F-13825
6421 Camp Bowie Blvd #416
Fort Worth, Texas
Project Engineer: Will Herbert
817.713.4977

CIVIL ENGINEER
MJ Thomas Engineering
Firm Reg # F-9435
3873 W Vickery Blvd., Suite 103
Fort Worth, Texas 76107
Project Engineer: Michael Thomas
817.732.9839

LANDSCAPE ARCHITECT
Meeks Design Group
1755 N. Collins Blvd., Suite 300
Richardson, TX 75080
Project Landscape Architect: Brandon Boohar
972.690.7474

PROJECT

Arby's Inspire 2400 Restaurant
Lot 3, Block 1 West Adams Avenue
Temple, Texas. 76502



SEAL

PRELIMINARY
FOR REVIEW ONLY

THESE DOCUMENTS ARE FOR DESIGN REVIEW
AND NOT INTENDED FOR CONSTRUCTION.
BIDDING OR PERMIT PURPOSES. THEY WERE
PREPARED BY OR UNDER SUPERVISION OF:

MICHAEL A. THOMAS 93640 4/10/18
PE NO. DATE

REVISION STATUS

DATE	REVISION	ISSUE FOR PERMIT
	#	

PROJECT INFORMATION

DRAWN BY: ENN

CHECKED BY: BAL

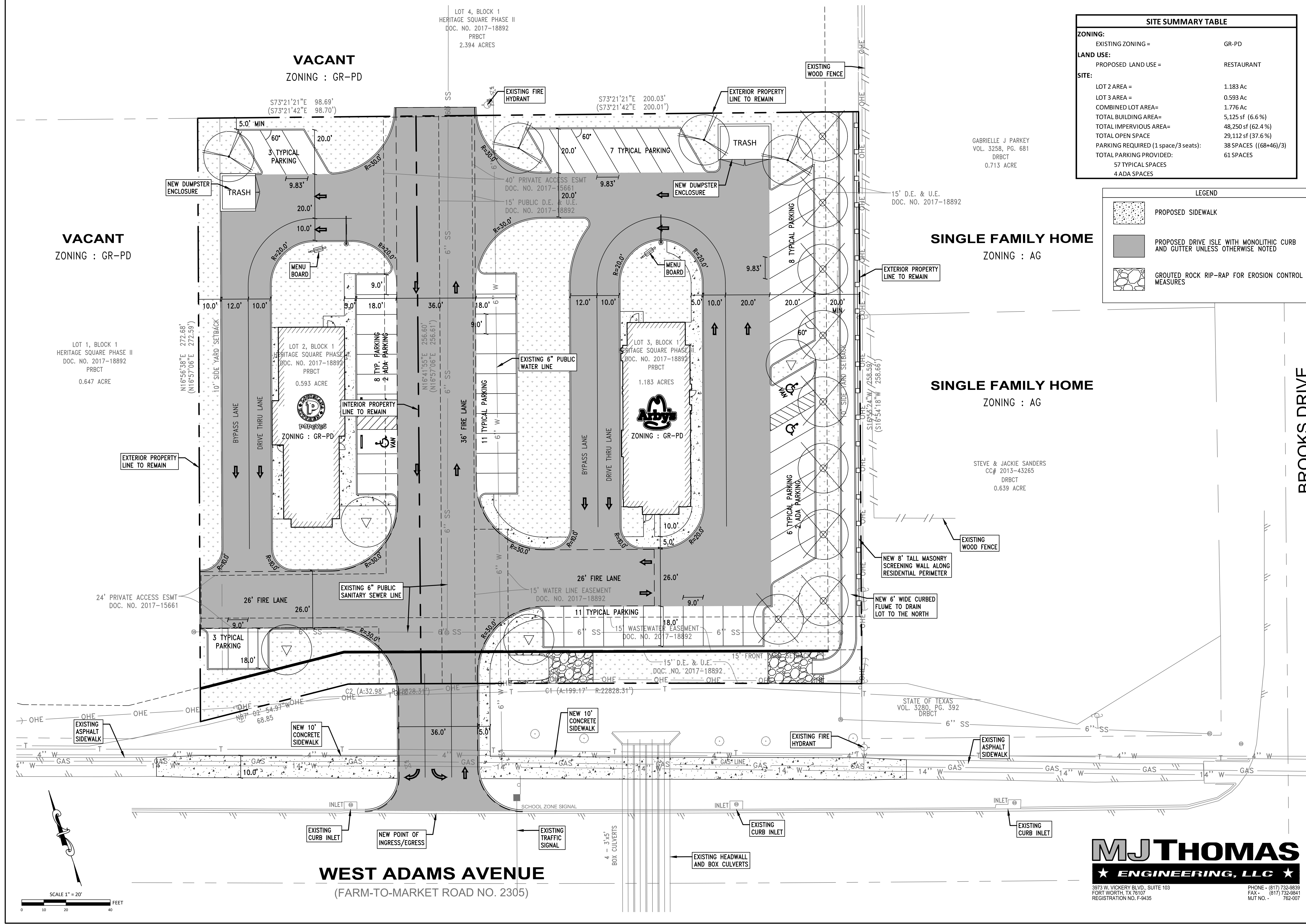
PROJECT MANAGER: MAT

DATE: 2/12/18

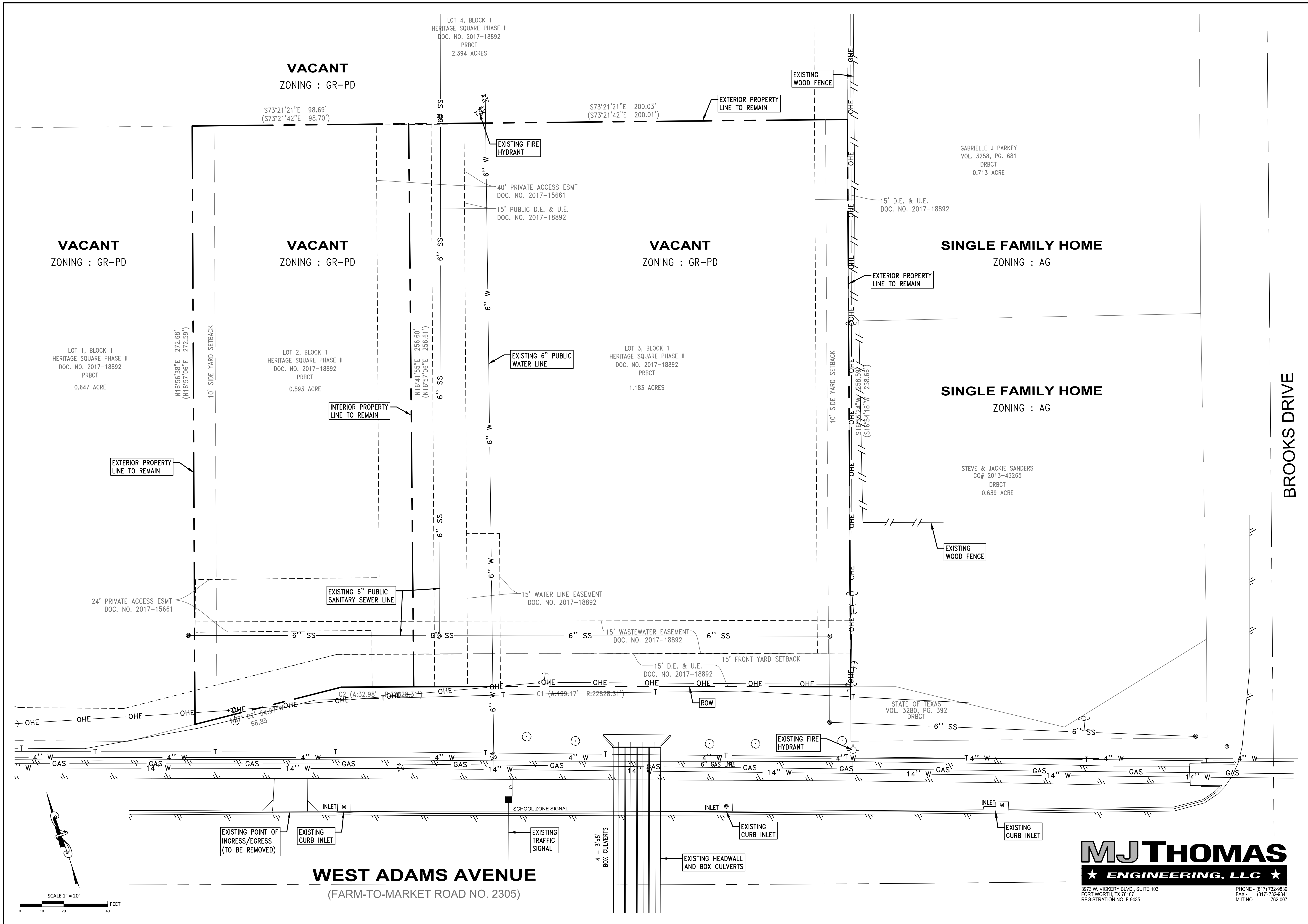
SHEET AND DESCRIPTION

SHEET 2

PROPOSED CONDITIONS



MJTHOMAS
★ ENGINEERING, LLC ★
3973 W. VICKERY BLVD., SUITE 103
FORT WORTH, TX 76107
REGISTRATION NO. F-9435
PHONE - (817) 732-9839
FAX - (817) 732-9841
MJT NO. - 762-007



ARCHITECT
Holtman Designworks Inc.
Firm No. BR-437
403 US 377 S.
Argyle, Texas 76226
Project Architect: Matthew R. Holtman
T: 940-240-0491

PROJECT OWNER
Sun Holdings, LLC
4035 Valley View Lane
Suite 500
Dallas, Texas 75244
Project Manager: David Grates
T: 972-232-2318

MEP ENGINEER
Meyer Engineering & Planning
Firm No. F-1437
4035 Coronado Drive
Plano, Texas
Project Engineer: Jim Meyer
972.814.6461

STRUCTURAL ENGINEER
HNH Engineering
Firm No. F-13625
6421 Camp Bowie Blvd #416
Fort Worth, Texas
Project Engineer: Will Herbert
817.713.4977

CIVIL ENGINEER
MJ Thomas Engineering
Firm Reg # F-9435
3973 W Vickery Blvd., Suite 103
Fort Worth, Texas 76107
Project Engineer: Michael Thomas
817.732.9839

LANDSCAPE ARCHITECT
Meeks Design Group
1755 N. Collins Blvd., Suite 300
Richardson, TX 75080
Project Landscape Architect: Brandon Booher
972.690.7474

PROJECT

Arby's Inspire 2400 Restaurant
Lot 3, Block 1 West Adams Avenue
Temple, Texas. 76502

OWNER REVIEW SET

SEAL

PRELIMINARY
FOR REVIEW ONLY
THESE DOCUMENTS ARE FOR DESIGN REVIEW AND NOT INTENDED FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSES. THEY WERE PREPARED BY OR UNDER SUPERVISION OF:

MICHAEL A. THOMAS 93640 4/10/18
PE NO. DATE

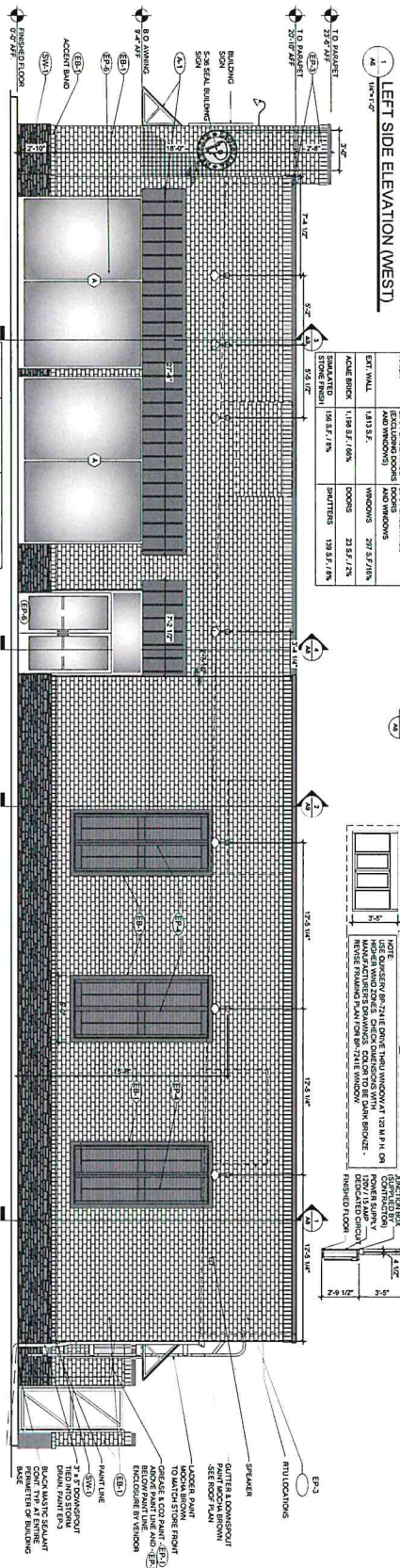
REVISION STATUS

REVISION	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

PROJECT INFORMATION

DRAWN BY: ENN
CHECKED BY: BAL
PROJECT MANAGER: MAT
DATE: 2/12/18

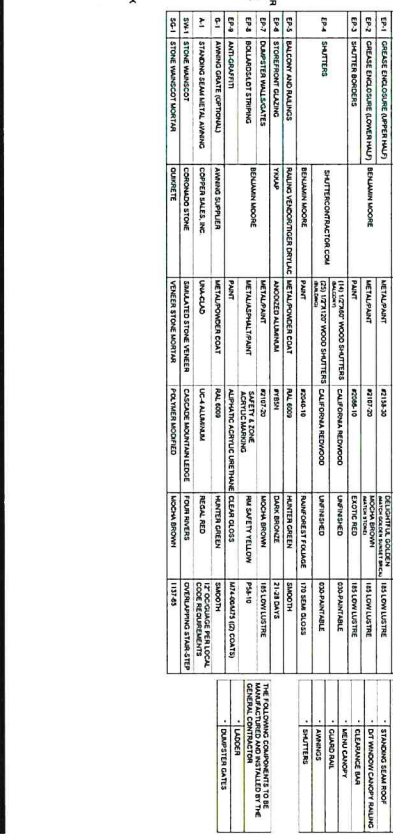
SHEET AND DESCRIPTION



2 RIGHT SIDE ELEVATION (EAST)
As 11.4" ± 1.0"

[illegible]

2 RIGHT SIDE ELEVATION (EAST)
As 11.4" ± 1.0"



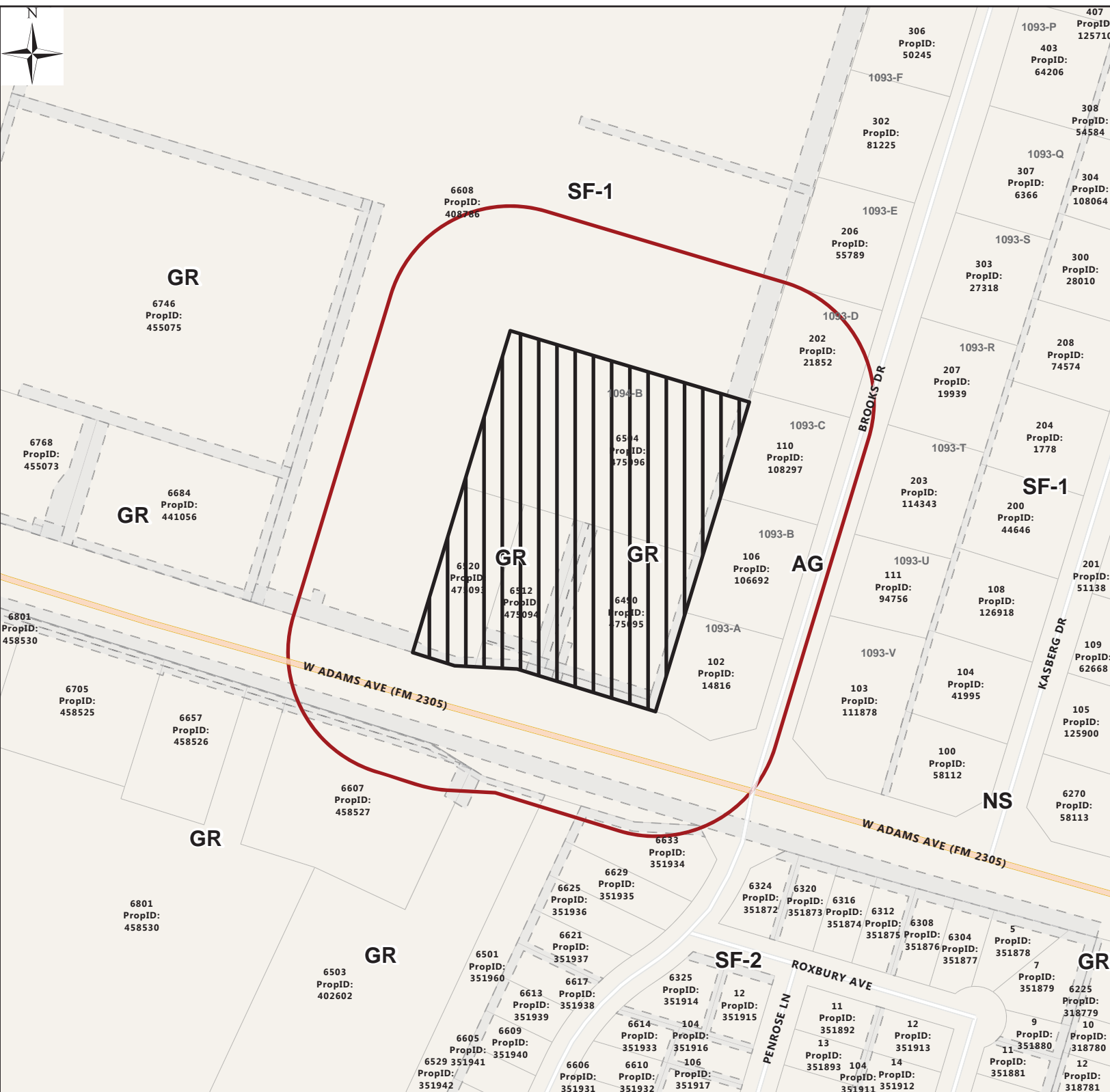


Development/ Site Plan

200'
NOTIFICATION MAP

Case No.: FY-18-2-SITE

Address :
6512 & 6490 W. Adams Ave



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

mbaker

Date: 3/22/2018





Letter Represents 3 Properties

RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

HERITAGE RIDGE INVESTMENTS LLC
6 S 1ST ST
TEMPLE, TX 76501-7604

Zoning Application Number: FY-18-2-SITE

Case Manager: Mark Baker

Location: Situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located north of West Adams Avenue, west of Brooks Drive, and east of Holy Trinity High School

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

I ☒ agree


() disagree with this request

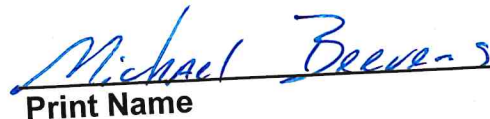
Comments:

RECEIVED

APR - 5 2018

City of Temple
Planning & Development


Signature


Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **April 16, 2018**.

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

Number of Notices Mailed: 16

Date Mailed: **March 29, 2018**

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



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

PARKEY, GABRIELLE J
106 BROOKS DR
TEMPLE, TX 76502-6351

Zoning Application Number: FY-18-2-SITE

Case Manager: Mark Baker

Location: Situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located north of West Adams Avenue, west of Brooks Drive, and east of Holy Trinity High School

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

I Have Some Concerns + I would like to talk to Someone

Comments:

Lighting / Signage Hours of Operation
Fencing / Wall
Drive Thru

Gabrielle Parkey
Signature

Gabrielle Parkey
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **April 16, 2018**.

RECEIVED

APR 06 2018

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

City of Temple
Planning & Development

Number of Notices Mailed: 16

Date Mailed: **March 29, 2018**

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

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, APRIL 16, 2018**

ACTION ITEMS

Item 3: FY-18-2-SITE – Hold a public hearing to discuss and recommend action on amending Ordinance No. 2017-4835 providing for Development/ Site Plan approval for Popeye's and Arby's restaurants on Lots 2 & 3, Block 1, Heritage Square Phase II, a non-residential subdivision, located on the north side of West Adams Ave, east of Holy Trinity Catholic High School and west of Brooks Drive, addressed as 6512 & 6490 West Adams Avenue.

Mr. Mark Baker, Senior Planner, stated this item is scheduled to go forward to City Council for first reading on May 17, 2018 and second reading on June 7, 2018.

This is from a rezoning of 2.080 +/-acres from Office One (O-1) to Planned Development Neighborhood Services (PD-NS) approved on March 16, 2017 by Ordinance No. 2017-4835.

The subject property is platted under Heritage Square, Phase II Replat, 4-Lot, I-Block, recorded April 24, 2017 - Lot 2 (Popeye's) and Lot 3 (Arby's).

DRC reviewed this item on April 5, 2018.

The PD Ordinance requires Site/ Development Plan public review.

On-site photos shown.

Site Plan:

Popeye's (Lot 2) 30-feet X 90-feet (2,550 square feet)

Arby's (Lot 3) 30-feet X 87-feet (2,570 square feet)

Both buildings setback approximately 75-feet from FM 2305

Provisions for a 10-foot concrete sidewalk on the site plan

Parking:

1 space per 3 seats

Arby's - 15 spaces required - 45 being provided

Popeye's - 23 spaces required - 16 being provided

4 handicapped = 61 Total spaces

Shared Parking Agreement (Per UDC Sec. 7.5.3) is acceptable to address any deficiencies

Drive-Through Windows and Menu Board:

10-foot Drive Aisle with Pickup Window
12-foot Bypass (escape aisle)
Menu and order box (North end of Queue)
Aisles are located on west side of both restaurants

Public Facilities:

Sewer: six-inch sewer line in FM 2305
Water: four-inch water line in FM 2305

Provisions for utilities addressed with Heritage Square, Phase II plat – Recorded April 2017

Landscaping:

Minimum of five percent of lot to be landscaped per UDC 7.4
Popeye's: providing 30 percent
Arby's: providing 25 percent
Proposed materials are acceptable per UDC Sec. 7.4
Minor relocations of shrubs may be necessary for screening and buffering - Suggested condition for minor site plan modifications

Buffering and Screening:

Five-foot landscape strip with trees and shrubs PLUS a 15-foot drainage easement with irrigated grass on the east side is acceptable as a 20-foot landscape buffer
Eight-foot masonry wall along 258 +/- feet of eastern property boundary will be provided
Arby's building pad is located 75 feet from the eastern property line

Dumpster Location:

Located in the rear (North) ends of respective lots
Dumpster for Arby's located approximately 35-feet from the eastern property line

Access:

36-foot wide private joint access drive from FM 2305 to access the four platted lots
Meets fire lane requirements
TxDOT has confirmed driveway aligns with existing joint access drive

Buffering and Screening:

Five-foot landscape strip with trees and shrubs PLUS a 15-foot drainage easement with irrigated grass is acceptable as a 20-foot landscape buffer
Eight-foot masonry wall along 258 +/- feet of eastern property boundary
Arby's building pad is located 75 feet from eastern property line

Popeye's Building Elevations and materials:

Acme Brick

Simulated Stone Finish

Architecturally reminiscent of New Orleans' French Quarter

Greek Revival

Art Nouveau

Art Deco

Renaissance Colonial

Building height – 23-feet tall at parapet

Each elevation will contain more than the minimum 70 percent masonry materials (tables provided) - in compliance with UDC Sec. 7.8.4F

Arby's Building Elevations and materials:

Acme Brick

Exterior Insulation and Finish System (EIFS)

Four 10-foot canopy posts

Metal Canopy

Building Height 22-feet tall at parapet

Each elevation will contain more than the minimum 70 percent masonry materials (tables provided) - in compliance with UDC Sec. 7.8.4F

Signage:

Building elevations show undimensioned wall mounted franchise signage

Site Plan review does not include signage approval – only shown for reference

Signage is reviewed by a separate application process – not part of this review

Signage shall comply to UDC Section 7.6

Fourteen notices were mailed in accordance with all state and local regulations with three responses returned in agreement and zero responses returned in disagreement.

The three Conditions of Approval in Ordinance 2017-4835 are still in effect and complied with.

While the requirements of Ordinance 2017-4835 are still in effect, Staff recommends approval to amend Ordinance No. 2017-4835 for Development/ Site Plan approval, subject to the following additional condition:

1. That the Director of Planning, with consultation as needed by the Design Review Committee (DRC), may be authorized to approve minor changes to the Development/Site Plan which include but not limited to: overall lot layout, landscaping, exterior building elevations/ materials, parking configuration, buffering and screening materials, in compliance with minimum UDC development standards

Mr. Brian Chandler, Director of Planning, asked to add something since it is not reflected in the PowerPoint presentation. In working with the Engineering staff, it has become apparent that the drainage reports are still lacking. Staff is working with the applicant to make sure the City's Engineering staff have sufficient time to review the drainage reports prior to going to City Council.

Mr. Chandler also confirmed that outdoor seating is not required like it is in TMED.

Mr. Chandler deferred to Mr. Mickey Thomas, the engineer, for drainage questions.

Mr. Mickey Thomas, MJ Thomas Engineering, 3973 West Victory Blvd., Ft. Worth, Texas, stated the site basically drains from north to south. Mr. Thomas has been working with Mr. Michael Beevers to come up with an acceptable plan as far as what is coming to the existing culverts. Due to the issues on the property, on-site detention (underground) will be needed.

Mr. Thomas explains the drainage challenges, the underground detention process, and maintenance of the drainage system for both lots.

Chair Fettig stated he did not see any information about lighting and requested more information on the lighting situation.

Mr. Baker stated there are requirements in the Unified Development Code (UDC) for lighting and any plans submitted regarding lighting would need to comply. Nothing was submitted specifically for the lighting.

Mr. Richard Wilson, Deputy City Engineer, confirmed that the City has done underground detention ponds and named some of the newer businesses that use the system. Mr. Wilson agreed they work well.

Chair Fettig opened the public hearing.

Ms. Jan Wesley, 106 Brooks Drive, Temple, Texas, stated she lives on the east side of the development. Ms. Wesley was concerned about lighting since her back yard abuts the project and wondered how it would work without trespassing onto her property.

Ms. Wesley asked about the size of the sign since they also are illuminated.

Mr. Michele Haddad, 4055 Valley View Lane, Dallas, Texas, stated he was aware of concerns about lighting and explained they will have a photometric done and the pole lights will be on a timer so the lights will not be shining all the time. For security reasons, the lights will be shining until all staff leaves and then will turn off automatically.

As far as the lighting of the buildings, the faceplate of the signage covers up all the brightness of the sign and the goose neck lights on Popeye's just shine on the building itself and are not LED.

The retaining wall will act as a buffer as well.

Ms. Wesley asked about the placement of the dumpster on the Arby's side which is right next to her property and was it possible to move it.

Mr. Thomas responded to Ms. Wesley explaining the dumpster location is predicated by City Ordinance and the constraints of the shape and size of the subject property. They must meet certain requirements and this was the best location based on those standards. The dumpster will have a masonry enclosure.

Ms. Wesley was more concerned about the odors than what it looked like.

Ms. Wesley points out her property and comments Arby's fence only goes to the midway point of her fence/property. Her concerns were how this issue would be dealt with and how would she maintain that area.

Mr. Thomas explained the fence would be on the Arby's and Popeye's property which they are required to do. Mr. Thomas suggested if it was alright with Ms. Wesley and the other neighbors, they would pull that section of fence down and tie those back into their wall.

Ms. Wesley does not want a gap between fences there and would be agreeable to tie into a new fence. Ms. Wesley also has small dogs and does not want them to get loose.

Mr. Thomas explained there would be a two-inch to four-inch drainage gap in the fence for drainage.

Mr. Thomas reiterated they would be doing a photo metrics plan to ensure the required light spread.

Arby's will not be opened 24 hours.

The drainage will have no effect on the septic systems.

The menu box has been moved over in order to minimize noise and direct it away from the residents but it still remains within the required distance.

Ms. Wesley asked about future development and if the fence would be the same.

Mr. Mike Beevers, 5101 FM 439, Belton, Texas, stated whatever fence was decided to be installed it would be carried out to the eastern boundary of Lot 4.

Mr. Michele Haddad returned to address the dumpster situation and suggested they could increase the pick-up times and/or enclose the dumpster pad on top if needed.

There being no further speakers, the public hearing was closed.

Commissioner Ward made a motion to approve Item 3, **FY-18-2-SITE**, as presented by Staff, and Commissioner Walker made a second.

Motion passed: (8:0)

Commissioner Armstrong absent.

ORDINANCE NO. 2018-4917
(FY-18-15)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 2017-4835 FOR A PLANNED DEVELOPMENT / SITE PLAN SHOWING A POPEYE'S AND ARBY'S RESTAURANT ON LOTS 2 & 3, BLOCK 1, HERITAGE SQUARE PHASE II, A NON-RESIDENTIAL SUBDIVISION, LOCATED ON THE NORTH SIDE OF WEST ADAMS AVENUE, EAST OF HOLY TRINITY CATHOLIC HIGH SCHOOL AND WEST OF BROOKS DRIVE, ADDRESSED AS 6512 AND 6490 WEST ADAMS AVENUE, TEMPLE, TEXAS; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, applicant, Thomas Engineering, on behalf of Heritage Ridge Investments, requests Development / Site Plan approval as required by rezoning Ordinance 2017-4835 approved by City Council on March 16, 2017, on an approximately 2.080 acre portion of the approximately 4.820 acre Planned Development zoned property;

Whereas, per Ordinance No. 2017-4835, the proposed development must comply with the following conditions:

1. Site plan approval is required by the Planning & Zoning Commission and City Council;
2. Site plan approval will include notification of property owners within 200-feet of the boundaries of the Planned Development – General Retail zoned area; and
3. The approximately 2.080 acres shall be screened by an eight foot solid masonry wall or solid masonry fence along the entire length of the eastern property line save and except the building set back line from West Adams Avenue, and shall be made of one or a combination of the following materials: masonry, natural stone, precast masonry fence products, or other acceptable products upon consultation with the Director of Planning, as necessary;

Whereas, the Director of Planning, with consultation as needed by the Design Review Committee, is authorized to approve minor changes to the Site Plan which include, but are not limited to overall lot layout, landscaping, exterior building elevations/materials, parking configuration, as well as buffering and screening materials, and all such changes must be in compliance with minimum UDC development standards; and

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

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

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

Part 2: The City Council amends Ordinance No. 2017-4835 to add a Planned Development / Site Plan showing a Popeye's and Arby's restaurants on Lots 2 & 3, Block 1, Heritage Square Phase II, a non-residential subdivision, located on the north side of West Adams Avenue, east of Holy Trinity Catholic High School and west of Brooks Drive, addressed as 6512 & 6490 West Adams Avenue, as set forth more fully in Exhibit A and described in more detail by Exhibit B, attached hereto and incorporated herein for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **17th** day of **May**, 2018.

PASSED AND APPROVED on Second Reading on the **7th** day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/07/18
Item #4(N)
Consent Agenda
Page 1 of 5

DEPT. / DIVISION SUBMISSION & REVIEW:

Lynn Barrett, Assistant Planning Director

ITEM DESCRIPTION: FOURTH READING – Z-FY-18-14: Consider adopting an ordinance authorizing a rezoning with a site/development plan from General Retail zoning district to Planned Development General Retail zoning district to allow the following Commercial uses: major vehicle repair, equipment sales and rentals, auto sales, auto and truck rental, Freeman Heights, Block 30, Lot 3-6, located at 311 South 25th Street, Temple, Texas.

CITY COUNCIL ACTION AT 1ST READING on April 19th: City Council tabled the request to allow staff to work with the applicant to develop options related to screening of inventory and improving the aesthetics of the public street frontage.

CITY COUNCIL ACTION AT 2nd READING on May 3rd: City Council tabled the request at the applicant's request in order to continue discussion on additional conditions relating to landscaping.

ADDITIONAL STAFF RECOMMENDED CONDITIONS (for the 5/3/18 meeting): After meeting with the applicant on April 20, 2018, staff recommends (and the applicant agrees with) the following additions (see attached "5-3-18 Concept Sketches"):

1. A wall consisting of 2' x 5' limestone blocks screening the south side of the existing parking lot (from front building corner to the alley), which would be four feet tall at the front and 6 feet tall from the rear corner of the building back to the alley
 - a. The wall could be moved in the future to screen parking/inventory along Avenue D once property is developed
2. A 4' tall (minimum) ornamental metal gate from the front corner of the building to the limestone wall
3. Four landscape beds along the South 25th Street frontage consisting of a minimum of 2" river rock and weed barrier with drought-tolerant plants, which would provide buffering between existing driveways, the street curb and the existing sidewalk
4. Parking in front of the building would be limited to employees and customers only (no inventory)
 - Staff had proposed an additional condition for the removal of approximately 1500 square feet of old broken paved parking material on lots 5 and 6; however, the applicant has indicated he does not wish to remove the old pavement until such time as those lots are developed and cited compaction issues.

STAFF RECOMMENDATION (at the 4/19/18 meeting): Based on the following, staff recommends approval with conditions for a rezoning from the current GR zoning district to the PD-GR zoning district for the following reasons:

1. That the proposed Development Plan/Site Plan reflects compliance with the provisions of the Planned Development Criteria as required by Unified Development Code (UDC) Section 3.4.5;
2. The base zoning remains GR with the PD-GR bringing forward those C uses on Lots 3-6 desired by the applicant: major auto repair, auto and equipment sales and rentals; auto and truck rentals;
3. That the PD request complies with UDC, Section 5.3.19 that states for any auto sales use - new or used, outdoor lot that the office must be less than 10% of the lot area;
4. That the request complies with UDC, Section 5.3.22 that states for Vehicle Servicing-major any auto servicing occurs inside a building and any vehicle parts stored outside must be behind a building, screened from public view and occupy less than 10% of the lot;
5. The request is in compliance with the Future Land Use Map (FLUM) Auto-Urban Commercial character district designation and current auto uses nearby along South 25th Street;
6. The proposed zoning is compatible with surrounding zoning;
7. The request complies with the Thoroughfare Plan and Trails Master Plan; and
8. Public facilities serve the subject property.

PD Conditions updated for the May 17th meeting::

1. Allowing for the major vehicle repair, equipment sales and rentals, auto sales, auto and truck rentals uses
2. No parking of any vehicles or inventory will occur on non-paved surfaces
3. Any auto/truck repair must occur inside the building
4. No parking or storage of inventory allowed in the street ROW
5. No outside parts storage unless completely screened behind the building
6. All building alterations required to obtain building permits
7. Any additional paving requires a building permit
8. Pave rear entry drive to building, and any additional area needed for inventory storage
9. Building to be kept in good repair; repaint/re-stucco as needed
10. Any refuse, rubbish or other materials removed; premises to be kept mowed
11. Remove old sign pole and base in ROW
12. Any new signage added on subject property requires a permit
13. – 16 The additional four conditions listed above

PLANNING & ZONING COMMISSION RECOMMENDATION: At their March 19, 2018 meeting, the Planning & Zoning Commission voted eight to zero to recommend approval of the rezoning to PD SF-2 with development/site plan per staff's recommendation.

ITEM SUMMARY: The applicant, Kelum Pellawata, owns an existing building and improved parking on two of four contiguous lots and has previously had auto servicing uses at that location. He is requesting major vehicle servicing, equipment sales and rentals, auto sales, auto and truck rentals as Commercial uses for the lot, while retaining the base GR zoning for other allowed uses. Two of the four lots are unimproved except for broken pavement and would require additional landscaping when developed. Conditions agreed upon also include adding screening, fencing, front landscaping and no parking of vehicles on unimproved surfaces. Applicant also agreed to remove the old noncompliant sign and base, and to pave the rear drive.

Planned Development

UDC Section 3.4.1 defines a PD 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.”

Per UDC Section, 3.4.3.A, a PD is subject to review and approval by City Council. Uses requested:

Auto sales, major vehicle servicing and equipment sales/rentals; auto/truck rental with storage of inventory on paved surfaces only and all repair to occur inside the existing building. Improvements will include removal of old signage and improving the front façade.

SURROUNDING PROPERTIES 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	Auto Urban Commercial	GR	Partially Developed
North	Auto Urban Commercial	PD-C	Auto Repair
South	Auto Urban Commercial	C	Commercial
East	Neighborhood Conservation	2F	Residential
West	Neighborhood Conservation	2F	Residential

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

Document	Policy, Goal, Objective or Map	Compliant?
CP	Map 3.1 - Future Land Use and Character (FLUP)	Yes
CP	Map 5.2 - Thoroughfare Plan	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Yes
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	Yes

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

Future Land Use Map (CP Map 3.1)

In the FLUM, the subject property is designated as the Auto-Urban Commercial character district. This district is intended for commercial uses at major intersections and along commercial corridors such as 25th Street.

The proposal is in compliance with the FLUM and current zoning as it includes several proposed commercial uses that are similar to many along South 25th Street.

Thoroughfare Plan (CP Map 5.2)

The subject property takes access from South 25th Street, which is designated as minor arterial in the Thoroughfare Plan and West Avenue D, a local street. Therefore, this request is compliant with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

Water and Sewer are available to and currently service the subject property.

DEVELOPMENT REVIEW COMMITTEE: As required by UDC Section 3.4.2 B, the Development/Site Plan for the proposed PD was reviewed by the Development Review Committee (DRC) on February 20, 2018. Site characteristics and history of the property were discussed.

PUBLIC NOTICE: Twenty-six notices were mailed to property owners within the 200 feet buffer area of the subject property. The notices included information on the public hearing as required by State Law and City Ordinance. As of noon on Tuesday, March 13th, 2018, one notices were received in disagreement; and five in agreement were returned, with zero notice returned undeliverable.

The newspaper printed notice of the public hearing on February 22, 2018 in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

5-3-18 Concept Sketches

Aerial Map

Utility Map

Zoning Map

Site Photos

Future Land Use and Character Map

Thoroughfare & Trails Map

Notification Map

Returned Property Notices

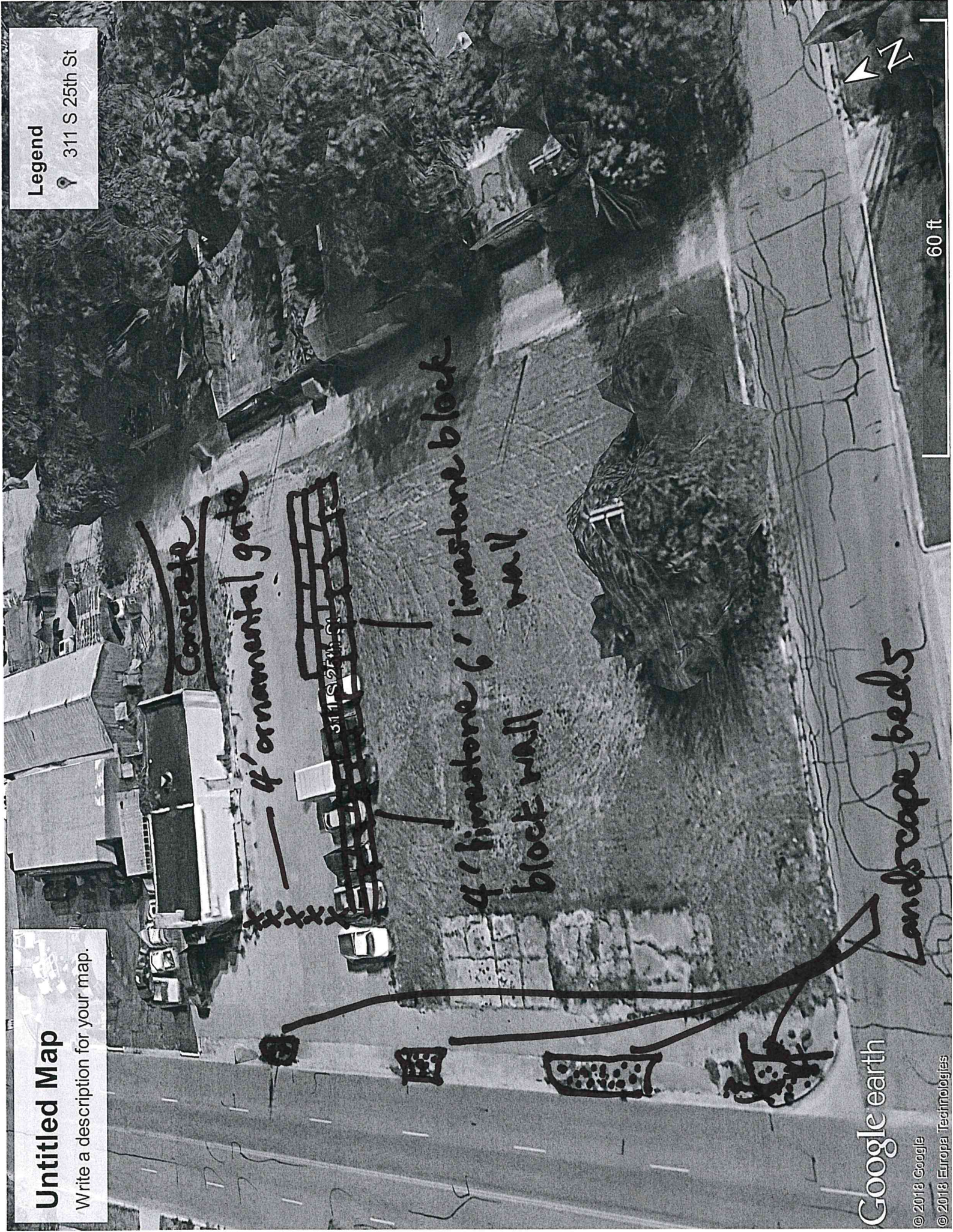
Ordinance

Untitled Map

Write a description for your map.

Legend

311 S 25th St



Google earth

© 2013 Google

© 2013 Europa Technologies

Untitled Map

Write a description for your map.

Legend

311 S 25th St

limestone block wall
(4' tall + 6' tall)

4' gate

2" River Rock w/
drought-tolerant
shrubs (red yucca shown)

Google earth

© 2018 Europa Technologies

© 2018 Google

9.86 ft





GR TO PD GR

AERIAL MAP

Zoning Case :
Z-FY-18-14

Address :
311 s 25th st

Transportation

- Streets
- COLLECTOR
 - LOCAL STREET
 - MINOR ARTERIAL
- Temple Municipal Boundary

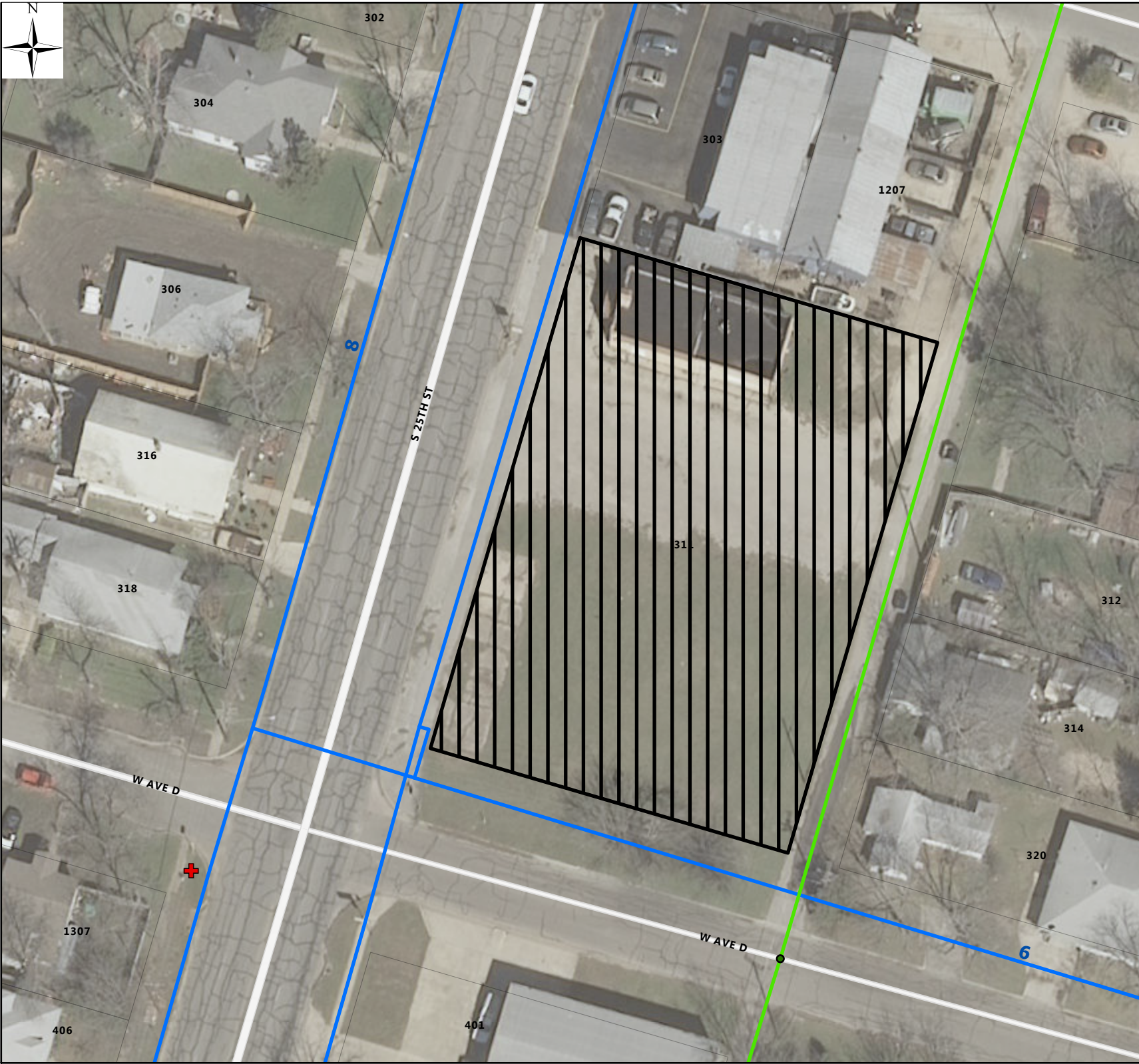
Parcel Features

- Parcels

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

Irbarrett
Date: 2/21/2018





GR TO PD GR

UTILITY MAP

Zoning Case :
Z-FY-18-14

Address :
6746 W ADAMS AVE
Sewer

● Manhole

— Gravity Main

WaterDistribution

+ Hydrant

— Main

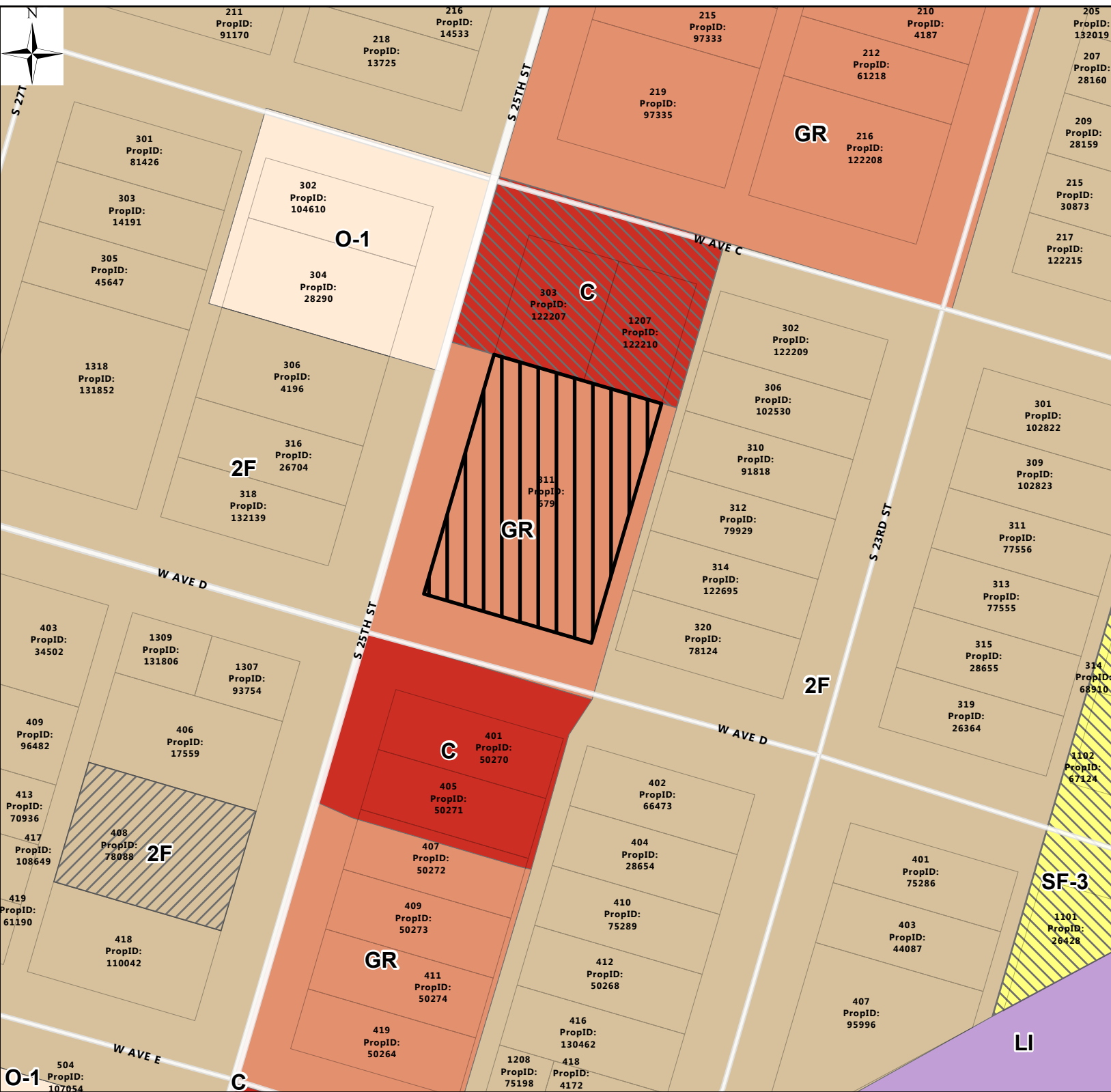
Parcel Features

□ Parcels

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

Irbarrett
Date: 2/21/2018





GR TO PD-GR

200' NOTIFICATION MAP

Zoning Case :
Z-FY-18-13
Address :
311 S 25th St

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

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Irbarrett

Date: 2/21/2018



SITE PHOTOS





Conditions will include removal of current sign, not blocking the ROW with inventory and paving the rear driveway to the back of the building.

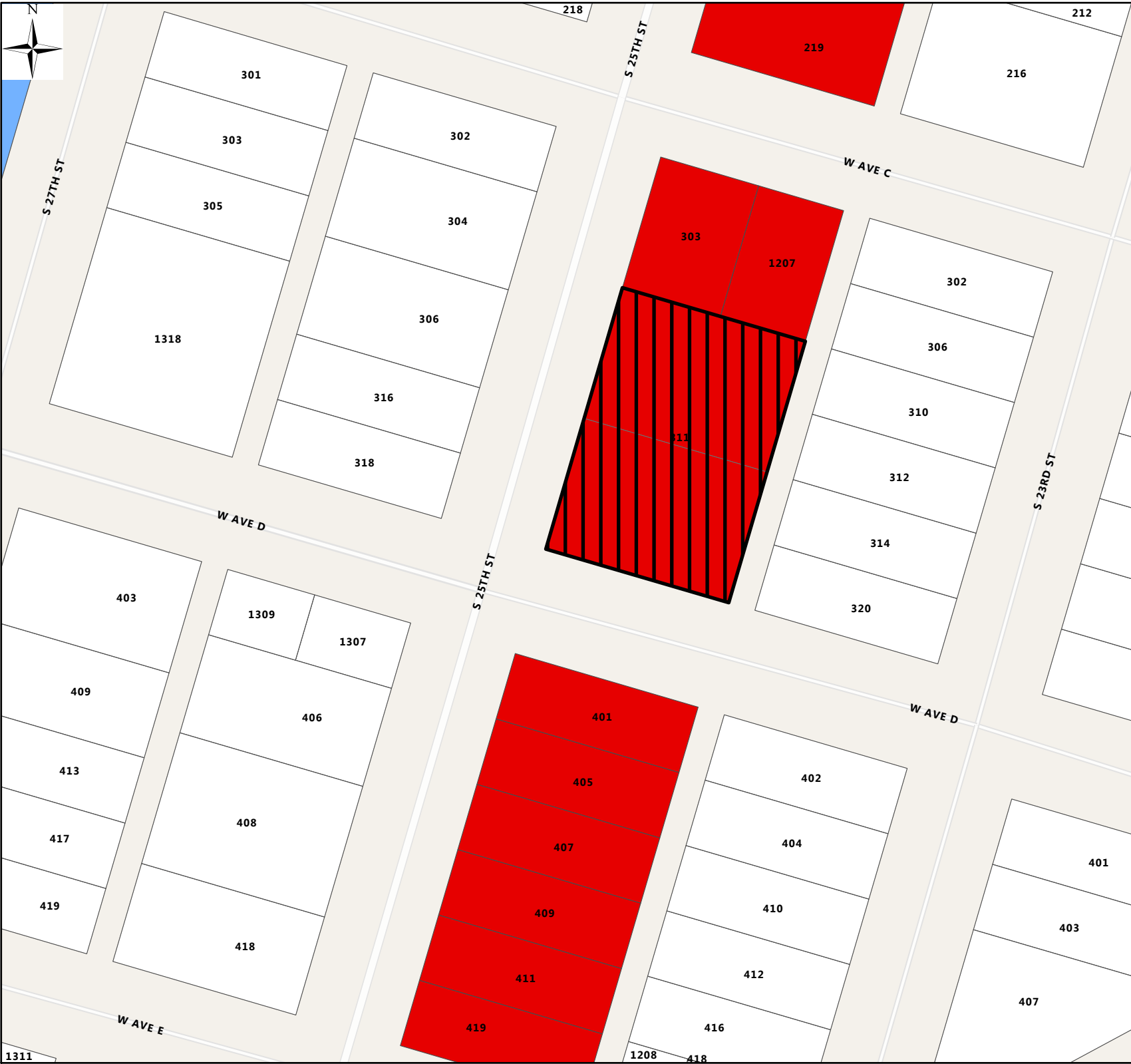


AREA PHOTOS



Residential Across 25th above and residential to the rear across the alley (below), commercial to North





GR TO PD-GR

FUTURE LAND USE MAP

Zoning Case :
Z-FY-18-14

Address :
6746 W ADAMS AVE

Transportation

- EXPRESSWAY
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- RAMP

Parcel Features

Parcels

Future LUP

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

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Irbarrett

Date: 2/21/2018





GR TO PD-GR THOROUGHFARE AND TRAILS MAP

Zoning Case :
Z-FY-18-14

Address :
311 S 25th St

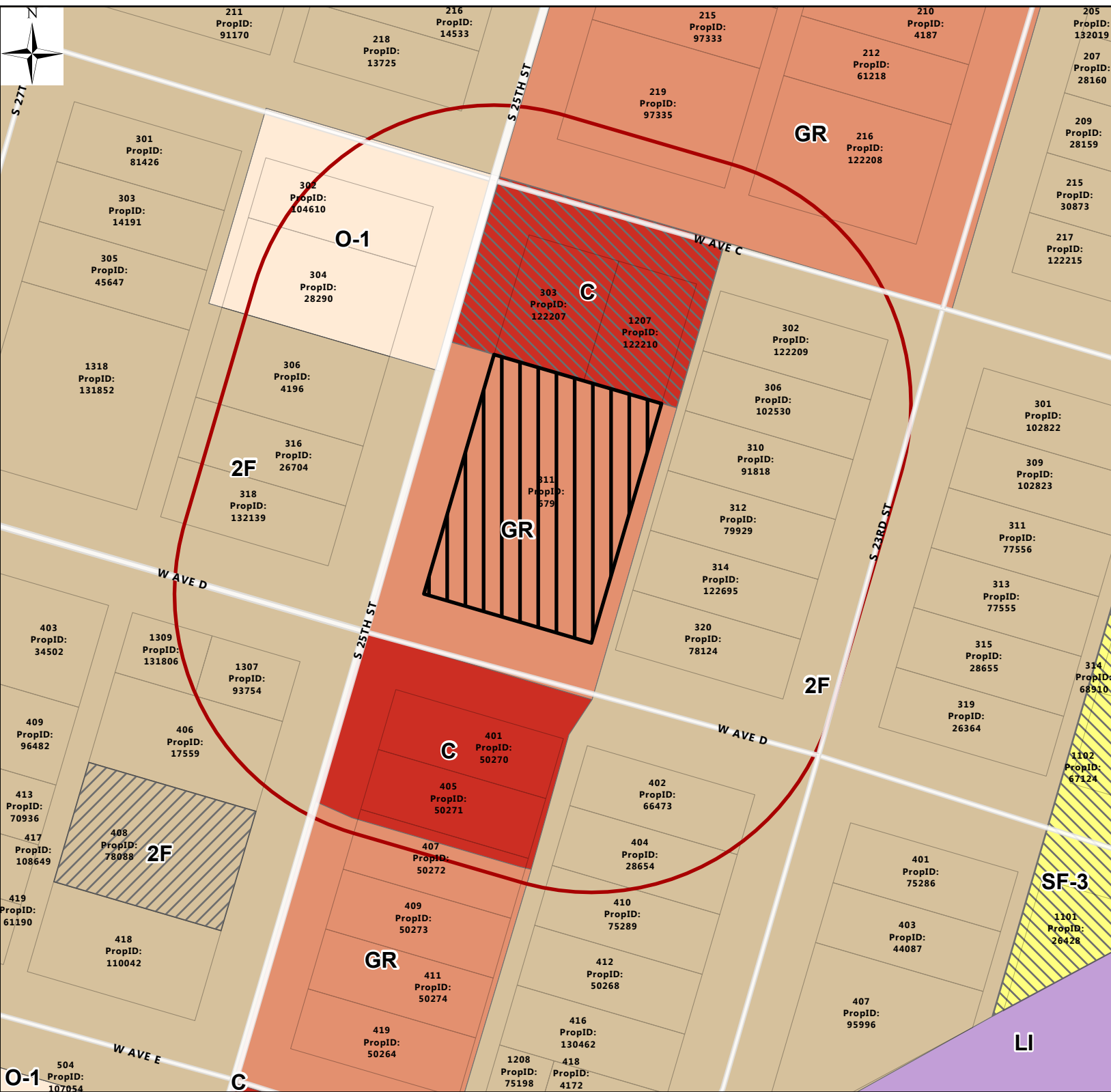
Parcel Features

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

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Irbarrett
Date: 2/21/2018





GR TO PD-GR

200'

NOTIFICATION MAP

Zoning Case :
Z-FY-18-13
Address :
311 S 25th St

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

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

Irbarrett
Date: 2/21/2018





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

YOUNGBLOOD, SILVESTER
3901 MARIAM RD
TEMPLE, TX 76502-2838

Zoning Application Number: Z-FY-18-14

Case Manager: Lynn Barrett

Location: 311 South 25th 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 comments you may have.

I () agree

(X) disagree with this request

Comments:

I DISAGREE TO THIS REZONING REQUEST BECAUSE MY
PROPERTY IS A HOME, A PLACE OF DWELLING, NOT OF ANY
FORM OF RETAIL IS THIS PROPERTY USED FOR

Silvester Youngblood
Signature

Silvester Youngblood
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, lbarrett@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **March 5, 2018**.

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

RECEIVED
MAR - 1 2018
City of Temple
Planning & Development

Number of Notices Mailed: 26

Date Mailed: February 22, 2018

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



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

VALENTA, DONALD FRANK
1153 LA MOTTE DR
TROY, TX 76579-3526

Zoning Application Number: Z-FY-18-14

Case Manager: Lynn Barrett

Location: 311 South 25th 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 comments you may have.

I ☒ agree

() disagree with this request

Comments:

RECEIVED

MAR - 2 2018

City of Temple
Planning & Development

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, lrbarrett@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **March 5, 2018**.

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

Number of Notices Mailed: 26

Date Mailed: February 22, 2018

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

VALENTA, DONALD F
1153 LA MOTTE DR
TROY, TX 76579-3526

Zoning Application Number: Z-FY-18-14

Case Manager: Lynn Barrett

Location: 311 South 25th Street, Temple, Texas

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I ☒ agree

() disagree with this request

Comments:

RECEIVED

MAR - 2 2018

City of Temple
Planning & Development

Signature

Print Name

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

VALENTA, DONALD FRANK
1153 LA MOTTE DR
TROY, TX 76579-3526

Zoning Application Number: Z-FY-18-14

Case Manager: Lynn Barrett

Location: 311 South 25th 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 comments you may have.

I ☒ agree

() disagree with this request

Comments:

RECEIVED

MAR - 2 2018

City of Temple
Planning & Development

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, lrbarrett@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **March 5, 2018**.

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

Number of Notices Mailed: 26

Date Mailed: February 22, 2018

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



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

JIRASEK, RAYMOND DAVID ETUX REBECKA JEAN
8088 CEDAR CREEK RD
TEMPLE, TX 76504-6096

Zoning Application Number: Z-FY-18-14 Case Manager: Lynn Barrett

Location: 311 South 25th 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 comments you may have.

I ☒ **agree**

() **disagree with this request**

Comments:

Rebecka J. Jirasek
Signature

Rebecka Jean Jirasek
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, lbarrett@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **March 5, 2018**.

RECEIVED

MAR - 1 2018

City of Temple
Planning & Development

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

Number of Notices Mailed: 26

Date Mailed: February 22, 2018

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



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

JIRASEK, RAYMOND DAVID ETUX REBECKA JEAN
8088 CEDAR CREEK RD
TEMPLE, TX 76504-6096

Zoning Application Number: Z-FY-18-14

Case Manager: Lynn Barrett

Location: 311 South 25th 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 comments you may have.

I ☒ agree

() disagree with this request

Comments:

Raymond David Jirasek
Signature

Raymond David Jirasek
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, lbarrett@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **March 5, 2018**.

RECEIVED

MAR - 1 2018

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Planning & Development

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

Number of Notices Mailed: 26

Date Mailed: February 22, 2018

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

ORDINANCE NO. 2018-4911
(Z-FY-18-14)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING AND SITE DEVELOPMENT PLAN FROM GENERAL RETAIL ZONING DISTRICT TO PLANNED DEVELOPMENT GENERAL RETAIL ZONING DISTRICT, TO ALLOW THE FOLLOWING COMMERCIAL USES: MAJOR VEHICLE REPAIR, EQUIPMENT SALES AND RENTALS, AUTO SALES, AUTO AND TRUCK RENTAL, ON PROPERTY LOCATED IN FREEMAN HEIGHTS, BLOCK 30, LOT 3-6, AND ADDRESSED AS 311 SOUTH 25TH STREET, TEMPLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, Kelum Pellawata, owns an existing building and improved parking on two of four contiguous lots and has previously had auto servicing uses at that location – the applicant is requesting major vehicle servicing, equipment sales and rentals, auto sales, auto and truck rentals as Commercial uses for the lot, while retaining the base General Retail zoning for other allowed uses;

Whereas, two of the four lots are unimproved and will require additional landscaping if developed and the conditions will include no parking of vehicles on unimproved or substandard surfaces - applicant agrees to remove an old noncompliant sign and base, add landscaping in the right-of-way, a fence and wall for screening, pave the rear drive and has already improved the front of the building;

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 General Retail zoning district to Planned Development General Retail zoning district, to allow the following Commercial uses: major vehicle repair, equipment sales and rentals, auto sales, auto and truck rental, on property located in Freeman Heights, block 30, lot 3-6, and addressed as 311 South 25th Street, Temple, Texas; and

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

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

Part 1: 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 General Retail zoning district to Planned Development General Retail zoning district, to allow the following Commercial uses: major vehicle repair, equipment sales and rentals, auto sales, auto and truck rental, on property located in Freeman Heights, block 30, lot 3-6, and addressed as 311 South 25th Street, Temple, Texas, as more thoroughly described by the site development plan attached hereto as Exhibit 'A,' and made a part hereof for all purposes along with the following conditions:

1. Major vehicle repair, equipment sales and rentals, auto sales, auto and truck rentals uses are allowed;
2. No parking of any vehicles or inventory will occur on non-paved or substandard surfaces;
3. Any auto/truck repair must occur inside the building;
4. No parking or storage of inventory allowed in the street right-of-way;
5. No outside parts storage unless completely screened behind the building;
6. All building alterations are required to obtain building permits;
7. Any additional paving requires a building permit;
8. Pave rear entry drive to building, and any additional area needed for inventory storage;
9. Building to be kept in good repair; repaint/re-stucco as needed;
10. Any refuse, rubbish or other materials must be removed; premises must be kept mowed;
11. Remove old sign pole and base in right-of-way;
12. Any new signage added on subject property requires a permit;
13. A wall must be constructed consisting of 2-foot x 5-foot limestone blocks screening the south side of the existing parking lot (from front building corner to the alley), which would be 4 feet tall at the front and 6 feet tall from the rear corner of the building back to the alley;
 - a. The wall could be moved in the future to screen parking/inventory along Avenue D once property is developed;
14. A 4-foot tall (minimum) decorative metal fence/gate from the front corner of the building to the limestone wall must be installed;
15. Four landscape beds along the South 25th Street frontage consisting of a minimum of 2-inch river rock and weed barrier with drought-tolerant plants, which would provide buffering between existing driveways, the street curb and the existing sidewalk must be installed;
16. Parking in front of the building would be limited to employees and customers only (no inventory); and
17. Conditions 8, 11, 13, 14, and 15, as set forth above, must be completed within six months of the effective date of this Ordinance.

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

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

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

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

TABLED on First Reading and Public Hearing on the **19th** day of **April**, 2018.

TABLED on Second Reading and Public Hearing on the **3rd** day of **May**, 2018.

PASSED AND APPROVED on Third Reading and Public Hearing on the **17th** day of **May**, 2018.

PASSED AND APPROVED ON Fourth Reading on the **7th** day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/07/18
Item #4(O)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing the use of the Construction Manager-at-Risk project delivery method for the acquisition of construction services needed for the renovations at the Conventional Water Treatment Plant Administrative Office and the City Manager Office Suite.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Two remodel projects are currently under design by MRB Group. The two projects are as follows: (1) Conventional Water Treatment Plant 2nd Floor Renovations (located at 4820 Parkside Drive) consisting of improvements to flooring, windows, lighting, and other finishes; (2) City Manager Suite Renovations (located at 2 North Main) consisting of the construction of three additional office spaces and upgrades to flooring and other finishes.

Due to the critical scheduling associated with both of these projects and limited available funding, staff believes that it would be beneficial to utilize the construction contractor's consulting services and expertise in the design and bidding phases, which can be accomplished through utilization of the Construction Manager-at-Risk project delivery method.

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. As such, and for the scheduling and budgetary reasons stated in the previous paragraph, it is staff's recommendation that the best value for the project can be achieved by using the Construction Manager-at-Risk (CMAR) project delivery method.

If authorized by the Council, staff will proceed with issuing Request for Proposals to identify construction contractors that will provide the City with the best value for the projects. Staff anticipates coming back to Council on July 19, 2018, with a recommendation for hiring a CMAR for the projects.

FISCAL IMPACT: Funding for the use of the Construction Manager-at-Risk project delivery method for the acquisition of construction services needed for renovations at the Conventional Water Treatment Plant Administrative Office and the City Manager Office Suite is available as follows:

	City Manager Suite	WTP Renovations	
	110-5911-513-6310	520-5100-535-6310	Total
	101654	101452	
Project Budget	\$ 82,457	\$ 134,172	\$ 216,629
Encumbered/Committed to Date	(37,949)	(7,025)	(44,974)
Remaining Project Funds	\$ 44,508	\$ 127,147	\$ 171,655

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE USE OF THE CONSTRUCTION MANAGER-AT-RISK PROJECT DELIVERY METHOD FOR THE ACQUISITION OF CONSTRUCTION SERVICES NEEDED FOR RENOVATIONS AT THE CONVENTIONAL WATER TREATMENT PLANT ADMINISTRATIVE OFFICE AND THE CITY MANAGER OFFICE SUITE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, there are currently two remodel projects under design by MRB Group:

1. Conventional Water Treatment Plant 2nd floor renovations (located at 4820 Parkside Drive) which consists of improvements to flooring, windows, lighting, and other finishes, and
2. City Manager Suite renovations (located at 2 North Main) which consists of the construction of 3 additional office spaces and upgrades to flooring and other finishes;

Whereas, due to the critical scheduling associated with these projects and limited funding available, Staff believes it would be beneficial to utilize the construction contractor's consulting services and expertise in the design and bidding phases, which can be accomplished through the Construction Manager-at-Risk (CMAR) project delivery method;

Whereas, in accordance with Texas Government Code Chapter 2269 and 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 recommends Council authorize the use of the CMAR project delivery method to achieve the best value for the project, and, if authorized, Staff will proceed with issuing a Request for Proposals to identify construction contractors that will provide the City will the best value for the projects—Staff anticipates returning to Council on July 19, 2018 with a recommendation for hiring a CMAR;

Whereas, funding for the use of the CMAR project delivery method for the above-referenced projects is available in Account No. 110-5911-513-6310, Project No. 101654 and Account No. 520-5100-535-6310, Project No. 101452; and

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

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

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

Part 2: The City Council authorizes the use of the Construction Manager-at-Risk project delivery method for the acquisition of construction services needed for renovations at the Conventional Water Treatment Plan Administrative Office and the City Manager Office Suite.

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 7th day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/07/18
Item #4(P)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Mitch Randles, Fire Chief

ITEM DESCRIPTION: Consider adopting a resolution approving an updated Central Texas Council of Governments Bell County Hazard Mitigation plan.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Hazard Mitigation is the long-term planning effort to minimize the loss of life and/or property in the event that a significant hazardous incident occurs. The requirement for jurisdictions to have an adopted hazard mitigation plan originated with the Robert T. Stafford Disaster Relief and Emergency Assistance Act following an amendment in 2000.

The updated Bell County plan is a continuation of a federally mandated and comprehensive Hazard Mitigation plan effort which contains both county-wide and specific incorporated area risk assessments of potential hazards and disaster events and was facilitated by the Central Texas Council of Governments. The Bell County Hazard Mitigation plan was last updated and adopted by the City of Temple in August 2007.

The Central Texas Council of Governments received approval from state of Texas and FEMA of the proposed plan in early April 2018.

By adoption of resolution, we will qualify for State and Federal disaster mitigation grant and disaster aid recovery dollars to assist the City with the associated costs of mitigating or recovering from a disaster event.

FISCAL IMPACT: Funding is available in the FY 2018 Operating Budget in an amount not exceed \$2,638 for the City of Temple portion of costs associated with development of the Regional Hazard Mitigation Action Plan document.

The Mitigation Actions listed for the City of Temple have been or will be addressed through a variety of funding sources including annual departmental budgets, state or federal grants, and capital improvement programming.

ATTACHMENTS:

Central Texas Council of Governments Bell County Hazard Mitigation plan
[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE UPDATED CENTRAL TEXAS COUNCIL OF GOVERNMENTS BELL COUNTY HAZARD MITIGATION PLAN; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, hazard mitigation is the long-term planning effort to minimize the loss of life and/or property in the event of a significant hazardous incident - the requirement for jurisdictions to have an adopted hazard mitigation plan originated with the Robert T. Stafford Disaster Relief and Emergency Assistance Act following an amendment in 2000;

Whereas, the updated Bell County plan is a continuation of a federally mandated and comprehensive Hazard Mitigation plan effort which contains both county-wide and specific incorporated area risk assessments of potential hazards and disaster events and was facilitated by the Central Texas Council of Governments (CTCOG) which was last updated and adopted by the City of Temple in August 2007;

Whereas, CTCOG received approval from the State of Texas and the Federal Emergency Management Agency of the proposed updated plan in early April 2018 and by adoption of this Resolution, the City will qualify for State and Federal disaster mitigation grant and disaster aid recovery dollars to assist the City with the associated costs of mitigating or recovering from a disaster event;

Whereas, funding is available in the fiscal year 2018 Operating Budget in an amount not exceed \$2,638, for the City's portion of costs associated with development of the Regional Hazard Mitigation Action Plan document;

Whereas, the Mitigation Actions listed for the City of Temple have been or will be addressed through a variety of funding sources including annual departmental budgets, state or federal grants, and capital improvement programming; and

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

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

Part 2: The City Council approves the updated Central Texas Council of Governments Bell County Hazard Mitigation Plan.

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 by law 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 7th day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/07/18
Item #4(Q)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution rescheduling the July 5, 2018 City Council meeting for June 28, 2018.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The first regular City Council Meeting for July is scheduled for July 5, 2018. Due to this being the day after the Independence Day holiday, Staff recommends cancelling this meeting and rescheduling it for the June 28, 2018.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, RESCHEDULING THE JULY 5, 2018 CITY COUNCIL MEETING
FOR JUNE 28, 2018; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the first regular City Council Meeting for July is scheduled for July 5, 2018 and due to being the day after the Independence Day holiday, Staff recommends Council cancel this meeting and reschedule it for June 28, 2018; and

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

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

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

Part 2: The City Council cancels the July 5, 2018 City Council meeting and reschedules it for June 28, 2018.

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 7th day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/07/18
Item #4(R)
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 2017-2018.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2017-2018 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$40,933.

ATTACHMENTS:

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2018 BUDGET
June 7, 2018

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
240-4600-551-2713		Cost of Goods Sold / Miscellaneous Merchandise	\$ 200	
240-0000-445-1246		Visitor Center / Store Sales		\$ 200
To appropriate revenue and expenditure related to merchandise sales at the Visitor Center Gift Shop.				
364-2400-519-6310	101851	Capital Buildings & Grounds / Facility Services	\$ 13,915	
364-1300-515-6310	101820	Capital Buildings & Grounds / Window Improvements		\$ 13,915
To reallocate funding for the relocation of Facility Services to Purchasing.				
240-4600-551-2616		Contracted Services / Professional	\$ 7,050	
240-7000-551-2128		Supplies / Postage		\$ 1,500
240-7000-551-2636		Contracted Services / Electricity		\$ 3,275
240-7000-551-2320		Repairs & Maintenance / Air Condition/Heat		\$ 775
240-7000-551-2610		Contracted Services / Telephone/Communications		\$ 1,500
To reallocate funding for the professional services agreement with Strategic Government Resources (SGR) for executive search services.				
110-0000-352-1345		Designated Capital Project / Unallocated	\$ 13,260	
110-0000-352-1345		Designated Capital Project / Assistance to Firefighters Grant Match		\$ 13,260
To undesignate the City's 10% required match authorized by Council on February 15, 2018 for the FY 2018 Law Enforcement Terrorism Prevention Activities (LETPA) grant. The grant funding received does not require a match from the City.				
110-2033-521-2120		Supplies / Education/Recreation	\$ 550	
110-0000-442-0722		Police Revenue / Police Donations/Gifts		\$ 550
To appropriate revenue and expenditure related to donations received from Wal-Mart and a citizen for Community Events.				
110-2057-521-2211		Capital < \$5,000 / Instruments/Special Equipment	\$ 5,202	
110-2031-521-2331		Repair & Maintenance / Instruments/Special Equipment		\$ 3,598
110-0000-442-0720		Police Revenue / Police Revenue		\$ 1,604
To appropriate proceeds from the sale of brass for the upgrade of Lasershot firearms training simulator.				
520-5200-535-2326		Repair & Maintenance / Hydrants & Valves	\$ 756	
520-0000-443-3054		Other Charges / Insurance Claims		\$ 756
To appropriate insurance proceeds received from Safeco Insurance for fire hydrant damage occurring on May 1, 2018 at South 5th Street and FM 93.				
TOTAL AMENDMENTS			\$ 40,933	\$ 40,933

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2018 BUDGET
June 7, 2018

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		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	\$	25,182
		Added to Contingency Judgments & Damages from Council Contingency		-
		Taken From Judgments & Damages		(25,000)
		Net Balance of Judgments & Damages Contingency Account	\$	182
		Beginning Compensation Contingency	\$	343,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(343,000)
		Net Balance of Compensation Contingency Account	\$	-
		Net Balance Council Contingency	\$	182
		Beginning Balance Budget Sweep Contingency	\$	-
		Added to Budget Sweep Contingency		-
		Taken From Budget Sweep		-
		Net Balance of Budget Sweep Contingency Account	\$	-
		WATER & SEWER FUND		
		Beginning Contingency Balance	\$	65,000
		Added to Contingency Sweep Account		-
		Taken From Contingency		(12,084)
		Net Balance of Contingency Account	\$	52,916
		Beginning Compensation Contingency	\$	63,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(63,000)
		Net Balance of Compensation Contingency Account	\$	-
		Net Balance Water & Sewer Fund Contingency	\$	52,916
		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	\$	19,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(19,000)
		Net Balance of Compensation Contingency Account	\$	-
		Net Balance Hotel/Motel Tax Fund Contingency	\$	-
		DRAINAGE FUND		
		Beginning Contingency Balance	\$	807,065
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		(694,864)
		Net Balance of Contingency Account	\$	112,201
		Beginning Compensation Contingency	\$	12,500
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(12,500)
		Net Balance of Compensation Contingency Account	\$	-
		Net Balance Drainage Fund Contingency	\$	112,201

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2018 BUDGET
June 7, 2018

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		FED/STATE GRANT FUND		
		Beginning Contingency Balance		\$ -
		Carry forward from Prior Year		39,299
		Added to Contingency Sweep Account		6,926
		Taken From Contingency		(37,343)
		Net Balance Fed/State Grant Fund Contingency		\$ 8,882

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2017-2018 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on the 25th day of August, 2017, the City Council approved a budget for the 2017-2018 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2017-2018 City Budget.

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

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

Part 2: The City Council approves amending the 2017-2018 City Budget by adopting the budget amendments which are more fully described in Exhibit 'A,' attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED this the 7th day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/07/18
Item #5
Regular Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Kevin Beavers, CPRP, Director of Parks and Recreation

ITEM DESCRIPTION: Consider adopting a resolution authorizing the creation of the Temple Main Street Advisory Committee and appointing its members.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: As a part of the Texas Main Street Program, the City of Temple is required to form an advisory group to support the program on a local level. The staff recommends creating the Temple Main Street Advisory Committee to meet this requirement. The committee will be responsible for supporting the Main Street Manager as needed with various projects in addition to supporting the following subcommittees:

- **Place** – Coordinate and facilitate improvement projects; monitor the progress of the Downtown Master Plan and recommend updates as needed; develop plans to improve security, parking, etc.
- **Events** – Improve/develop/support downtown events
- **Retention** – Focus on developing support services for the businesses already located in the downtown district
- **Preservation** – Protect the historic fabric of the downtown area by developing recommendations for building rehabilitation/restoration guidelines, while working with City departments to protect historic buildings

FISCAL IMPACT: None

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
CREATING THE TEMPLE MAIN STREET ADVISORY COMMITTEE AND
APPOINTING ITS MEMBERS; AND PROVIDING AN OPEN MEETINGS
CLAUSE.

Whereas, as a part of the Texas Main Street Program, the City of Temple is required to form an advisory group to support the program at a local level and Staff recommends Council create a Temple Main Street Advisory Committee to meet this requirement;

Whereas, the committee will support the Main Street Manager as needed with various projects, and facilitate subcommittees focusing on:

- **Place:** To coordinate and facilitate improvement projects, monitor the progress of the Downtown Master Plan, and recommend updates as needed, as well as develop plans to improve security, parking, etc.;
- **Events:** To improve/develop/support downtown events;
- **Retention:** To develop support services for the businesses already located in in the downtown district; and
- **Preservation:** To protect the historic fabric of the downtown area by developing recommendations for building rehabilitation/restoration guidelines, while working with City departments to protect historic buildings

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

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

Part 2: The City Council hereby creates a Temple Main Street Advisory Committee and appoints its members.

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 by law 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 7th day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/07/18
Item #6
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, City Manager
Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Developer Participation Agreement with Patco Construction, LLC., in the not to exceed amount of \$1,351,903 for construction of a portion of Azalea Drive as a part of The Reserve at Friars Creek subdivision.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: South Temple is rapidly growing along the 31st Street and 5th Street corridors and development of additional capacity and connectivity for east-west corridors is an important component of the City's Transportation Capital Improvement Program (TCIP). The proposed extension of Azalea Drive from Lowes Drive to a connection with an extension of 13th Street that is planned by the developer would be the first phase in providing for an additional connection between 31st Street and the 5th Street, thereby facilitating increased east west traffic connections for residents and commuters within this quadrant of the City.

While this section of roadway is not shown on the City's current Thoroughfare Plan, Staff has identified this as a desirable connection to provide additional capacity and connectivity in South Temple and approached the developer of The Reserve at Friars Creek subdivision regarding their willingness to accommodate this connection in their development plans for the subdivision.

Texas Local Government Code § 212.071 and § 212.072 authorize the City to enter in to an agreement with a developer for the construction of public improvements and caps the City's level of participation at 30% of the total contract price but also allows the City to participate at 100% of the total cost for any oversizing of improvements.

The cost associated with oversizing of Azalea is estimated at \$843,232. The total cost of other public improvements is estimated at \$1,962,621.

The requested participation of \$1,351,903 for the Azalea Drive extension equals 100% of the estimated contract price for the oversizing of improvements and 26% of the estimated contract price for remaining public improvements in The Reserve at Friars Creek.

FISCAL IMPACT: A budget adjustment is being presented to Council for approval to appropriate funding for the Developer Participation Agreement with Patco Construction, LLC, for construction of a portion of the extension of Azalea Drive, drainage improvements, and the extension of water and sewer utilities as part of The Reserve at Friars Creek subdivision. Funding in an amount not to exceed \$1,351,903 will be available for project 101860 as follows:

	353-2900-534-6715 Drainage	365-3400-531-6715 Road Extension	520-5900-535-6362 Water & Sewer	Total
Project Budget	\$ -	\$ -	\$ -	\$ -
Budget Adjustment	364,328	682,163	305,412	1,351,903
Encumbered/Committed to Date	-	-	-	-
Patco Construction, LLC	(364,328)	(682,163)	(305,412)	(1,351,903)
Remaining Project Funds	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

ATTACHMENTS:

[Budget Adjustment
Resolution](#)

BUDGET ADJUSTMENT FORM

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

Adjustments should be rounded to the nearest \$1.

+

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
353-2900-534-67-15	101860	Capital - Bonds / Azalea Drive	364,328			
353-2900-534-65-32		Capital - Special Projects / Contingency Fund			364,328	
365-3400-531-67-15	101860	Capital - Bonds / Azalea Drive	682,163			
365-3400-531-65-32		Capital - Special Projects / Contingency Fund			682,163	
520-5900-535-63-62	101860	Water & Sewer Extension	305,412			
520-0000-373-04-11		Unreserved / Retained Earnings			305,412	
		DO NOT POST				
TOTAL.....			\$ 1,351,903		\$ 1,351,903	

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

To appropriate funding for a Developer Participation Agreement with Patco Construction, LLC for construction of a portion of Azalea Drive as part of The Reserve at Friars Creek subdivision. The construction includes the extension of Azalea Drive from Lowe's Drive to a connection with an extension of 13th Street, drainage improvements and the extension of water and sewer improvements. The total City's share is \$1,351,903.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes

☐ No

DATE OF COUNCIL MEETING

6/7/2018

WITH AGENDA ITEM?

☒ Yes

☐ No

Department Head/Division Director

Date _____

	Approved
	Disapproved

Finance

Date _____

	Approved
	Disapproved

City Manager

Date _____

	Approved
	Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A DEVELOPER PARTICIPATION AGREEMENT WITH PATCO CONSTRUCTION, LLC IN THE NOT TO EXCEED AMOUNT OF \$1,351,903, FOR CONSTRUCTION OF A PORTION OF AZALEA DRIVE, AS PART OF THE RESERVE AT FRIARS CREEK SUBDIVISION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, South Temple is rapidly growing along the 31st Street and 5th Street corridors and development of additional capacity and connectivity for east-west corridors is an important component of the City's Transportation Capital Improvement Program;

Whereas, the proposed extension of Azalea Drive from Lowes Drive to a connection with an extension of 13th Street that is planned by the developer would be the first phase in providing for an additional connection between 31st Street and the 5th Street, thereby facilitating increased east/west traffic connections for residents and commuters within this quadrant of the City;

Whereas, while this section of roadway is not shown on the City's current Thoroughfare Plan, Staff has identified this as a desirable connection to provide additional capacity and connectivity in South Temple and approached the developer of The Reserve at Friars Creek subdivision regarding their willingness to accommodate this connection in their development plans for the subdivision;

Whereas, Texas Local Government Code §212.071 and §212.072 authorize the City to enter into an agreement with a developer for the construction of public improvements and caps the City's level of participation at 30% of the total contract price, but also allows the City to participate at 100% of the total cost for any oversizing of improvements;

Whereas, the cost associated with oversizing of Azalea Drive is estimated at \$843,232, and the total cost of other public improvements is estimated at \$1,962.621;

Whereas, the requested participation of \$1,351,903 for the Azalea Drive extension equals 100% of the estimated contract price for the oversizing of improvements and 26% of the estimated contract price for remaining public improvements in The Reserve at Friars Creek;

Whereas, funds are available for this agreement, but an amendment to the fiscal year 2018 budget needs to be approved to appropriate funding to Account Nos. 353-2900-534-6715, 365-3400-531-6715, and 520-5900-535-6362, Project No. 101860; and

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

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

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

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a Developer Participation Agreement with Patco Construction, LLC, in an amount not to exceed \$1,351,903, for construction of a portion of Azalea Drive as a part of The Reserve at Friars Creek subdivision.

Part 3: The City Council authorizes an amendment to the fiscal year 2018 budget, substantially in the form of the copy attached hereto as Exhibit 'A.'

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

PASSED AND APPROVED this the 7th day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/07/18
Item #7
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW

Kevin Beavers, CPRP, Parks and Recreation Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Emerson Construction Company, Inc. of Temple in the amount of \$9,629,872.59 for the construction of Santa Fe Phase 2 Roadway and Landscaping Improvements, as well as, declare an official intent to reimburse the expenditures with the issuance of the 2018 Tax Increment Financing Reinvestment Zone Bonds.

STAFF RECOMMENDATION: Adopt resolution as presented in item description and contract-specific information as subsequently presented to Council.

ITEM SUMMARY: The Santa Fe Phase 2 Project will develop the remainder of Santa Fe Plaza with a connection under the 3rd Street Bridge to the Santa Fe Market Trail and a pedestrian connection to the recently completed MLK Festival Grounds. Also included in this project is the redevelopment of 1st Street from Santa Fe Market Trail at Avenue B to Avenue A. Amenities included in the project are three parking lots, approximately 4,000 LF of sidewalk, a performance stage at Santa Fe Plaza, a color enhanced interactive fountain, concrete and brick paver flatwork, pedestrian & parking lot lighting, landscaping, irrigation, and development of a food truck center at Santa Fe Market Trail. (See attached Project Overview Aerial Drawing)

As shown on the attached bid tabulation, three bids were received for the project on May 30, 2018. The initial apparent low bidder, Holy Contractors, LLC, did not include a bid for three line items of Part B within the Bid Schedule. Accordingly, Staff deemed Holy Contractors' bid non-responsive. Staff is recommending award of the bid to Emerson Construction Company, Inc. of Temple in the amount of \$9,629,872.59.

The proposed contract provides for 330 calendar days to construct the project with phasing requirements that will provide for completion of the Santa Fe Plaza area improvement in synchronization with the completion of the Temple ISD and Santa Fe Business Center buildings.

The Reinvestment Zone No. 1 Board is scheduled to review the bids and make a recommendation related to a contract for this project at their June 6, 2018, Board Meeting.

FISCAL IMPACT: Funding for the construction contract for the Santa Fe Phase 2 Roadway and Landscaping Improvements is available in the Reinvestment Zone Financing and Project Plans, Lines 404, 407, and 411 in the accounts as shown below:

	Plaza 101008	Market Trail 101262	1st Street 101847	Total
	795-9500-531-6870	795-9500-531-6566	795-9500-531-6551	
	795-9600-531-6870			
	795-9800-531-6870			
Project Budget	\$ 13,467,538	\$ 5,285,000	\$ 850,000	\$ 19,602,538
Financing Plan Amendment	\$ 1,150,000	\$ (210,000)	\$ 210,000	\$ 1,150,000
Encumbered/Committed to Date	\$ (8,239,291)	\$ (2,701,113)	\$ -	\$ (10,940,404)
Santa Fe Phase 2 Construction Contract	\$ (6,329,580)	\$ (2,240,641)	\$ (1,059,652)	\$ (9,629,873)
Remaining Project Funds	\$ 48,667	\$ 133,246	\$ 348	\$ 182,261

ATTACHMENTS:

[Project Overview Aerial Drawing](#)
[Engineer's Letter of Recommendation](#)
[Bid Tabulation](#)
[Resolution](#)



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

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

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

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

June 1, 2018

Mr. Kevin Beavers, CPRP
City of Temple
2 North Main Street, Suite 201
Temple, Texas 76501

Re: City of Temple, Texas
Santa Fe Plaza Phase 2 Roadway and Landscaping Project

Dear Mr. Beavers:

On May 30, 2018, the City of Temple received bids from three (3) contractors for the Santa Fe Plaza Phase 2 Roadway and Landscaping Project.

The attached Bid Tabulation shows Emerson Construction Company Inc. as the lowest responsive bidder with a base bid of \$9,629,872.59. The base bids ranged from \$9,619,975.47 to \$10,393,317.00. Holy Contractors LLC bid submittal has been deemed unresponsive as three (3) bid items were submitted without unit prices.

Emerson Construction Company Inc. has successfully completed numerous projects of this type and are well qualified to perform the work. Therefore, we recommend that a contract be awarded to Emerson Construction Company Inc for the Base Bid for the Santa Fe Plaza Phase 2 Roadway and Landscaping Project in the amount of \$9,629,872.59.

Sincerely,

A blue ink signature of R. David Patrick, P.E., CFM, written in a cursive style.

R. David Patrick, P.E., CFM

RDP/

xc: Belinda Mattke, City of Temple
Chuck Emerson, Emerson Construction Company Inc.

BID TABULATION
CITY OF TEMPLE
SANTA FE PLAZA PHASE II - ROADWAY & UTILITIES
May 30, 2018; 11:00 AM

2014-126-40
Ph II

				BIDDER INFORMATION					
				Holy Contractors LLC 712 E Pantherway Hewitt TX 76643		Emerson Construction Company Inc 4502 Twin City Blvd Temple TX 76502		McLean Construction Inc 4101 Trimmier Rd Killeen TX 76543	
Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
PART A: SANTA FE PLAZA									
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of Part A Bid	\$ 245,000.00	\$ 245,000.00	\$ 192,500.00	\$ 192,500.00	\$ 308,769.00	\$ 308,769.00
2	100%	LS	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of ROW for Part A	104,910.00	104,910.00	165,968.00	165,968.00	178,942.00	178,942.00
3	100%	LS	Submit Part A Portion of Trench Safety Plan Prepared & Signed by PE, in Conformance with State Law & OSHA	650.00	650.00	990.00	990.00	2,470.00	2,470.00
4	607	LF	Implement & Follow Trench Safety Plan (Pipe)	4.50	2,731.50	2.53	1,535.71	4.00	2,428.00
5	1,130	SF	Implement & Follow Trench Safety Plan (Structures)	1.50	1,695.00	1.65	1,864.50	4.00	4,520.00
6	100%	LS	Provide Labor, Equipment, Tools & Supervision to Complete Removal of All Items per The Removal Plan Sheets for Part A	5.00	5.00	8,250.00	8,250.00	31,964.00	31,964.00
7	100%	LS	Prepare Part A Portion of Stormwater Pollution Prevention Plan, Including Submission to & Receiving Permits from TCEQ	700.00	700.00	2,750.00	2,750.00	4,064.00	4,064.00
8	100%	LS	Prepare & Submit Part A Portion of a Control Plan prepared & signed by a P.E. for Vehicular Traffic	400.00	400.00	1,650.00	1,650.00	3,595.00	3,595.00
9	100%	LS	Implement & Administer Barricade, Signing & Traffic Safety Plan (Vehicular & Pedestrian) for Part A	38,500.00	38,500.00	14,850.00	14,850.00	17,942.00	17,942.00
10	100%	LS	Provide Project Record Drawings for Part A	500.00	500.00	2,200.00	2,200.00	3,371.00	3,371.00
11	100%	LS	Provide DVD of right-of-way pre-construction & post construction site conditions for Part A	500.00	500.00	2,750.00	2,750.00	5,454.00	5,454.00
12	18	EA	Furnish, Install, Maintain & Remove Inlet Protection	50.00	900.00	330.00	5,940.00	655.00	11,790.00
13	1,200	LF	Furnish, Install, Maintain & Remove Silt Fence	2.25	2,700.00	4.40	5,280.00	2.20	2,640.00
14	90	LF	Furnish & Install 2" PVC Waterline	10.00	900.00	46.75	4,207.50	35.50	3,195.00
15	1	EA	Furnish & Install 2" Wet Tap with Gate Valve	2,000.00	2,000.00	1,595.00	1,595.00	872.00	872.00
16	1	EA	Furnish & Install 1 1/2" Plug for Waterline	50.00	50.00	254.10	254.10	232.00	232.00
17	1	EA	Furnish & Install 2"x1 1/2" Reducer for Waterline	75.00	75.00	275.00	275.00	251.00	251.00
18	1	EA	Furnish & Install 2" Waterline Meter With Backflow Preventer	6,000.00	6,000.00	11,748.00	11,748.00	8,872.00	8,872.00
19	100%	LS	Furnish All Materials, Tools & Labor to Test Waterline for Part A According to Specifications & Plans	3,500.00	3,500.00	2,200.00	2,200.00	4,502.00	4,502.00
20	140	LF	Furnish & Install 4" Wastewater Force Main	10.00	1,400.00	60.94	8,531.60	44.60	6,244.00
21	1	EA	Furnish & Install 4" 45-Degree Bend for Wastewater Line	80.00	80.00	298.10	298.10	421.00	421.00
22	2	EA	Furnish & Install 4" 22.5-Degree Bend for Wastewater Line	162.00	324.00	299.20	598.40	422.00	844.00
23	1	EA	Tie Wastewater Line to Existing Manhole	1,000.00	1,000.00	2,530.00	2,530.00	1,585.00	1,585.00
24	1	EA	Tie Wastewater Line to Storage Tank	1,000.00	1,000.00	2,513.50	2,513.50	1,126.00	1,126.00
25	100%	LS	Furnish All Materials, Tools & Labor to Test Wastewater Line According to Specifications & Plans for Part A	3,500.00	3,500.00	1,474.00	1,474.00	2,251.00	2,251.00
26	1	EA	Furnish & Install 20' Curb Inlet	6,444.00	6,444.00	8,065.20	8,065.20	8,523.00	8,523.00
27	1	EA	Furnish & Install 15' Curb Inlet	5,564.00	5,564.00	6,836.50	6,836.50	6,440.00	6,440.00
28	1	EA	Furnish & Install 4'x4' Area Inlet	2,890.00	2,890.00	3,962.20	3,962.20	4,008.00	4,008.00
29	12	LF	Furnish & Install 24" RCP	93.25	1,119.00	409.20	4,910.40	110.00	1,320.00
30	121	LF	Furnish & Install 18" RCP	67.00	8,107.00	100.10	12,112.10	81.50	9,861.50
31	260	LF	Furnish & Install 6" PVC French Drain	20.00	5,200.00	80.30	20,878.00	49.00	12,740.00
32	1	EA	Furnish & Install 6" 45-Degree Bend for French Drain	40.00	40.00	275.00	275.00	396.00	396.00
33	1	EA	Furnish All Tools, Materials & Labor to Connect 24" RCP to Existing 48" RCP	1,000.00	1,000.00	1,804.00	1,804.00	3,286.00	3,286.00
34	1	EA	Furnish All Tools, Materials & Labor to Connect 18" RCP to Existing Junction Box	1,000.00	1,000.00	2,200.00	2,200.00	3,114.00	3,114.00
35	1	EA	Furnish All Tools, Materials & Labor to Connect 18" RCP to Existing 5'x4' RCB	1,000.00	1,000.00	2,293.50	2,293.50	3,401.00	3,401.00
36	1	EA	Furnish All Tools, Materials & Labor to Connect 6" French Drain to Proposed 18" RCP	7,200.00	7,200.00	1,443.20	1,443.20	2,826.00	2,826.00
37	1	EA	Furnish All Tools, Materials & Labor to Connect 6" French Drain to Existing 5'x4' RCB	500.00	500.00	1,804.00	1,804.00	3,401.00	3,401.00
38	200	CY	Furnish & Install Class A Concrete	300.00	60,000.00	275.00	55,000.00	348.00	69,600.00
39	150	SY	Furnish & Install Concrete Riprap	31.50	4,725.00	52.80	7,920.00	61.00	9,150.00
40	7,000	SY	Furnish & Install Concrete Sidewalk/Flatwork	45.00	315,000.00	58.30	408,100.00	46.00	322,000.00
41	3	EA	Furnish & Install 4'x13' Diamond Plate for Sidewalk	4,004.00	12,012.00	1,980.00	5,940.00	1,859.00	5,577.00
42	1	EA	Furnish & Install 4'x6' Diamond Plate for Sidewalk	2,024.00	2,024.00	990.00	990.00	784.00	784.00
43	16	EA	Furnish & Install Type 1 Curb Ramp	750.00	12,000.00	1,925.00	30,800.00	2,296.00	36,736.00
44	13	EA	Furnish & Install Type 7 Curb Ramp	750.00	9,750.00	1,650.00	21,450.00	2,195.00	28,535.00
45	7,000	LF	Furnish & Install Concrete Curb & Gutter	12.00	84,000.00	16.50	115,500.00	14.50	101,500.00
46	500	LF	Sawcut Existing Roadway	3.50	1,750.00	8.80	4,400.00	5.00	2,500.00
47	1,800	CY	Unclassified Roadway Excavation	6.00	10,800.00	11.00	19,800.00	18.00	32,400.00
48	1,000	CY	Unclassified Roadway Fill	36.00	36,000.00	11.00	11,000.00	110.00	110,000.00
49	12,500	SY	Furnish & Install 3" HMAC Type D	11.00	137,500.00	12.65	158,125.00	11.80	147,500.00
50	12,500	SY	Furnish & Install 3 5/8" HMAC Type B	12.95	161,875.00	14.85	185,625.00	14.00	175,000.00
51	13,800	SY	Furnish & Install 9" Crushed Limestone Base Material	9.73	134,274.00	12.65	174,570.00	16.00	220,800.00
52	13,800	SY	Furnish & Install Moisture Conditioned Sub Grade	2.97	40,986.00	2.20	30,360.00	1.30	17,940.00
53	1,500	SY	Mill & Overlay With 2" HMAC Type D for Temple Telegram	14.65	21,975.00	22.00	33,000.00	16.50	24,750.00
54	14,600	SY	Furnish & Install 1.5" HMAC Type D	5.45	79,570.00	6.60	96,360.00	6.20	90,520.00
55	3,400	SY	Furnish & Install PMM (Polymer Modified Master seal)	3.15	10,710.00	4.40	14,960.00	3.60	12,240.00
56	75	TN	Furnish & Install HMAC Type B for Patchwork to Existing Asphalt	120.00	9,000.00	143.00	10,725.00	134.00	10,050.00
57	200	SY	Sawcut Existing Asphalt & Remove & Replace with 3,000 PSI Concrete	48.50	9,700.00	110.00	22,000.00	115.00	23,000.00
58	800	SY	Furnish & Install Concrete Driveway Section Including Base & #4 Rebar - 12" OCEW Reinforcing	45.00	36,000.00	77.00	61,600.00	88.50	70,800.00
59	21	EA	Furnish & Install Stop Sign (R1-1) Including Post & Base	200.00	4,200.00	308.00	6,468.00	308.00	6,468.00
60	15	EA	Furnish & Install Handicap Parking Sign (R7-8) Including Post & Base	175.00	2,625.00	308.00	4,620.00	308.00	4,620.00
61	2	EA	Furnish & Install Bus Sign (C-7) Including Post & Base	135.00	270.00	429.00	858.00	392.00	784.00
62	5	EA	Furnish & Install No Parking Sign (R7-6) Including Post & Base	150.00	750.00	385.00	1,925.00	364.00	1,820.00
63	15	EA	Furnish & Install Thermoplastic Handicap Parking Emblem	302.50	4,537.50	374.00	5,610.00	308.00	4,620.00
64	240	LF	Furnish & Install Thermoplastic 2' Wide Stop Bar Striping	7.70	1,848.00	6.05	1,452.00	7.80	1,872.00
65	8,200	LF	Furnish & Install Thermoplastic Parking Striping	1.10	9,020.00	2.20	18,040.00	2.20	18,040.00
66	3,800	LF	Furnish & Install Thermoplastic Parking Gore Striping	1.10	4,180.00	2.75	10,450.00	2.80	10,640.00
67	150	LF	Furnish & Install Thermoplastic Loading Zone Area Striping	1.93	289.50	3.41	511.50	2.80	420.00
68	1	EA	Furnish & Install Thermoplastic 18" Loading Zone Lettering Emblem	423.50	423.50	335.50	335.50	431.00	431.00
69	3	EA	Furnish & Install Thermoplastic 36" Loading Zone Lettering Emblem	748.00	2,244.00	357.50	1,072.50	762.00	2,286.00
70	11	EA	Furnish & Install Removable Bollard	800.00	8,800.00	1,184.00	13,024.00	1,898.00	20,878.00
71	500	LF	Patch & Grout Existing Curb & Gutter	10.00	5,000.00	11.00	5,500.00	19.20	9,600.00
72	300	LF	Remove & Replace Existing Curb & Gutter	20.00	6,000.00	27.50	8,250.00	18.00	5,400.00
73	1	EA	Furnish & Install 480 volt distribution panelboard	11,174.00	11,174.00	9,900.00	9,900.00	10,080.00	10,080.00
74	1	EA	Furnish & Install 240 volt lighting panelboard L1	35,940.28	35,940.28	19,250.00	19,250.00	24,640.00	24,640.00
75	1	EA	Furnish & Install Dry type transformer	15,014.63	15,014.63	5,500.00	5,500.00	11,200.00	11,200.00
76	1	EA	Furnish & Install Harmonic filter	24,373.23	24,373.23	13,200.00	13,200.00	16,800.00	16,800.00
77	2	EA	Furnish & Install Router, cabinet & accessories	3,030.93	6,061.86	2,750.00	5,500.00	2,800.00	5,600.00
78	1	EA	Furnish & Install Concrete handholes	11,304.77	11,304.77	8,800.00	8,800.00	10,080.00	10,080.00
79	19	EA	Furnish & Install FRP handholes	1,685.06	32,016.14	1,320.00	25,080.00	1,512.00	28,728.00
80	2	EA	Furnish & Install Type 1 power pedestal	945.19	1,890.38	1,089.00	2,178.00	1,120.00	2,240.00
81	3	EA	Furnish & Install Type 2 power pedestal	2,351.51	7,054.53	1,980.00	5,940.00	2,128.00	6,384.00
82	7	EA	Furnish & Install Landscape receptacle pedestal	841.32	5,889.24	715.00	5,005.00	784.00	5,488.00
83	38	EA	Furnish & Install S1 Light pole fuse assembly & terminations	745.39	28,324.82	550.00	20,900.00	728.00	27,664.00
84	15	EA	Furnish & Install S2 Light pole fuse assembly & terminations	745.39	11,180.85	550.00	8,250.00	728.00	10,920.00
85	10	EA	Furnish & Install P1 Light pole fuse assembly & terminations	2,232.19	22,321.90	495.00	4,950.00	952.00	9,520.00
86	15	EA	Furnish & Install P2 Light pole fuse assembly & terminations	1,443.04	21,645.60	495.00	7,425.00	1,008.00	15,120.00
87	78	EA	Furnish & Install Light pole concrete pier & grounding	1,923.48	150,031.44	2,530.00	197,340.00	1,960.00	152,880.00
88	2	EA	Furnish & Install Ground rod & well	1,204.56	2,409.12	825.00	1,650.00	1,008.00	2,016.00
89	100%	LS	Furnish & Install 480 volt service conduit & cable	16,080.67	16,080.67	16,500.00	16,500.00	16,800.00	16,800.00
90	100%	LS	Furnish & Install 240 volt service conduit & cable	2,188.41	2,188.41	2,200.00	2,200.00	2,240.00	2,240.00
91	100	LF	Furnish & Install 1-3" conduit ductbank with wire	82.79	8,279.00	77.00	7,700.00	78.40	7,840.00
92	5,200	LF	Furnish & Install 1-2" conduit ductbank with #8 or smaller wire	47.98	249,496.00	38.50	200,200.00	42.60	221,520.00
93	1,400	LF	Furnish & Install 2-2" conduit ductbank with #8 or smaller wire	56.05	78,470.00	44.00	61,600.00	50.40	70,560.00

BID TABULATION
CITY OF TEMPLE
SANTA FE PLAZA PHASE II - ROADWAY & UTILITIES
May 30, 2018; 11:00 AM

2014-126-40
Ph II

				BIDDER INFORMATION					
				Holy Contractors LLC 712 E Pantherway Hewitt TX 76643		Emerson Construction Company Inc 4502 Twin City Blvd Temple TX 76502		McLean Construction Inc 4101 Trimmier Rd Killeen TX 76543	
Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
94	165	LF	Furnish & Install 3-2" conduit ductbank with #8 or smaller wire	77.98	12,866.70	49.50	8,167.50	61.60	10,164.00
95	180	LF	Furnish & Install 4-2" conduit ductbank with #8 or smaller wire	93.05	16,749.00	55.00	9,900.00	67.20	12,096.00
96	45	LF	Furnish & Install 6-2" conduit ductbank with #8 or smaller wire	190.98	8,594.10	137.50	6,187.50	168.00	7,560.00
97	45	LF	Furnish & Install 7-2" conduit ductbank with #8 or smaller wire	217.31	9,778.95	143.00	6,435.00	179.20	8,064.00
98	22	EA	Furnish & Install Tree Grates	2,114.35	46,515.70	1,815.00	39,930.00	3,550.00	78,100.00
99	700	SY	Furnish & Install Concrete Sidewalk/Flatwork, light sandblast	54.00	37,800.00	78.10	54,670.00	75.60	52,920.00
100	650	SY	Furnish & Install Concrete Sidewalk/Flatwork, heavy sandblast	54.00	35,100.00	83.05	53,982.50	79.00	51,350.00
101	340	LF	Furnish & Install 6" Concrete edging	10.00	3,400.00	19.80	6,732.00	20.20	6,868.00
102	1,500	SY	Furnish & Install Concrete pavers, Type A, Including Concrete Subslab	89.00	133,500.00	126.15	189,225.00	133.00	199,500.00
103	1,150	SY	Furnish & Install Concrete pavers, Type B - 60 MM, Including Concrete Subslab & 6" Wide Curbs	118.00	135,700.00	131.12	150,788.00	134.00	154,100.00
104	1,250	SY	Furnish & Install Concrete pavers, Type C - Avenue B, Including Traffic Rated Concrete Subslab	102.00	127,500.00	127.42	159,275.00	138.00	172,500.00
105	2	EA	Furnish & Install Entry columns & arch, Including Foundations & Electrical/Lighting	53,758.91	107,517.82	50,325.00	100,650.00	49,289.00	98,578.00
106	160	LF	Furnish & Install Brick Seat Wall	341.18	54,588.80	95.56	15,289.60	289.10	46,256.00
107	155	LF	Furnish & Install Stone seat wall	411.39	63,765.45	132.00	20,460.00	370.70	57,458.50
108	2	EA	Furnish & Install Seat Wall & tall columns, Including Foundations & Electrical/Lighting	31,191.51	62,383.02	25,300.00	50,600.00	27,694.00	55,388.00
109	25	LF	Furnish & Install Seat wall & low columns, Including Foundations & Electrical/Lighting	1,081.09	27,027.25	785.40	19,635.00	813.30	20,332.50
110	18	EA	Furnish & Install Seating boulders	225.00	4,050.00	220.00	3,960.00	224.00	4,032.00
111	35	CY	Furnish & Install Decomposed Granite with Soil Stabilizer per Detail	170.00	5,950.00	441.57	15,454.95	454.00	15,890.00
112	100%	LS	Furnish & Install Playscape	78,908.50	78,908.50	71,735.40	71,735.40	75,291.00	75,291.00
113	1,800	SF	Furnish & Install Fall surface	2.50	4,500.00	6.45	11,610.00	2.50	4,500.00
114	2	EA	Furnish & Install Tents	29,000.00	58,000.00	13,612.50	27,225.00	13,861.00	27,722.00
115	14	EA	Furnish & Install Concrete tent footings	262.00	3,668.00	907.50	12,705.00	367.00	5,138.00
116	13	EA	Furnish & Install Bollards, removable	995.00	12,935.00	1,184.00	15,392.00	1,376.00	17,888.00
117	100%	LS	Furnish & Install Plaza stage, Including Slab & Electrical/Lighting	64,822.45	64,822.45	128,535.00	128,535.00	115,076.00	115,076.00
118	100%	LS	Furnish & Install Clock Foundation & Install Clock (Furnish By Others)	21,439.67	21,439.67	7,370.00	7,370.00	7,646.00	7,646.00
119	100%	LS	Furnish & Install Trash Enclosure Including Walls, Gate & Foundation	20,556.00	20,556.00	15,730.00	15,730.00	28,062.00	28,062.00
120	100%	LS	For Furnishing & Installing the Amtrak Signs Foundations	20,000.00	20,000.00	13,090.00	13,090.00	5,885.00	5,885.00
121	1	EA	Furnish & Install Temple ISD sign, Including Foundation & Electrical/Lighting	37,339.59	37,339.59	32,010.00	32,010.00	26,525.00	26,525.00
122	3	EA	Furnish & Install Santa Fe Plaza/Depot sign, two sides, Including Foundation & Electrical/Lighting	37,208.80	111,626.40	38,060.00	114,180.00	40,063.00	120,189.00
123	1	EA	Furnish & Install Santa Fe Plaza/Depot sign, one side, Including Foundation & Electrical/Lighting	21,554.63	21,554.63	44,825.00	44,825.00	20,911.00	20,911.00
124	1	EA	Furnish & Install Santa Fe Business Center sign, Including Foundation & Electrical/Lighting	68,184.66	68,184.66	34,815.00	34,815.00	23,730.00	23,730.00
125	100%	LS	Furnish & Install Complete Christmas Tree Anchor System	1,307.00	1,307.00	2,200.00	2,200.00	2,672.00	2,672.00
126	38	EA	Furnish & Install Single streetlight standard	6,290.53	239,040.14	5,500.00	209,000.00	6,720.00	255,360.00
127	15	EA	Furnish & Install Twin streetlight standard	9,295.11	139,426.65	8,250.00	123,750.00	9,520.00	142,800.00
128	10	EA	Furnish & Install Single parking lot light standard	5,782.06	57,820.60	4,950.00	49,500.00	6,272.00	62,720.00
129	15	EA	Furnish & Install Twin parking lot light standard	8,441.55	126,623.25	7,425.00	111,375.00	8,680.00	130,200.00
130	3	EA	Furnish & Install Tree downlights	3,611.87	10,835.61	847.00	2,541.00	896.00	2,688.00
131	8	EA	Furnish & Install Outdoor receptacles	4,528.59	36,228.72	396.00	3,168.00	448.00	3,584.00
132	100%	LS	Furnish & Install Interactive Fountain	857,780.00	857,780.00	817,454.00	817,454.00	901,778.00	901,778.00
133	31	EA	Furnish & Install Shumard Oak	1,001.00	31,031.00	1,045.00	32,395.00	1,019.00	31,589.00
134	34	EA	Furnish & Install Live Oak	1,001.00	34,034.00	1,045.00	35,530.00	1,019.00	34,646.00
135	21	EA	Furnish & Install Bald Cypress	1,001.00	21,021.00	1,045.00	21,945.00	1,019.00	21,399.00
136	36	EA	Furnish & Install Cedar Elm	1,001.00	36,036.00	1,045.00	37,620.00	1,019.00	36,684.00
137	34	EA	Furnish & Install Chinquapin Oak	1,001.00	34,034.00	1,045.00	35,530.00	1,019.00	34,646.00
138	8	EA	Furnish & Install Desert Willow	456.50	3,652.00	495.00	3,960.00	470.00	3,760.00
139	13	EA	Furnish & Install Palo Verde	456.50	5,934.50	495.00	6,435.00	465.00	6,045.00
140	9	EA	Furnish & Install Texas Mountain Laurel	495.00	4,455.00	550.00	4,950.00	504.00	4,536.00
141	46	EA	Furnish & Install Flame Acanthus	20.00	920.00	22.00	1,012.00	20.00	920.00
142	21	EA	Furnish & Install Knockout Rose	25.00	525.00	27.50	577.50	26.00	546.00
143	101	EA	Furnish & Install Purple Diamond Loropetalum	25.00	2,525.00	22.00	2,222.00	21.00	2,121.00
144	218	EA	Furnish & Install Bicolor Iris	25.00	5,450.00	22.00	4,796.00	21.00	4,578.00
145	60	EA	Furnish & Install Compact Texas Sage	25.00	1,500.00	22.00	1,320.00	21.00	1,260.00
146	41	EA	Furnish & Install Upright Rosemary	25.00	1,025.00	22.00	902.00	21.00	861.00
147	147	EA	Furnish & Install Cherry Sage	25.00	3,675.00	22.00	3,234.00	20.00	2,940.00
148	19	EA	Furnish & Install Cotoneaster	25.00	475.00	27.50	522.50	25.00	475.00
149	32	EA	Furnish & Install Bush Germander	25.00	800.00	27.50	880.00	25.00	800.00
150	18	EA	Furnish & Install Burford Holly	25.00	450.00	22.00	396.00	20.00	360.00
151	6	EA	Furnish & Install Texas Sage	25.00	150.00	27.50	165.00	26.00	156.00
152	467	EA	Furnish & Install Gulf Muhly	25.00	11,675.00	22.00	10,274.00	22.00	10,274.00
153	1,012	EA	Furnish & Install Mexican Feathergrass	25.00	25,300.00	22.00	22,264.00	22.00	22,264.00
154	161	EA	Furnish & Install Red Yucca	25.00	4,025.00	27.50	4,427.50	26.00	4,186.00
155	34	EA	Furnish & Install Softleaf Yucca	25.00	850.00	27.50	935.00	28.00	952.00
156	27	EA	Furnish & Install Havard Agave	35.00	945.00	38.50	1,039.50	39.00	1,053.00
157	26	EA	Furnish & Install Texas Sotol	25.00	650.00	27.50	715.00	26.00	676.00
158	52	EA	Furnish & Install Spineless Prickly Pear	60.00	3,120.00	27.50	1,430.00	26.00	1,352.00
159	84	EA	Furnish & Install Red Yucca "Brakelight"	30.00	2,520.00	33.00	2,772.00	32.00	2,688.00
160	225	EA	Furnish & Install Inland Sea Oats	25.00	5,625.00	11.00	2,475.00	9.00	2,025.00
161	55	EA	Furnish & Install Paleleaf Yucca	29.00	1,595.00	33.00	1,815.00	32.00	1,760.00
162	31	EA	Furnish & Install Maiden Grass 'Adagio'	30.00	930.00	33.00	1,023.00	31.00	961.00
163	24	EA	Furnish & Install Maiden Grass 'Gracillimus'	25.00	600.00	22.00	528.00	22.00	528.00
164	171	EA	Furnish & Install Dwarf Fountain Grass "Hameln"	15.00	2,565.00	11.00	1,881.00	9.00	1,539.00
165	33	EA	Furnish & Install Trailing Rosemary	30.00	990.00	33.00	1,089.00	32.00	1,056.00
166	87	EA	Furnish & Install Bulbine	20.00	1,740.00	22.00	1,914.00	21.00	1,827.00
167	120	EA	Furnish & Install Pink Skullcap	15.00	1,800.00	11.00	1,320.00	10.00	1,200.00
168	169	EA	Furnish & Install New Gold Lantana	10.00	1,690.00	11.00	1,859.00	9.00	1,521.00
169	47	EA	Furnish & Install Gregg Mistflower	10.00	470.00	11.00	517.00	10.00	470.00
170	75	EA	Furnish & Install Russian Sage	10.00	750.00	11.00	825.00	10.00	750.00
171	28	EA	Furnish & Install Mexican Bush Sage	10.00	280.00	11.00	308.00	9.00	252.00
172	118	EA	Furnish & Install Turk's Cap	10.00	1,180.00	11.00	1,298.00	10.00	1,180.00
173	445	EA	Furnish & Install Purple Heart	10.00	4,450.00	11.00	4,895.00	10.00	4,450.00
174	875	EA	Furnish & Install Frogfruit	10.00	8,750.00	11.00	9,625.00	10.00	8,750.00
175	1,620	EA	Furnish & Install Lirope	10.00	16,200.00	11.00	17,820.00	8.00	12,960.00
176	83	EA	Furnish & Install Trailing Lantana	10.00	830.00	11.00	913.00	9.00	747.00
177	47	EA	Furnish & Install Silver Ponyfoot	10.00	470.00	11.00	517.00	10.00	470.00
178	300,000	SF	Furnish & Install Common Bermuda	0.08	24,000.00	0.20	60,000.00	0.10	30,000.00
179	1,800	CY	Furnish & Install Bed Preparation	65.00	117,000.00	55.00	99,000.00	73.00	131,400.00
180	3,500	CY	Furnish & Install Topsoil	10.00	35,000.00	22.00	77,000.00	21.00	73,500.00
181	350	CY	Furnish & Install Hardwood Mulch	58.00	20,300.00	66.00	23,100.00	65.00	22,750.00
182	110	CY	Furnish & Install Decomposed Granite	70.00	7,700.00	299.10	32,901.00	123.00	13,530.00
183	135	CY	Furnish & Install River Rock	85.00	11,475.00	93.50	12,622.50	95.00	12,825.00
184	13,200	SF	Furnish & Install Filter Fabric	0.45	5,940.00	0.50	6,600.00	0.60	7,920.00
185	1,700	LF	Furnish & Install Steel Edging	7.80	13,260.00	8.58	14,586.00	9.00	15,300.00
186	20	EA	Furnish & Install Natural Boulders	190.00	3,800.00	220.00	4,400.00	224.00	4,480.00
187	100%	LS	For Designing, Providing, & Installing an Irrigation Plan & System Signed & Sealed by a Texas Licensed Irrigation Designer	169,440.00	169,440.00	203,500.00	203,500.00	203,458.00	203,458.00
188	6	EA	Furnish & Install Trash Receptacle	1,100.00	6,600.00	1,100.00	6,600.00	1,529.00	9,174.00
189	330,000	SF	Scalp Existing Cool Season Crop & Reseed with Common Bermuda	0.05	16,500.00	0.17	56,100.00	0.10	33,000.00
PART A: SANTA FE PLAZA BID AMOUNT - (Items 1 - 189)					\$ 6,044,161.03		\$ 6,329,579.96		\$ 6,788,313.50

* This item was left blank and not bid

2014-126-40
Ph II

* This item was left blank and not bid

BID TABULATION
CITY OF TEMPLE
SANTA FE PLAZA PHASE II - ROADWAY & UTILITIES
May 30, 2018; 11:00 AM

2014-126-40
Ph II

BIDDER INFORMATION									
				Holy Contractors LLC 712 E Pantherway Hewitt TX 76643		Emerson Construction Company Inc 4502 Twin City Blvd Temple TX 76502		McLean Construction Inc 4101 Trimmer Rd Killeen TX 76543	
Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
88	1	EA	Furnish & Install Climber & Connections	*	Not Bid	25,300.00	25,300.00	21,789.00	21,789.00
89	500	SF	Furnish & Install Concrete Ramp Into Fall Surface	5.00	2,500.00	7.70	3,850.00	8.00	4,000.00
90	1	EA	Furnish & Install Gandy's Sign, Including Foundation	4,084.00	4,084.00	43,147.50	43,147.50	10,794.00	10,794.00
91	27	EA	Furnish & Install Single streetlight standard	6,333.02	170,991.54	5,500.00	148,500.00	6,720.00	181,440.00
92	1	EA	Furnish & Install Twin streetlight standard	10,219.21	10,219.21	8,250.00	8,250.00	9,520.00	9,520.00
93	25	EA	Furnish & Install Shumard Oak	1,001.00	25,025.00	1,045.00	26,125.00	1,019.00	25,475.00
94	6	EA	Furnish & Install Live Oak	1,001.00	6,006.00	1,045.00	6,270.00	1,019.00	6,114.00
95	4	EA	Furnish & Install Cedar Elm	1,001.00	4,004.00	1,045.00	4,180.00	1,019.00	4,076.00
96	15	EA	Furnish & Install Texas Redbud	415.00	6,225.00	440.00	6,600.00	420.00	6,300.00
97	2	EA	Furnish & Install Yaupon Holly	415.00	830.00	440.00	880.00	448.00	896.00
98	10	EA	Furnish & Install Palo Verde	430.00	4,300.00	495.00	4,950.00	470.00	4,700.00
99	1	EA	Furnish & Install Texas Mountain Laurel	495.00	495.00	550.00	550.00	504.00	504.00
100	88	EA	Furnish & Install Knockout Rose	25.00	2,200.00	27.50	2,420.00	26.00	2,288.00
101	47	EA	Furnish & Install Bicolor Iris	25.00	1,175.00	22.00	1,034.00	21.00	987.00
102	101	EA	Furnish & Install Cherry Sage	20.00	2,020.00	22.00	2,222.00	20.00	2,020.00
103	51	EA	Furnish & Install Texas Sage	20.00	1,020.00	27.50	1,402.50	21.00	1,071.00
104	408	EA	Furnish & Install Gulf Muhly	20.00	8,160.00	22.00	8,976.00	22.00	8,976.00
105	630	EA	Furnish & Install Mexican Feathergrass	20.00	12,600.00	22.00	13,860.00	22.00	13,860.00
106	58	EA	Furnish & Install Red Yucca	25.00	1,450.00	27.50	1,595.00	26.00	1,508.00
107	3	EA	Furnish & Install Texas Sotol	25.00	75.00	27.50	82.50	26.00	78.00
108	12	EA	Furnish & Install Thryallis	28.00	336.00	33.00	396.00	31.00	372.00
109	3	EA	Furnish & Install Yellowbells/Esperanza	20.00	60.00	22.00	66.00	22.00	66.00
110	79	EA	Furnish & Install Henry Duelberg Sage	10.00	790.00	11.00	869.00	10.00	790.00
111	14	EA	Furnish & Install Jerusalem Sage	25.00	350.00	27.50	385.00	25.00	350.00
112	5,100	SF	Furnish & Install Bermuda Sahara II	0.10	510.00	0.55	2,805.00	0.10	510.00
113	400	CY	Furnish & Install Bed Preparation	72.00	28,800.00	55.00	22,000.00	73.00	29,200.00
114	700	CY	Furnish & Install Topsoil	20.00	14,000.00	22.00	15,400.00	21.00	14,700.00
115	80	CY	Furnish & Install Hardwood Mulch	60.00	4,800.00	66.00	5,280.00	65.00	5,200.00
116	30	CY	Furnish & Install Gravel Mulch	85.00	2,550.00	93.50	2,805.00	95.00	2,850.00
117	1,000	SF	Furnish & Install Filter Fabric	0.50	500.00	0.50	500.00	1.00	1,000.00
118	400	LF	Furnish & Install Steel Edging	10.00	4,000.00	8.58	3,432.00	9.00	3,600.00
119	100%	LS	For Designing, Providing, & Installing an Irrigation Plan & System Signed & Sealed by a Texas Licensed Irrigation Designer	21,203.00	21,203.00	27,500.00	27,500.00	23,979.00	23,979.00
PART B: SANTA FE MARKET TRAIL BID AMOUNT - (Items 1 - 119)				\$ 1,951,872.42		\$ 2,240,640.38		\$ 2,383,945.60	

Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
PART C: 1ST STREET									
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of Part C Bid	\$ 77,000.00	\$ 77,000.00	\$ 27,500.00	\$ 27,500.00	\$ 31,099.00	\$ 31,099.00
2	100%	LS	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of ROW for Part C	2,500.00	2,500.00	55,968.00	55,968.00	69,451.00	69,451.00
3	100%	LS	Submit Part C Portion of Trench Safety Plan Prepared & Signed by PE, in Conformance with State Law & OSHA	650.00	650.00	990.00	990.00	952.00	952.00
4	385	LF	Implement & Follow Trench Safety Plan (Pipe)	4.50	1,732.50	2.53	974.05	3.80	1,463.00
5	100%	LS	Provide Labor, Equipment, Tools & Supervision to Complete Removal of All Items per The Removal Plan Sheets for Part C	1.50	1.50	5,500.00	5,500.00	4,502.00	4,502.00
6	100%	LS	Prepare Part C Portion of Stormwater Pollution Prevention Plan, Including Submission to & Receiving Permits from TCEQ	650.00	650.00	2,750.00	2,750.00	2,825.00	2,825.00
7	100%	LS	Prepare & Submit Part C Portion of a Control Plan prepared & signed by a P.E. for Vehicular Traffic	650.00	650.00	1,650.00	1,650.00	2,103.00	2,103.00
8	100%	LS	Implement & Administer Barricade, Signing & Traffic Safety Plan (Vehicular & Pedestrian) for Part C	38,500.00	38,500.00	5,500.00	5,500.00	8,310.00	8,310.00
9	100%	LS	Provide Project Record Drawings for Part C	500.00	500.00	2,200.00	2,200.00	2,094.00	2,094.00
10	100%	LS	Provide DVD of right-of-way pre-construction & post construction site conditions for Part C	500.00	500.00	2,200.00	2,200.00	1,036.00	1,036.00
11	385	LF	Furnish & Install 12" PVC Waterline	51.00	19,635.00	72.16	27,781.60	104.50	40,232.50
12	3	EA	Furnish & Install 12" Gate Valve	338.00	1,014.00	2,750.00	8,250.00	2,571.00	7,713.00
13	1	EA	Furnish & Install 12"x12" Tee for Waterline	1,500.00	1,500.00	2,145.00	2,145.00	1,938.00	1,938.00
14	1	EA	Furnish & Install 8"x8" Tee for Waterline	500.00	500.00	1,056.00	1,056.00	993.00	993.00
15	1	EA	Furnish & Install 12"x8" Reducer for Waterline	800.00	800.00	1,006.50	1,006.50	896.00	896.00
16	1	EA	Connect Waterline to Existing 12" Waterline	2,000.00	2,000.00	3,102.00	3,102.00	1,689.00	1,689.00
17	1	EA	Connect Waterline to Existing 8" Waterline	4,500.00	4,500.00	5,060.00	5,060.00	3,411.00	3,411.00
18	100%	LS	Furnish All Materials, Tools & Labor to Test Waterline for Part C According to Specifications & Plans	3,500.00	3,500.00	6,930.00	6,930.00	3,001.00	3,001.00
19	200	CY	Furnish & Install Class A Concrete	300.00	60,000.00	275.00	55,000.00	441.00	88,200.00
20	150	SY	Furnish & Install Concrete Riprap	45.00	6,750.00	52.80	7,920.00	63.00	9,450.00
21	8	EA	Furnish & Install Type 1 Curb Ramp	750.00	6,000.00	1,925.00	15,400.00	2,304.00	18,432.00
22	35	LF	Furnish & Install Ramp Hand Rail	315.00	11,025.00	165.00	5,775.00	224.00	7,840.00
23	6	LF	Furnish & Install Step Hand Rail	340.00	2,040.00	165.00	990.00	280.00	1,680.00
24	1,400	LF	Furnish & Install Concrete Curb & Gutter	12.00	16,800.00	16.50	23,100.00	15.70	21,980.00
25	140	SY	Furnish & Install 2' Concrete Valley Gutter	45.00	6,300.00	66.00	9,240.00	62.00	8,680.00
26	200	LF	Sawcut Existing Roadway	3.50	700.00	8.80	1,760.00	5.60	1,120.00
27	800	CY	Unclassified Roadway Excavation	6.00	4,800.00	16.50	13,200.00	29.00	23,200.00
28	100	CY	Unclassified Roadway Fill	36.00	3,600.00	11.00	1,100.00	12.00	1,200.00
29	2,500	SY	Furnish & Install 2" HMAc Type D	8.80	22,000.00	11.00	27,500.00	10.00	25,000.00
30	2,500	SY	Furnish & Install 4 5/8" HMAc Type B	15.40	38,500.00	17.60	44,000.00	17.00	42,500.00
31	3,000	SY	Furnish & Install 9" Crushed Limestone Base Material	11.65	34,950.00	16.50	49,500.00	17.00	51,000.00
32	3,000	SY	Furnish & Install Moisture Conditioned Sub Grade	2.97	8,910.00	3.30	9,900.00	1.70	5,100.00
33	314	LF	Furnish & Install Thermoplastic Double Yellow Striping	9.40	2,951.60	3.85	1,208.90	9.60	3,014.40
34	180	LF	Furnish & Install Thermoplastic Solid Cross Walk Striping	8.58	1,544.40	11.00	1,980.00	8.70	1,566.00
35	30	LF	Furnish & Install Thermoplastic 2' Wide Stop Bar Striping	11.28	338.40	22.00	660.00	11.50	345.00
36	150	LF	Furnish & Install Thermoplastic Parking Striping	2.20	330.00	4.40	660.00	2.20	330.00
37	3	EA	Furnish & Install FRP handholes	5,211.73	15,635.19	1,320.00	3,960.00	2,800.00	8,400.00
38	16	EA	Furnish & Install S1 Light pole fuse assembly & terminations	11,926.23	190,819.68	550.00	8,800.00	756.00	12,096.00
39	16	EA	Furnish & Install Light pole concrete pier & grounding	30,775.80	492,412.80	2,530.00	40,480.00	1,960.00	31,360.00
40	340	Foot	Furnish & Install 1-2" conduit ductbank with #8 or smaller wire	70.91	24,109.40	38.50	13,090.00	50.40	17,136.00
41	430	Foot	Furnish & Install 2-2" conduit ductbank with #8 or smaller wire	81.09	34,868.70	44.00	18,920.00	134.40	57,792.00
42	3,300	SY	Furnish & Install Concrete Sidewalk/Flatwork	45.00	148,500.00	58.30	192,390.00	52.00	171,600.00
43	1,450	SY	Furnish & Install Concrete pavers, Type A, Including Concrete Subslab	62.00	89,900.00	126.15	182,917.50	145.00	210,250.00
44	70	LF	Furnish & Install Brick Seat Wall	308.54	21,597.80	95.56	6,689.20	516.00	36,120.00
45	30	LF	Furnish & Install Metal Guard Rail	290.00	8,700.00	132.00	3,960.00	78.70	2,361.00
46	1	EA	Furnish & Install EXTRACO sign, Including Foundation & Electrical/Lighting	57,389.08	57,389.08	19,717.50	19,717.50	13,331.00	13,331.00
47	16	EA	Furnish & Install Single streetlight standard	6,475.67	103,610.72	5,500.00	88,000.00	6,720.00	107,520.00
48	13	EA	Furnish & Install Chinquapin Oak	1,001.00	13,013.00	1,045.00	13,585.00	1,019.00	13,247.00
49	30	EA	Furnish & Install Cherry Sage	25.00	750.00	22.00	660.00	20.00	600.00
50	346	EA	Furnish & Install Mexican Feathergrass	25.00	8,650.00	22.00	7,612.00	22.00	7,612.00
51	38	EA	Furnish & Install Red Yucca	25.00	950.00	27.50	1,045.00	26.00	988.00
52	105	EA	Furnish & Install Bulbine	19.00	1,995.00	22.00	2,310.00	21.00	2,205.00
53	95	EA	Furnish & Install Pink Skullcap	15.00	1,425.00	11.00	1,045.00	10.00	950.00
54	49	EA	Furnish & Install New Gold Lantana	15.00	735.00	11.00	539.00	9.00	441.00
55	175	EA	Furnish & Install Lirope	15.00	2,625.00	11.00	1,925.00	8.00	1,400.00

* This item was left blank and not bid

BID TABULATION
CITY OF TEMPLE
SANTA FE PLAZA PHASE II - ROADWAY & UTILITIES
May 30, 2018; 11:00 AM

2014-126-40
Ph II

BIDDER INFORMATION									
				Holy Contractors LLC 712 E Pantherway Hewitt TX 76643		Emerson Construction Company Inc 4502 Twin City Blvd Temple TX 76502		McLean Construction Inc 4101 Trimmier Rd Killeen TX 76543	
Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
56	100	CY	Furnish & Install Bed Preparation	65.00	6,500.00	55.00	5,500.00	73.00	7,300.00
57	25	CY	Furnish & Install Hardwood Mulch	67.33	1,683.25	66.00	1,650.00	65.00	1,625.00
58	100%	LS	For Designing, Providing, & Installing an Irrigation Plan & System Signed & Sealed by a Texas Licensed Irrigation Designer	10,000.00	10,000.00	11,000.00	11,000.00	16,262.00	16,262.00
59	4	EA	Furnish & Install Trash Receptacle	1,100.00	4,400.00	1,100.00	4,400.00	1,529.00	6,116.00
PART C: 1ST STREET BID AMOUNT - (Items 1 - 59)				\$ 1,623,942.02		\$ 1,059,652.25		\$ 1,221,057.90	

				Holy Contractors LLC 712 E Pantherway Hewitt TX 76643		Emerson Construction Company Inc 4502 Twin City Blvd Temple TX 76502		McLean Construction Inc 4101 Trimmier Rd Killeen TX 76543	
PART A: SANTA FE PLAZA BID AMOUNT - (Items 1 - 189)				\$ 6,044,161.03		\$ 6,329,579.96		\$ 6,788,313.50	
PART B: SANTA FE MARKET TRAIL BID AMOUNT - (Items 1 - 119)				\$ 1,951,872.42		\$ 2,240,640.38		\$ 2,383,945.60	
PART C: 1ST STREET BID AMOUNT - (Items 1 - 59)				\$ 1,623,942.02		\$ 1,059,652.25		\$ 1,221,057.90	
PART A + PART B + PART C				\$ 9,619,975.47		\$ 9,629,872.59		\$ 10,393,317.00	

Did Bidder Acknowledge Addendum No. 1 through No. 6?	YES	YES	YES
Did Bidder provide Bid Security?	YES	YES	YES
Did Bidder provide required documents?	YES	YES	YES

I hereby certify that this is a correct & true tabulation of all bids received


R. David Patrick, PE, CFM
Kasberg, Patrick & Associates, LP


Date



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH EMERSON CONSTRUCTION COMPANY, INC. OF TEMPLE, TEXAS IN THE AMOUNT OF \$9,629,872.59 FOR THE CONSTRUCTION OF SANTA FE PHASE 2 ROADWAY AND LANDSCAPING IMPROVEMENTS; AS WELL AS DECLARING AN OFFICIAL INTENT TO REIMBURSE THE EXPENDITURES WITH THE ISSUANCE OF THE 2018 TAX INCREMENT FINANCING REINVESTMENT ZONE BONDS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Santa Fe Phase 2 Project will develop the remainder of Santa Fe Plaza with a connection under the 3rd Street Bridge to the Santa Fe Market Trail, and a pedestrian connection to the recently completed MLK Festival Grounds;

Whereas, also included in this project is the redevelopment of 1st Street from Santa Fe Market Trail at Avenue B to Avenue A - amenities included in this project are three parking lots, approximately 4,000 linear feet of sidewalk, a performance stage at Santa Fe Plaza, a color enhanced interactive fountain, concrete and brick paver flatwork, pedestrian & parking lot lighting, landscaping, irrigation, and development of a food truck center at Santa Fe Market Trail;

Whereas, on May 30, 2018, Staff received three bids for this project – the low bidder, Holy Contractors, LLC did not include a bid for three line items within the bid schedule and therefore Staff deemed Holy Contractors' bid non-responsive;

Whereas, Staff recommends Council authorize a construction contract with Emerson Construction Company, Inc. of Temple, Texas in the amount of \$9,629,872.59;

Whereas, the proposed contract will provide for 330 calendar days to construct the project with phasing requirements that will provide for completion of the Santa Fe Plaza area improvement in synchronization with the completion of the Temple ISD and Santa Fe Business Center buildings;

Whereas, the City finds, considers and declares that the reimbursement of the City for the payment of such expenditures will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the Treasury Regulations, to reimburse itself for such payments at such time as it issues Tax Increment Financing Reinvestment Zone Bonds to finance the Project;

Whereas, the City hereby certifies that such expenditures have not been made prior to the date of passage of this Resolution;

Whereas, upon issuance of the Tax Increment Financing Reinvestment Zone Bonds, the City desires to reimburse these prior expenditures with proceeds of the Notes;

Whereas, Section 1.150-2 of the Treasury Regulations provides that an expenditure on the Project may not be reimbursed from Tax Increment Financing Reinvestment Zone Bonds, proceeds unless, along with other requirements, the City declares official intent to reimburse the expenditure prior to the date that the expenditure to be reimbursed was paid;

Whereas, funding for the construction contract for the Santa Fe Phase 2 Roadway and Landscaping Improvements is available in the Reinvestment Zone Financing and Project Plans, Lines 404, 407, and 411 in the accounts as shown below:

Account No. 795-9500-531-6870	Project No. 101008;
Account No. 795-9600-531-6870	Project No. 101008;
Account No. 795-9800-531-6870	Project No. 101008
Account No. 795-9500-531-6566	Project No. 101262; and
Account No. 795-9500-531-6551	Project No. 101847;

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

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

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

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a construction contract with Emerson Construction Company, Inc. of Temple, Texas in the amount of \$9,629,872.59, for the the construction of Santa Fe Phase 2 Roadway and Landscaping Improvements.

Part 3: This Resolution is a declaration of official intent by the City under Section 1.150-2 of the Treasury Regulations that it reasonably expects to reimburse the expenditures described in Part 1 with proceeds of debt to be incurred by the City, such debt to be issued on or before eighteen (18) months after the date of (i) the date the first expenditure is paid; or (ii) the date on which the property is placed in service, but in no event three years after the first expenditure is paid.

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 7th day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/07/18
Item #8
Regular Agenda
Page 1 of 3

DEPT. / DIVISION SUBMISSION & REVIEW:

Mark Baker, Senior Planner

ITEM DESCRIPTION: FY-18-5-PLT: Consider adopting a resolution authorizing approval of the Reserve at Pea Ridge Phase I Final Plat, a residential subdivision consisting of 48.23 +/- acres, 247 lots, and six blocks, and located west of South Pea Ridge Road approximately 2500 feet north of its intersection with Poison Oak Road, addressed as 1810 South Pea Ridge Road with requested exceptions to the Design Criteria for the number of residential subdivision entrances, to Unified Development Code Section 8.2.1D related to street layout and projection of streets, and to Section 8.2.1E1 related to street radius.

STAFF RECOMMENDATION: Staff recommends approval of the final plat of The Reserve at Pea Ridge, Phase I, subdivision, and the requested exceptions to the Design Criteria related to the number of residential subdivision entrances, UDC Section 8.2.1D related to street layout and projection of streets and UDC Section 8.2.1E1 related to street radius.

PLANNING & ZONING COMMISSION RECOMMENDATION: At their May 7, 2018 meeting, the Planning & Zoning Commission voted seven to zero to recommend approval of the final plat and the exceptions to the Design Criteria and UDC, as recommended by staff.

ITEM SUMMARY: The final plat of The Reserve at Pea Ridge, Phase I is the resulting subdivision plat of the Planned Development approved through City Council's adoption of Ordinance 2018- 4907. This final plat proposes the development of 247 residential lots consistent with the Planned Development ordinance. In addition to the subdivision plat, the applicant, Yalgo Engineering, on behalf of WBW Land Investments, is requesting consideration of, three exceptions; (1) the Design Criteria related to the number of residential drive entrances and two separate exceptions to the Unified Development Code, described as follows:

1. UDC Sec. 8.2.1.D.4.b: Projection of streets - Street openings every 1,000 feet along each boundary of the subdivision, and
2. UDC Sec. 8.2.1E1: Minimum curve radius of 200 feet from centerline of local curvilinear streets

Both the Design Criteria for residential subdivision entrances and UDC Section 8.2.1.D.4.b provide for the number of access points as well as their alignment into a subdivision. While the Design Criteria requires three entrances for subdivisions containing between 151 and 300 lots, due to the location and the landlocked-nature of the property, direct access would be limited to South Pea Ridge Road at three different points. Additionally, a land swap with the City of Temple, effective with the adoption of Resolution 2018-9109-R by City Council on April 19, 2018 further perpetuates the limitation of future access points. The land swap accommodates future park land and trails accessibility as well as developable land for the property owner for a future plat phase. While the existing utility easement, part of the later phase, provides for trail accessibility, it does not lend itself for vehicular subdivision access.

Further, the northern boundary of the Reserve at Pea Ridge does not provide for connectivity, since the existing configuration of the Southern Draw subdivision is developed and no future stub was provided. Therefore the exceptions are necessary. Staff has no issues with the access points as proposed by Phase I and is supportive of the requested exception.

Due to the curvilinear configuration at (1) Hayes Street and Purvis Street and (2) Hayes Street and Lee Hall Loop, the minimum radius of 200 foot as measured from the street centerline cannot be achieved. Public Works staff has no issues with the configurations as proposed and is supportive of the requested exception at the two separate locations in Phase I.

The subject property is zoned Planned Development-Single-Family Dwelling Two per Ordinance 2018-4907, which allows detached single family homes on lots with a minimum 5,000 square feet. The lots range from 5,987 square feet (Lot 9, Block 2) to 41,156 square feet (Lot 12, Block 1).

It is noteworthy, that the rezoning for the second phase of the Reserve at Pea Ridge is anticipated in the future. Platting of Phase II will follow accordingly and be forwarded to the Planning & Zoning Commission at the appropriate time. It has not been determined if additional exceptions will be necessary for Phase II.

Water is available from the extension of an existing eight inch water line in South Pea Ridge Road. Sewer is available from the extension of an existing 24-inch sewer line west of the subject property.

The final plat takes access from South Pea Ridge Road, an existing collector. As a collector, a minimum four foot sidewalk is required and a note on the plat provides for this improvement.

The final plat proposes the realignment of a section of South Pea Ridge Road and the creation of six new local streets as follows:

1. Purvis Street,
2. McCulloch Road,
3. Hickman Street,
4. Lee Hall Loop,
5. McDonald Drive, and
6. Hayes Street

In addition, the developer proposes a four foot sidewalk on the north side of Hickman Street to be built at the time of home construction. Six-foot sidewalks are to be constructed on both sides of the realigned section of South Pea Ridge Road at the time of subdivision improvements. Notes are provided on the plat.

In an effort to improve public safety and traffic circulation, South Pea Ridge has been proposed to be realigned. As a result of the realignment, the two remnant sections will remain and are proposed to be renamed as Guffey Lane (East/West remnant) and Lively Lane (North/South remnant). Affected property owners have been notified by mail of the change and the public review of the plat.

The Development Review Committee reviewed the final plat of The Reserve at Pea Ridge, Phase I subdivision on April 26, 2018. The plat was deemed administratively complete on May 3, 2018.

Park fees are required at the rate of \$225 per lot and will be paid prior to plat recordation.

Discussed as part of the overall Planned Development and provided on the plat are two separate trail easements for access to parkland. A 10-foot wide trail easement will be provided between Lots 32 & 33, Block 2. A 20-foot wide trail easement will be provided between Lots 64 & 65, Block 2.

The developer has agreed to construct a concrete sidewalk within both trail easements as part of the subdivision improvements as connections to future City trails. Further the applicant has agreed that any grass within the easement will be the responsibility of the homeowner and not the City of Temple's Parks and Recreation Department. In addition, the developer will ensure the drainage conveyance across parkland area will be shallow and low sloping, which may result on some of the conveyance leaving the natural topography undisturbed as well as easier maintenance. This was preferred over detention ponds by the Parks and Recreation Department and is acceptable.

Since the final plat requires exceptions to the UDC, the City Council is the final plat review authority but no public hearing is required.

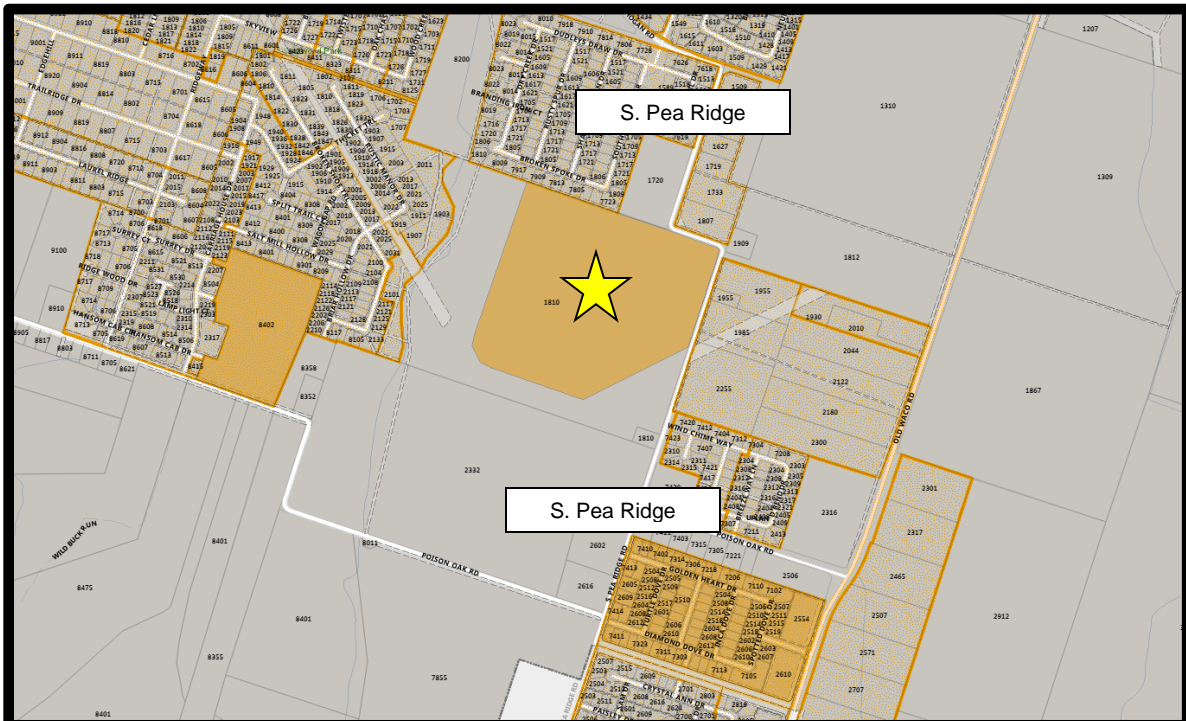
SCHOOL DISTRICT: Belton independent School District (BISD)

FISCAL IMPACT: N/A

ATTACHMENTS:

[Vicinity Map, Aerial & Street View Photo](#)
[Final Plat](#)
[Topo/ Utility / Post Drainage Plan Set](#)
[P&Z Excerpts \(May 7, 2018\)](#)
[Resolution](#)

Vicinity Map, Aerial & Street View



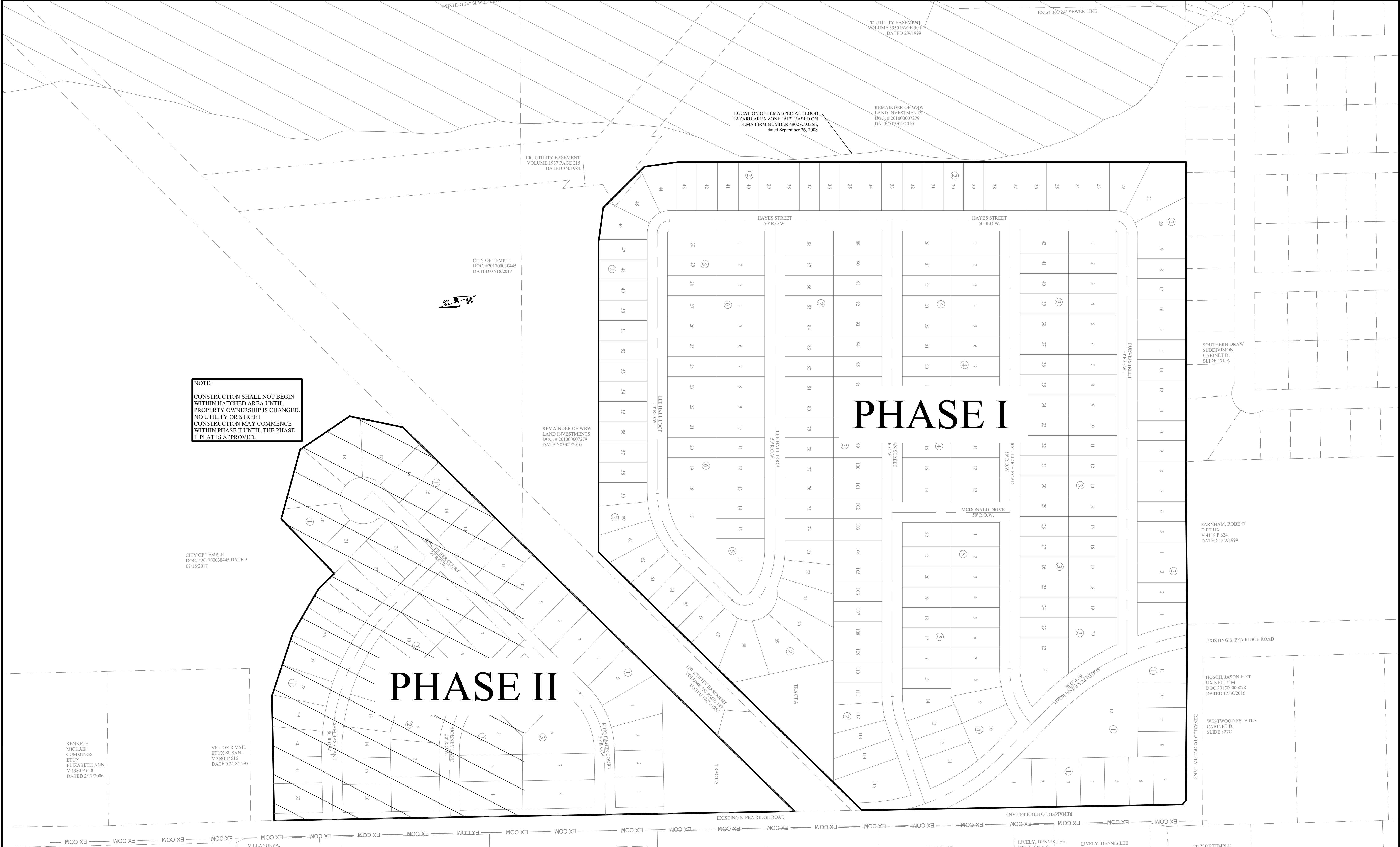
Vicinity Map (City of Temple GIS Maps) - Subject property shown by yellow star



Aerial (Google Earth) – Subdivision Boundary is Approximate
★ Approximate Location of Street View Photo (see next page)



**Street View – Looking South-easterly from South Pea Ridge Road
(Photo taken from PD Zoning Case (Z-FY-18-16))**



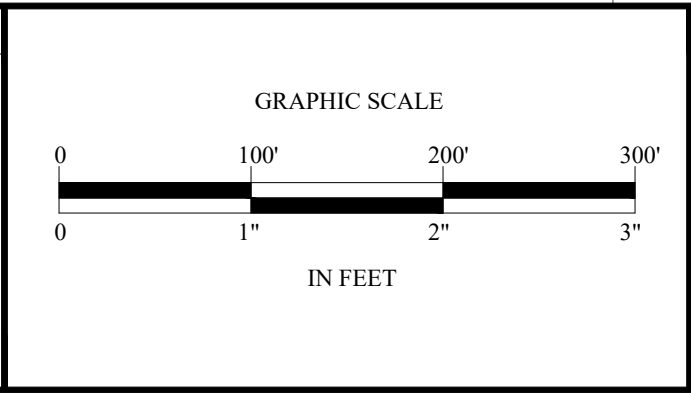
NOTE:
CONSTRUCTION SHALL NOT BEGIN
WITHIN HATCHED AREA UNTIL
PROPERTY OWNERSHIP IS CHANGED.
NO UTILITY OR STREET
CONSTRUCTION MAY COMMENCE
WITHIN PHASE II UNTIL THE PHASE
II PLAT IS APPROVED.

PHASE II

PHASE I

REV.	DESCRIPTION	DATE	BY
1	ORIGINAL RELEASE	04/04/2018	TWF
PROJECT NUMBER: RP01		CLIENT NAME: WBW DEVELOPMENT GROUP, LLC - SERIES 027	
APPROVED BY: TWF		CLIENT LOCATION: KILLEEN, TX	
AUTHORIZED BY: WBW			

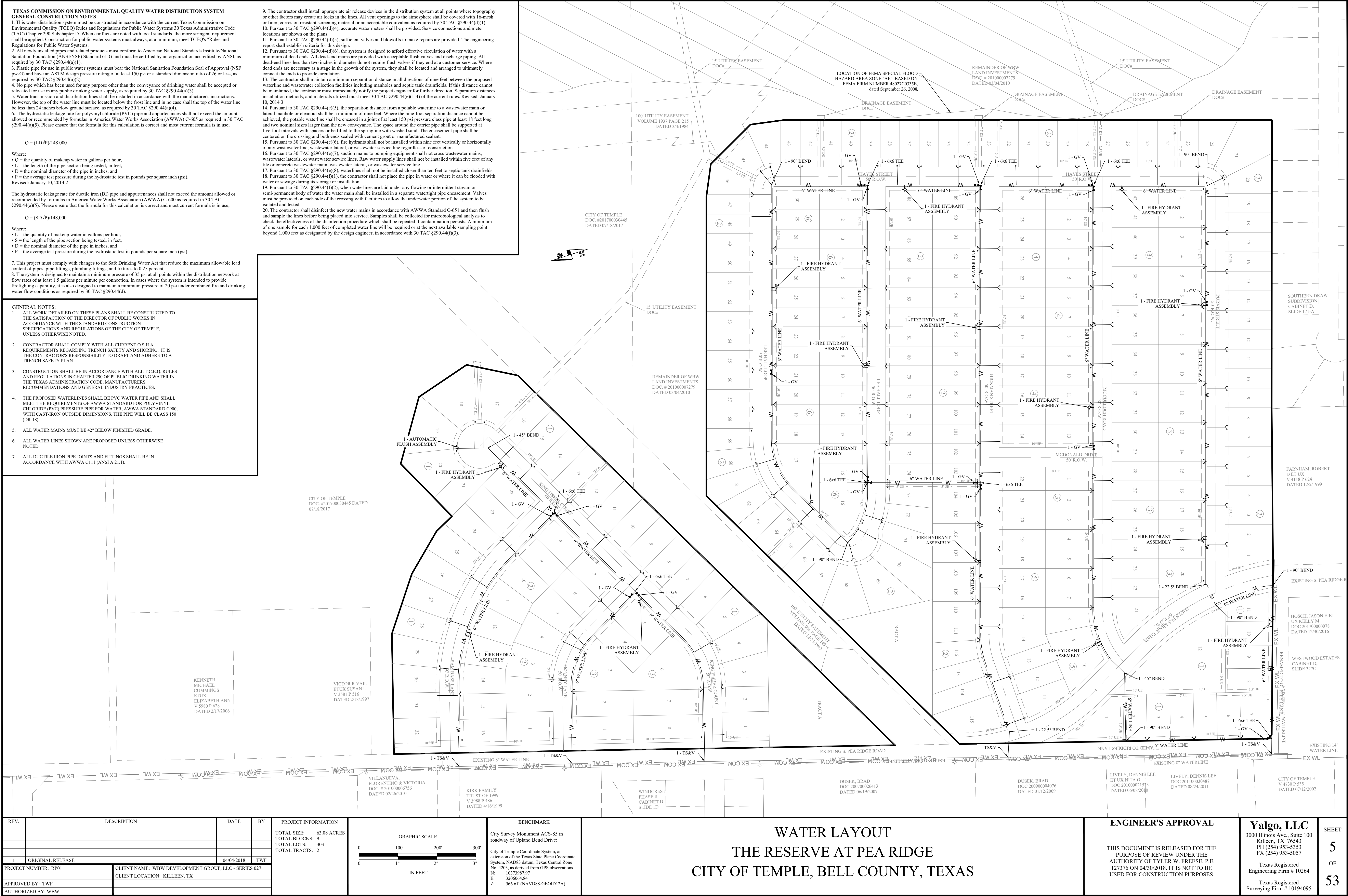
PROJECT INFORMATION	
TOTAL SIZE:	63.08 ACRES
TOTAL BLOCKS:	9
TOTAL LOTS:	303
TOTAL TRACTS:	2



BENCHMARK	
City Survey Monument ACS-85 in roadway of Upland Bend Drive:	
City of Temple Coordinate System, an extension of the Texas State Plane Coordinate System, NAD83 datum, Texas Central Zone No. 4203, as derived from GPS observations -	
N:	10375987.97
E:	3206064.84
Z:	566.61' (NAVD88-GEOID12A)

PHASING PLAN
THE RESERVE AT PEA RIDGE
CITY OF TEMPLE, BELL COUNTY, TEXAS

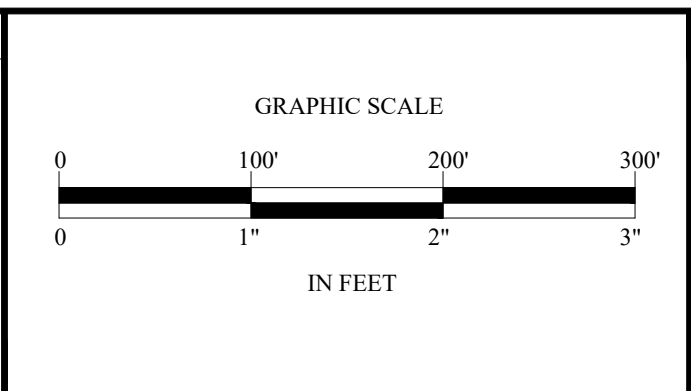
ENGINEER'S APPROVAL	
THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF REVIEW UNDER THE AUTHORITY OF TYLER W. FREESE, P.E. 127376 ON 04/30/2018. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.	
Yalgo, LLC 3000 Illinois Ave., Suite 100 Killeen, TX 76543 PH (254) 953-5353 FX (254) 953-5057 Texas Registered Engineering Firm # 10264 Texas Registered Surveying Firm # 10194095	
SHEET 4 OF 53	





REV.	DESCRIPTION	DATE	BY
1	ORIGINAL RELEASE	04/04/2018	TWF
PROJECT NUMBER: RP01		CLIENT NAME: WBW DEVELOPMENT GROUP, LLC - SERIES 027	
APPROVED BY: TWF		CLIENT LOCATION: KILLEEN, TX	
AUTHORIZED BY: WBW			

PROJECT INFORMATION	
TOTAL SIZE:	63.08 ACRES
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TOTAL LOTS:	303
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BENCHMARK
City Survey Monument ACS-85 in roadway of Upland Bend Drive:
City of Temple Coordinate System, an extension of the Texas State Plane Coordinate System, NAD83 datum, Texas Central Zone
No. 4203, as derived from GPS observations -
N: 10373987.97
E: 3206064.84
Z: 566.61' (NAVD88-GEIOD12A)

SANITARY SEWER LAYOUT
THE RESERVE AT PEA RIDGE
CITY OF TEMPLE, BELL COUNTY, TEXAS

ENGINEER'S APPROVAL
THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF REVIEW UNDER THE AUTHORITY OF TYLER W. FREESE, P.E. 127376 ON 04/30/2018. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.
Yalgo, LLC 3000 Illinois Ave., Suite 100 Killeen, TX 76543 PH (254) 953-5353 FX (254) 953-5057 Texas Registered Engineering Firm # 10264 Texas Registered Surveying Firm # 10194095
SHEET 6 OF 53

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, MAY 7, 2018**

ACTION ITEMS

Item 9: FY-18-5-PLT - Consider and recommend action on The Reserve at Pea Ridge Phase I Final Plat, a residential subdivision consisting of 48.23 +/- acres, 247 lots, and 6 blocks, and located west of South Pea Ridge Road approximately 2500 feet north of its intersection with Poison Oak Road, addressed as 1810 South Pea Ridge Road with requested exceptions to the Design Criteria for the number of residential subdivision entrances, to Unified Development Code Section 8.2.1D related to street layout and projection of streets, and to Section 8.2.1E1 related to street radius.

Mr. Baker stated the applicant has requested exceptions to the UDC therefore, this item is scheduled to go forward to City Council on June 7, 2018.

Location and aerial maps shown.

Phase I was the zoning of PD-SF-2 and was finalized on April 19, 2018 (Ordinance 2018-4907) for a total area of 81 acres and included discussion and approval of the Development Plan and Subdivision Plat(s) for two phases.

There is a land swap to accommodate future parks, trail connectivity and access and increase developable land for property owner. Approved on April 19, 2018 by Resolution 2018-9109-R.

Phase II is a future phase and rezoning has not been requested. Once the rezoning has occurred and gone through the review process, the plat is anticipated to follow after zoning.

DRC reviewed the plat on April 26, 2018. It was deemed it administratively complete on May 2, 2018

Phase I – The Reserve at Pea Ridge will include the realignment of South Pea Ridge Road and the renaming of two remnant sections of South Pea Ridge Road:

Guffey Lane (East/West remnant)

Lively Lane (North/South remnant) - Named suggested for the only residence along section

Trail head and easements for trail access would be included in review of this plat.

Water is available from an eight-inch water line in South Pea Ridge Road and sewer will be available from the extension of an existing 24-inch sewer line west of the subject property.

Six-foot sidewalks on both sides of the realigned section of South Pea Ridge Road would be provided at the time of subdivision improvements. A four-foot sidewalk on Hickman Street (North side only) would be required at time of home construction.

The subdivision proposes the creation of six local streets:

Purvis Street
McCulloch Road
Hickman Street
Lee Hall Loop
Hayes Street
McDonald Drive

Trail Easements: one 10-foot between Lots 32 and 33, Block 2 and a 20-foot between Lots 64 and 65, Block 2.

Park fees required at the rate of \$225 per lot.

The subject property is located within BISD.

Exceptions:

Design Criteria - Residential Subdivision Entrances: requires subdivisions containing between 151 and 300 lots to provide for a minimum of three entrances

Provisions exist for two entrances with an alternative design – could not be accommodated

UDC Section 8.2.1.D.4.b: Projection of Streets – related to street openings every 1,000 feet along each boundary of the subdivision

UDC Section 8.2.1E1: Minimum curve radius of 200-feet from centerline of local curvilinear street

Factors:

Existing land-locked nature of this subdivision – Access points are limited in relation to surrounding subdivisions (e.g. Southern Draw) and adjacent City-owned property

The Land Swap – Added to limitation factor (needed for future park land and trail accessibility)

Staff is supportive of the requested exceptions.

City Council is the final plat authority since the exceptions to the UDC are requested (June 7, 2018)

Locations of the two curvilinear streets not meeting 200-foot to centerline requirement.

Radius as proposed are necessary due to the subdivision layout and physical constraints (e.g. land-locked nature)

Staff recommends approval the Final Plat of The Reserve at Pea Ridge, Phase I and the requested exceptions to:

The Design Criteria – Number of subdivision entrances

UDC 8.2.1D – Street Layout and Projection

UDC 8.2.1E1 – Street Radius

Commissioner Walker made a motion to approve Item 9, **FY-18-5-PLT**, per staff recommendation, and Commissioner Crisp made a second.

Motion passed: (7:0)

Commissioners Armstrong and Marshall absent.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE RESERVE AT PEA RIDGE PHASE I FINAL PLAT, A RESIDENTIAL SUBDIVISION CONSISTING OF APPROXIMATELY 48.23 ACRES, 247 LOTS, 6 BLOCKS, AND LOCATED WEST OF SOUTH PEA RIDGE ROAD, APPROXIMATELY 2500 FEET NORTH OF ITS INTERSECTION WITH POISON OAK ROAD, ADDRESSED AS 1810 SOUTH PEA RIDGE ROAD, WITH REQUESTED EXCEPTIONS TO THE DESIGN CRITERIA FOR THE NUMBER OF RESIDENTIAL SUBDIVISION ENTRANCES, TO UNIFIED DEVELOPMENT CODE SECTION 8.2.1D RELATED TO STREET LAYOUT AND PROJECTION OF STREETS, AND TO SECTION 8.2.1E1 RELATED TO STREET RADIUS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, City Council adopted a Planned Development Ordinance for the subject property, Ordinance, 2018-4907, which resulted in this final plat for The Reserve at Pea Ridge, Phase I, which proposes the development of 247 residential lots, consistent with the planned development ordinance;

Whereas, the final plat of The Reserve at Pea Ridge, Phase I shown by the final plat and more accurately described by field notes attached as Exhibit A.

Whereas, in addition to the subdivision plat, the applicant, Yalgo Engineering, on behalf of WBW Land Investments, is requesting consideration of three exceptions as follows:

1. The Design Criteria related to the number of residential drive entrances;
2. Unified Development Code (UDC) Section 8.2.1.D.4.b: Projection of Streets - Street openings every 1,000 feet along each boundary of the subdivision; and
3. UDC Section 8.2.1E1: Minimum curve radius of 200 feet from centerline of local curvilinear streets;

Whereas, the Design Criteria for residential subdivision entrances and UDC Section 8.2.1.D.4.b provides for the number of access points as well as their alignment into a subdivision - due to the location and the landlocked-nature of the property, direct access would be limited to South Pea Ridge Road at three different points;

Whereas, a land swap with the City and Developer, effective with Resolution 2018-9109-R, further perpetuates the limitation of future access points—while the land swap accommodates future park land and trails accessibility as well as developable land for the property owner for a future plat phase, it does not lend itself for vehicular subdivision access;

Whereas, the northern boundary of The Reserve at Pea Ridge likewise does not provide for connectivity since the existing configuration of the Southern Draw subdivision is developed and no future stub was provided—because of the lack of access points, the exceptions to the Design Criteria and UDC Section 8.2.1.D.4.b are necessary and Staff has no concerns with the access points provided by the applicant in the final plat and is supportive of these requested exceptions;

Whereas, with regard to the requested exception to UDC section 8.2.1E1, due to the curvilinear configuration at (1) Hayes Street and Purvis Street and (2) Hayes Street and Lee Hall Loop, the minimum radius of 200 feet as measured from the street centerline cannot be achieved—Public Works staff has no concerns with the configurations as proposed by the applicant in the final plat for Phase I and is supportive of this requested exception;

Whereas, at their May 7, 2018 meeting, the Planning & Zoning Commission voted 7 to 0 to recommend approval of the final plat and the exceptions to the Design Criteria and the UDC;

Whereas, Staff recommends Council approve the final plat of The Reserve at Pea Ridge, Phase I, with requested exceptions to the Design Criteria related to the number of residential subdivision entrances, UDC Section 8.2.1D related to street layout and projection of streets and UDC Section 8.2.1E1 related to street radius; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve the Final Plat of The Reserve at Pea Ridge, Phase 1, with above requested exceptions.

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

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

Part 2: The City Council approves the final plat of The Reserve at Pea Ridge, Phase I, Final Plat, a residential subdivision consisting of approximately 48.23 acres, 247 lots, and 6 blocks, and located west of South Pea Ridge Road approximately 2500 feet north of its intersection with Poison Oak Road, addressed as 1810 South Pea Ridge Road with requested exceptions to the Design Criteria for the number of residential subdivision entrances, to Unified Development Code Section 8.2.1D related to street layout and projection of streets, and to Section 8.2.1E1 related to street radius.

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 7th day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/07/18
Item #9
Regular Agenda
Page 1 of 2

DEPT. / DIVISION SUBMISSION & REVIEW:

Jason Deckman, Planner

ITEM DESCRIPTION: FY-18-7-PLT: Consider adopting a resolution authorizing approval of the Replat of Enterprise Business Park Phase VI, a 26.376 acre two lot, one block non-residential subdivision, situated in the Elizabeth Berry Survey, Abstract No. 56, Temple, Bell County, Texas, located at 2062 Enterprise Road, Temple, 76504.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The applicant, KEG1, was deeded Lot 1, Block 1 of Enterprise Business Park Phase V (23.46 acres), from Temple Economic Development Corporation in November 2017. Adjacent and surrounded on three sides by this property was Lot 5, Block 1 of Enterprise Business Park, Phase II (2.924 acres) owned by the city and purposed as a future detention pond for the business park.

KEG1 requested, and City Council approved, through a May 3rd, 2018 resolution (2018-9121-R) to swap a 1.511 acre northern portion of the city's detention pond property for two portions the applicant owned on either side (to the east and west --1.126 acres) of the southern remaining area of the pond. The result was a reconfigured detention pond area with longer frontage along Enterprise Road.

The subsequent replat of the change in the two lot configurations into Phase VI of Enterprise Business Park is under the ownership of both the city, (new Lot 2 of 2.536 acres), and KEG1, (new Lot 1 of 23.84 acres) and requires signatures from both parties to move forward.

The replat does not differ from the approved land swap agreement. Per guidance from the City Attorney, this case was not presented to the Planning & Zoning Commission and has moved directly to City Council for consideration. As owner of the property, the City Council is the final plat authority. The Development Review Committee reviewed this replat on May 7th and 10th, 2018, and it was deemed administratively complete on May 17, 2018.

Both lots are zoned 'Light Industrial'. The Future Land Use Plan shows it as 'Business Park'.

Water service is available to the applicant's property through a 12" water main located along its western boundary. Sewer service is available through an 8" main along Enterprise Road to the south.

This site is located in the Northwest Industrial Park and is exempt from sidewalk requirements per UDC, Art. 8.2.3, Sec D.2.

SCHOOL DISTRICT: Temple Independent School District (TISD)

FISCAL IMPACT: N/A

ATTACHMENTS:

[Final Plat](#)

[Topo/ Utility / Post Drainage Plan Set](#)

[Resolution 2018-9121-R](#)

[Resolution](#)

FINAL PLAT of
ENTERPRISE BUSINESS PARK, PHASE VI

WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS
26.376 ACRES, Being a Replat of Lot 1, Block 1,
Enterprise Business Park, Phase V, of record in Year 2017,
Plat# 34, Plat Records of Bell County, Texas
and Lot 5, Block 1, Enterprise Business Park, Phase II, of record in
Cabinet D, Slide 112-D, Plat Records of Bell County, Texas

STATE OF TEXAS
COUNTY OF BELL

KEG I NORTH TEXAS PROPERTIES II LLC AND THE CITY OF TEMPLE, TEXAS, OWNERS OF THE LAND
SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS ENTERPRISE BUSINESS PARK, PHASE VI, WITHIN THE
CITY OF TEMPLE, BELL COUNTY, TEXAS, AND WHOSE NAMES ARE SUBSCRIBED HERETO, HEREBY
DEDICATE THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS,
EASEMENTS, AND PUBLIC PLACES SHOWN HEREON WITHIN THE PLAT BOUNDARIES OF THIS SUBDIVISION.

By: SCOTT O'NEIL, Authorized Representative
KEG I NORTH TEXAS PROPERTIES II, LLC
a Texas limited liability company

By: TIMOTHY A. DAVIS, Mayor
CITY OF TEMPLE, TEXAS

STATE OF TEXAS
COUNTY OF BELL

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED SCOTT O'NEIL, KNOWN
TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND
ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS AN AUTHORIZED REPRESENTATIVE OF KEG I
NORTH TEXAS PROPERTIES II LLC FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____, 2018.

NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS
COUNTY OF BELL

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED TIMOTHY A. DAVIS,
KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND
ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS MAYOR OF THE CITY OF TEMPLE, TEXAS FOR
THE PURPOSES AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____, 2018.

NOTARY PUBLIC, STATE OF TEXAS

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF ENTERPRISE BUSINESS PARK PHASE VI,
WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS, WAS APPROVED BY THE CITY COUNCIL OF THE CITY
OF TEMPLE ON THE _____ DAY OF _____, 2018. SAID SUBDIVISION SHALL BE
SUBJECT TO ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE OF THE CITY OF TEMPLE, TEXAS.

WITNESS MY HAND THIS _____ DAY OF _____, 2018.

CITY SECRETARY

AFFIDAVIT:
The Tax Appraisal District of Bell County does hereby certify there are currently no delinquent taxes
due to the Tax Appraisal District of Bell County on the property described by this plat.

Dated this the _____ day of _____, 2018 A.D.

By: _____
Bell County Tax Appraisal District

STATE OF TEXAS
COUNTY OF BELL

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

CHARLES C. LUCKO
REGISTRATION NO. 4636

DATE SURVEYED: March 14, 2018



RECORDATION INFORMATION:

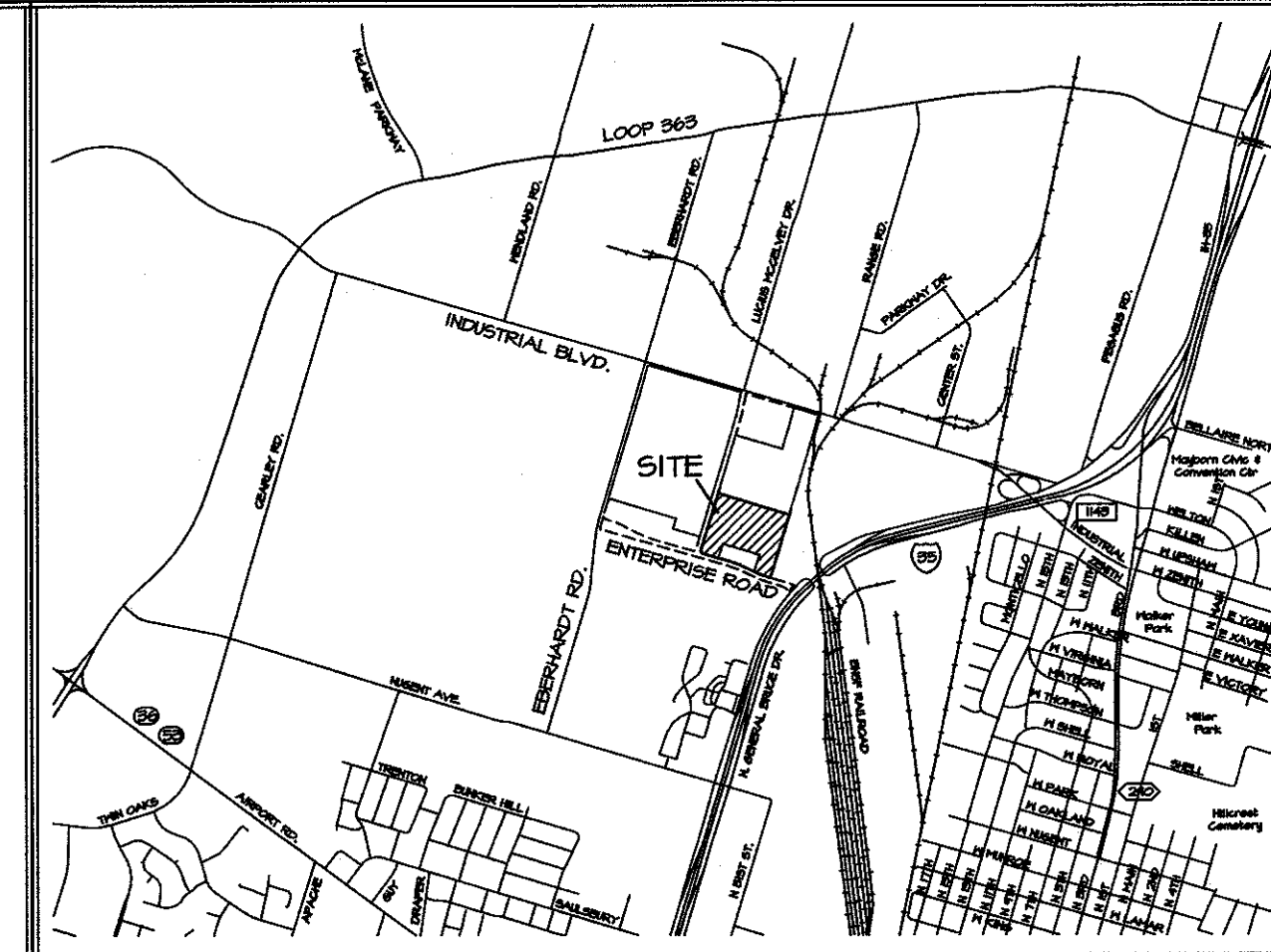
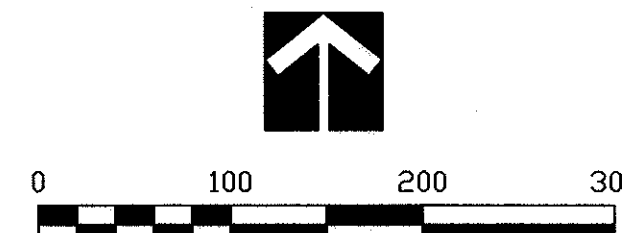
FILED FOR RECORD THIS _____ DAY OF _____, 2018.

IN YEAR _____, PLAT # _____, PLAT RECORDS OF BELL COUNTY, TEXAS.

DEDICATION INSTRUMENT # _____, OFFICIAL RECORDS OF BELL COUNTY, TEXAS.

Based upon what can be scaled from the graphics shown on Federal Insurance Rate Map (FIRM),
Community Panel No. 48027C0335E and No. 48027C0140E, dated September 26, 2008, the
above shown property DOES NOT appear within the "Special Flood Hazard Area", and appears to
be situated in Zone X. This flood statement does not imply that this tract will never flood, nor
does it create any liability in such event on the part of this surveyor or company.

This project is referenced to the City of Temple Coordinate System, NAD 83, Texas Central Zone.
All distances are horizontal surface distances and all bearings are grid bearings. All
coordinates are referenced to City Monument No. 617. The theta angle at City Monument No. 617
is 01°32'03". The combined correction factor (CCF) is 0.999848. Grid distance = Surface
distance X CCF. Geodetic north = Grid north + theta angle. Published City coordinates for City
Monument No. 617 are N=10281464.51 E=3228519.52. Reference tie from City Monument No.
617 to the southeast corner of said 26.376 acre tract is N 11°56'51" E 3,254.58'
feet.



VICINITY MAP
n.t.s.

OWNERS
KEG I NORTH TEXAS PROPERTIES II LLC
213 PATRIOT DRIVE
WEATHERFORD, TX 76087

CITY OF TEMPLE, TEXAS
2 N. MAIN STREET
TEMPLE, TX 76501

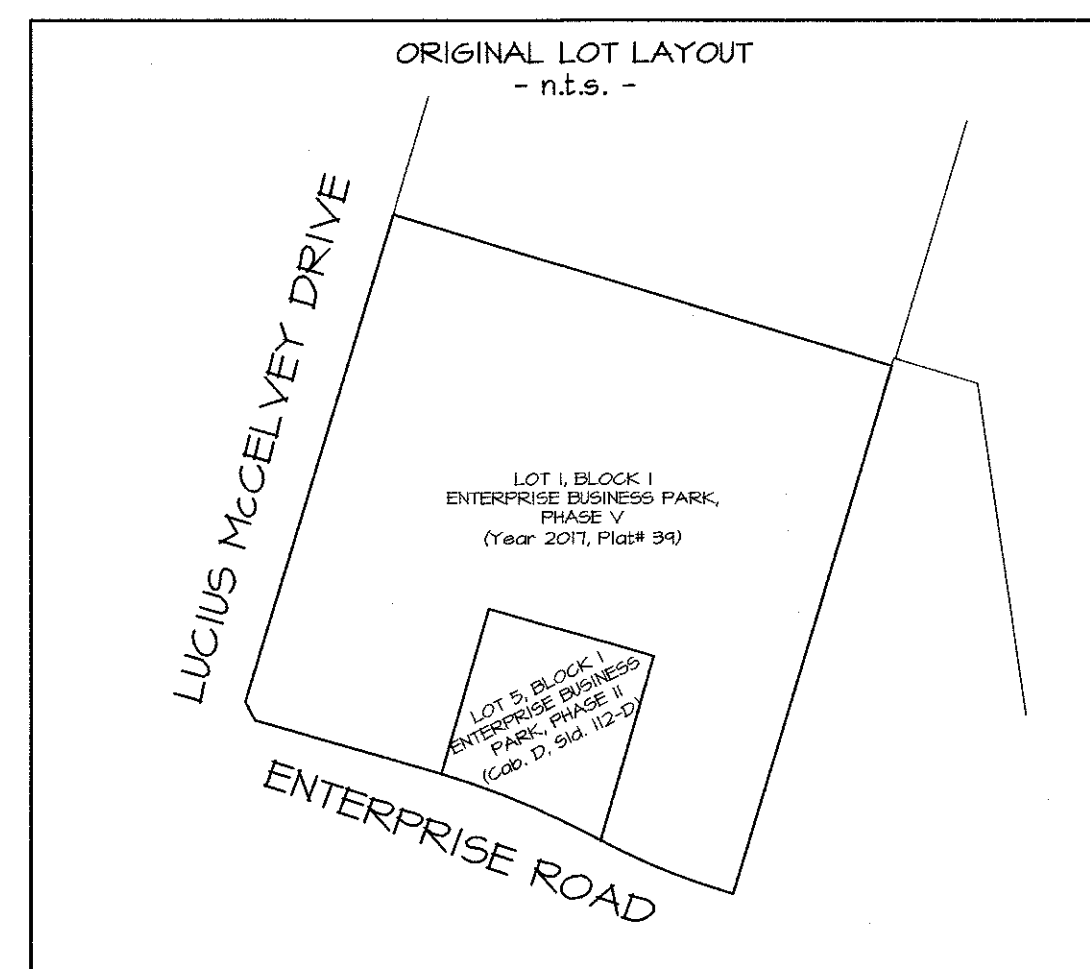
LOTS - TWO (2)
BLOCKS - ONE (1)
AREA - 26.376 ACRES

CALLED 9.92 ACRES
B4 D MAY'S LIMITED
PARTNERSHIP
DOC. NO. 200800012804

LINE	BEARING	DISTANCE	RECORD CALL
L1	N 78°21'08" W	21.22'	N 78°21'23" W 21.22'
L2	N 28°34'44" W	42.11'	N 74°33'06" W 42.16'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	RECORD CALL
C1	1465.00'	245.12'	245.21'	N 61°20'51" W	11°33'55"	RAD=1465.00'
C2	1535.00'	332.60'	331.45'	N 61°44'46" W	12°24'53"	RAD=1535.00'
C3	1465.00'	15.83'	15.82'	S 63°02'52" E	2°51'56"	RAD=1465.00'

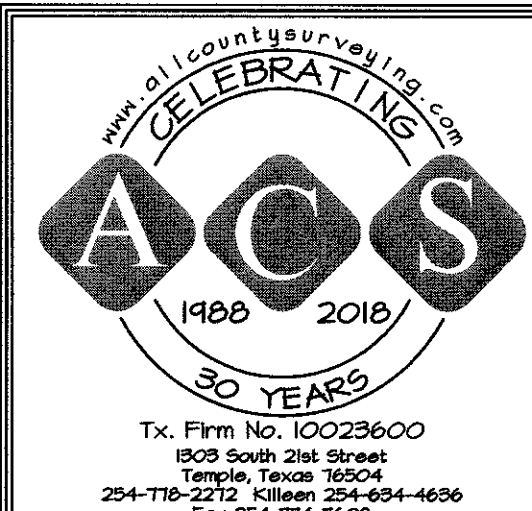
ORIGINAL LOT LAYOUT
- n.t.s. -



FINAL PLAT of
ENTERPRISE BUSINESS PARK, PHASE VI

WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS
26.376 ACRES, Being a Replat of Lot 1, Block 1, Enterprise Business Park, Phase V,
of record in Year 2017, Plat# 34, Plat Records of Bell County, Texas
and Lot 5, Block 1, Enterprise Business Park, Phase II, of record in Cabinet D, Slide 112-D,
Plat Records of Bell County, Texas

Plot Date: 05-17-2018
Survey completed: 03-14-2018
Scale: 1" = 100'
Job No.: 1800122
Dwg No.: 18001202P
Drawn by: MDH
Surveyor: CCL #4636
Copyright 2018 All County Surveying, Inc.



RESOLUTION NO. 2018-9121-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN EXCHANGE OF PROPERTY WITH KEG-1 NORTH TEXAS PROPERTIES, LLC PURSUANT TO LOCAL GOVERNMENT CODE § 272.001; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City currently owns approximately 2.925-acres, legally described as Lot 5, Block 1, Enterprise Business Park Phase II, an addition in the City of Temple, Bell County, Texas, according to the plat of record in Cabinet D, Slide 112-D, Plat Records of Bell County, Texas, which serves the public purpose as a detention pond for the surrounding properties;

Whereas, the abutting property owner, Keg-1 North Texas Properties, LLC (Keg-1), is expanding its facility and in order to do so, the detention pond needs to be redesigned - the redesign will accommodate the larger facility as well as more effectively retain drainage and runoff;

Whereas, Keg-1 has agreed to build the redesigned detention pond and convey two tracts for a total of 1.126-acre in exchange for a 1.511-acre portion of the City's property;

Whereas, the properties to be conveyed to the City are legally described as follows:

Tract 1: Being a 0.886-acre tract situated in the Elizabeth Berry Survey, Abstract No. 56, Temple, Bell County, Texas, being a portion of Lot 1, Block 1, of Enterprise Business Park Phase V, an addition to the City of Temple, Bell County, Texas, according to the plat of record in Plat Year 2017, Plat No. 39, Plat Records of Bell County, Texas.

Tract 2: Being a 0.240-acre tract situated in the Elizabeth Berry Survey, Abstract No. 56, Temple, Bell County, Texas, being a portion of Lot 1, Block 1, of Enterprise Business Park Phase V, an addition to the City of Temple, Bell County, Texas, according to the plat of record in Plat Year 2017, Plat No. 39, Plat Records of Bell County, Texas.

Whereas, the property to be conveyed to Keg-1 is legally described as being approximately 1.511-acres, situated in the Elizabeth Berry Survey, Abstract No. 56, Temple, Bell County, Texas, being a portion of Lot 5, Block 1, Enterprise Business Park Phase II, an addition in the City of Temple, Bell County, Texas, according to the plat of record in Cabinet D, Slide 112-D, Plat Records of Bell County, Texas;

Whereas, Local Government Code § 272.001(b)(3) provides that an exception to the notice and bidding requirements exists when land or a real property interest acquired for public purposes is exchanged for other land to be used for public purposes and may be conveyed to the abutting property owner at fair market value;

Whereas, per Bell County Appraisal District, the value of the property the City is conveying to Keg-1 is \$14,755.63 and the value of the property Keg -1 is conveying to the City is \$24,199.71;

Whereas, Staff recommends authorizing an exchange of the property with Keg-1 North Texas Properties, LLC, pursuant to Local Government Code § 272.001;

Whereas, at the present time, the 1.511 acres being conveyed to Keg-1 North Texas Properties, LLC by the City is exempt from property taxes – at the time the property is conveyed to Keg-1, the property will be added back to the property tax rolls;

Whereas, at the present time, the 1.126 acres being conveyed to the City is subject to property taxes – at the time the property is conveyed to the City, the property will be exempt from property taxes; and

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

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

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

Part 2: The City Council authorizes the exchange of property with Keg-1 North Texas Properties, LLC pursuant to Local Government Code § 272.001, as outlined below:

Being conveyed to the City - Tract 1: Being a 0.886-acre tract situated in the Elizabeth Berry Survey, Abstract No. 56, Temple, Bell County, Texas, being a portion of Lot 1, Block 1, of Enterprise Business Park Phase V, an addition to the City of Temple, Bell County, Texas, according to the plat of record in Plat Year 2017, Plat No. 39, Plat Records of Bell County, Texas.

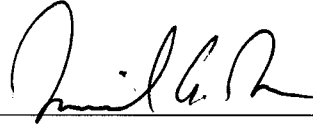
Being conveyed to the City - Tract 2: Being a 0.240-acre tract situated in the Elizabeth Berry Survey, Abstract No. 56, Temple, Bell County, Texas, being a portion of Lot 1, Block 1, of Enterprise Business Park Phase V, an addition to the City of Temple, Bell County, Texas, according to the plat of record in Plat Year 2017, Plat No. 39, Plat Records of Bell County, Texas.

Being conveyed to Keg-1 - approximately 1.511-acres, situated in the Elizabeth Berry Survey, Abstract No. 56, Temple, Bell County, Texas, being a portion of Lot 5, Block 1, Enterprise Business Park Phase II, an addition in the City of Temple, Bell County, Texas, according to the plat of record in Cabinet D, Slide 112-D, Plat Records of Bell County, Texas;

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.

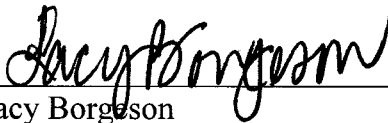
PASSED AND APPROVED this the 3rd day of May, 2018.

THE CITY OF TEMPLE, TEXAS



DANIEL A. DUNN MAYOR

ATTEST:



Lacy Borgeson
City Secretary



APPROVED AS TO FORM:



Kayla Landeros
City Attorney

RESOLUTION NO. _____
(FY-18-7-PLT)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE REPLAT OF ENTERPRISE BUSINESS PARK, PHASE VI, AN APPROXIMATELY 26.376 ACRE, 2 LOT, 1 BLOCK NON-RESIDENTIAL SUBDIVISION, SITUATED IN THE ELIZABETH BERRY SURVEY, ABSTRACT NO. 56, TEMPLE, BELL COUNTY, TEXAS, LOCATED AT 2062 ENTERPRISE ROAD, TEMPLE, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, KEG1, was deeded lot 1, block 1 of Enterprise Business Park Phase V (23.46 acres) from the Temple Economic Development Corporation in November 2017;

Whereas, adjacent and surrounded on three sides by this property was lot 5, block 1 of Enterprise Business Park, Phase II (2.924 acres) owned by the City and purposed as a future detention pond for the business park;

Whereas, KEG1 requested, and City Council approved, on May 3, 2018 to swap an approximately 1.511 acre northern portion of the City's detention pond property for two portions the applicants property located on either side (to the east and west) of the southern remaining area of the pond;

Whereas, the subsequent replat of the change in the two lot configurations into Phase VI of Enterprise Business Park is under the ownership of both the City, (new lot 2 of approximately 2.536 acres), and KEG1, (new lot 1 of approximately 23.84 acres), and requires signatures from both parties to move forward;

Whereas, as owner of the property, the Council is the final plat authority - both lots are zoned Light Industrial and the Future Land Use Plan shows both properties as 'Business Park';

Whereas, Staff recommends Council authorize the approval of the Replat of Enterprise Business Park Phase VI, an approximately 26.376 acre, 2 lot, 1 block non-residential subdivision, situated in the Elizabeth Berry Survey, Abstract No. 56, Temple, Bell County, Texas, located at 2062 Enterprise Road, Temple, Texas; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve the Replat of Enterprise Business Park Phase VI.

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

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

Part 2: The City Council approves the Replat of Enterprise Business Park Phase VI, an approximately 26.376 acre, 2 lot, 1 block non-residential subdivision, situated in the Elizabeth Berry Survey, Abstract No. 56, Temple, Bell County, Texas, located at 2062 Enterprise Road, Temple, Texas

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 7th day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/07/18
Item #10
Regular Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING: 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 Santa Fe Phase 2 and Strategic Investment Zone Grants in FY 2018.

STAFF RECOMMENDATION: Adopt ordinance as presented in item description, with second and final reading on June 21, 2018.

ITEM SUMMARY: Three bids for the construction of Santa Fe Phase 2 Roadway and Landscaping Improvements were received on May 30, 2018. This project will develop the remainder of Santa Fe Plaza with a connection under the 3rd Street Bridge to the Santa Fe Market Trail and a pedestrian connection to the recently completed MLK Festival Grounds. Also, included in this project is the redevelopment of 1st Street from Santa Fe Market Trail at Avenue B to Avenue A. Staff is recommending award of the bid to Emerson Construction Company, Inc. of Temple in the amount of \$9,629,872.59. [Next agenda item]

This recommended bid is approximately \$970,000 greater than the remaining total project budget. Staff is recommending transferring \$1,150,000 contingency funds from the upcoming 2018 TRZ Revenue Bond issue to this project budget. This will cover the funding needed to award the construction contract and allocate \$180,000 of contingency funds for any unforeseen items during the construction period.


In addition, additional funding is needed to fund an active Strategic Investment Zone (SIZ) Grant application in the amount of \$100,000. This will bring the total available SIZ funding to \$250,000.

There is no change to fund balance as a result of this Reinvestment Zone No. 1 Financing and Project plans after the amendment.

The Reinvestment Zone No. 1 Board is scheduled to meet on June 6, 2018 to approve the amendment.

FISCAL IMPACT: The proposed amendment allocates funding within the FY 2018 Financing and Project Plans as shown below:

FY 2018 FP Amendment

Line #	Description	FY 2018
404	Santa Fe Plaza	\$ 1,150,000
702	Contingency - Bonds	\$ (1,150,000)
411	1st Street from Avenue A to Avenue B	\$ 210,000
407	Santa Fe Market	\$ (210,000)
417	Strategic Investment Zone - Grants	\$ 100,000
462	Avenue U - TMED Avenue to 1st Street	\$ (100,000)
	Net change in projects 	\$ -

ATTACHMENTS:

Financing Plan
Summary Financing Plan with Detailed Project Plan
Ordinance

FINANCING PLAN
Page 1 of 5

	Y/E 9/30/18	Y/E 9/30/19	Y/E 9/30/20	Y/E 9/30/21	Y/E 9/30/22	2023	2024	2025
DESCRIPTION	Year 36	Year 37	Year 38	Year 39	Year 40	41	42	43
1 "Taxable Increment"	\$ 426,069,294	\$ 415,287,167	\$ 409,874,095	\$ 397,412,766	\$ 426,871,090	\$ 430,495,341	\$ 473,225,671	\$ 510,957,928
1 FUND BALANCE, Begin	\$ 20,539,894	\$ 1,358,195	\$ 6,806,192	\$ 9,726,501	\$ 16,830,025	\$ 9,066,517	\$ 2,321,069	\$ 2,420,408
2 Adjustments to Debt Service Reserve	-	-	-	-	-	-	-	-
3 Fund Balance Available for Appropriation	\$ 20,539,894	\$ 1,358,195	\$ 6,806,192	\$ 9,726,501	\$ 16,830,025	\$ 9,066,517	\$ 2,321,069	\$ 2,420,408
SOURCES OF FUNDS:								
4 Tax Revenues	17,793,995	17,171,851	16,588,792	15,961,146	15,848,781	15,394,809	16,049,463	16,639,966
6 Allowance for Uncollected Taxes [1.5% of Tax Revenues]	(266,910)	(257,578)	(248,832)	(239,417)	(237,732)	(230,922)	(240,742)	(249,599)
8 Interest Income-Other	50,000	40,000	40,000	30,000	10,000	10,000	10,000	10,000
10 Grant Funds	1,170,000	-	-	-	-	-	-	-
12 License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000
14 Other Revenues	106,600	-	-	-	-	-	-	-
15 Sale of land	600,000	-	-	-	-	-	-	-
17 Bond Proceeds	29,000,000	-	-	-	-	-	-	-
20 Total Sources of Funds	\$ 48,489,685	\$ 16,990,273	\$ 16,415,960	\$ 15,787,729	\$ 15,657,049	\$ 15,209,887	\$ 15,854,721	\$ 16,436,367
25 TOTAL AVAILABLE FOR APPROPRIATION	\$ 69,029,579	\$ 18,348,468	\$ 23,222,152	\$ 25,514,230	\$ 32,487,074	\$ 24,276,404	\$ 18,175,790	\$ 18,856,775
USE OF FUNDS:								
DEBT SERVICE								
27 2009 Bond Refunding	1,488,750	1,485,000	-	-	-	-	-	-
28 2008 Bond Issue-Taxable {\$10.365 mil}	1,241,957	1,241,173	1,237,744	1,241,670	1,242,422	-	-	-
29 Debt Service - 2011A Issue {Refunding}	908,350	915,950	2,497,800	2,497,550	2,494,950	-	-	-
30 Debt Service - 2012 Issue {Refunding}	79,600	77,650	80,050	77,250	78,750	-	-	-
31 Debt Service - 2013 Issue {\$25.260 mil}	2,047,694	2,048,344	2,047,944	2,046,494	2,031,494	2,030,094	2,026,694	2,038,413
32 Debt Service - 2018 Issue {\$29 mil}	-	2,129,596	1,746,550	1,434,300	1,385,900	2,338,700	2,340,700	2,340,700
35 Paying Agent Services	1,700	1,700	1,700	1,700	1,700	1,200	1,200	1,200
40 Subtotal-Debt Service	5,768,051	7,899,413	7,611,788	7,298,964	7,235,216	4,369,994	4,368,594	4,380,313
OPERATING EXPENDITURES								
50 Prof Svcs/Proj Mgmt	102,454	175,000	175,000	175,000	175,000	175,000	175,000	175,000
52 Legal/Audit	1,300	1,300	1,300	1,300	1,400	1,400	1,400	1,400
54 Zone Park Maintenance [mowing, utilities, botanical supplies]	330,000	330,000	330,000	330,000	330,000	330,000	330,000	330,000
56 Rail Maintenance	112,100	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58 Road/Signage Maintenance	200,000	100,000	100,000	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	200,000	200,000
62 TISD-Reimbursement [per contract]	27,563	27,563	27,563	28,941	28,941	28,941	30,388	30,388
65 Subtotal-Operating Expenditures	973,417	933,863	933,863	935,241	935,341	935,341	936,788	936,788
70 TOTAL DEBT & OPERATING EXPENDITURES	\$ 6,741,468	\$ 8,833,276	\$ 8,545,651	\$ 8,234,205	\$ 8,170,557	\$ 5,305,335	\$ 5,305,382	\$ 5,317,101
80 Funds Available for Projects	\$ 62,288,111	\$ 9,515,192	\$ 14,676,501	\$ 17,280,025	\$ 24,316,517	\$ 18,971,069	\$ 12,870,408	\$ 13,539,674
PROJECTS								
150 Temple Industrial Park	1,121,920	-	-	-	-	-	-	-
200 Corporate Campus Park	907,813	250,000	-	-	-	-	-	-
250 Bioscience Park/Crossroads Park	3,191,551	-	-	-	-	-	-	-
350 Outer Loop	19,485,419	-	-	-	14,800,000	11,700,000	-	-
400 Synergy Park	46,846	750,000	-	-	-	-	-	-
450 Downtown	30,258,112	725,000	450,000	450,000	450,000	450,000	450,000	450,000
500 TMED	3,229,192	300,000	4,500,000	-	-	-	-	-
550 Airport Park	2,477,063	584,000	-	-	-	-	-	-
650 Gateway Projects	212,000	100,000	-	-	-	-	-	-
750 Public Improvements	-	-	-	-	-	4,500,000	10,000,000	10,500,000
Subtotal-Projects	60,929,916	2,709,000	4,950,000	450,000	15,250,000	16,650,000	10,450,000	10,950,000
TOTAL USE OF FUNDS	\$ 67,671,384	\$ 11,542,276	\$ 13,495,651	\$ 8,684,205	\$ 23,420,557	\$ 21,955,335	\$ 15,755,382	\$ 16,267,101
800 FUND BALANCE, End	\$ 1,358,195	\$ 6,806,192	\$ 9,726,501	\$ 16,830,025	\$ 9,066,517	\$ 2,321,069	\$ 2,420,408	\$ 2,589,674

	2026	2027	2028	2029	2030	2031	2032
	44	45	46	47	48	49	50
DESCRIPTION							
1 "Taxable Increment"	\$ 603,517,507	\$ 632,140,107	\$ 638,461,508	\$ 644,846,123	\$ 651,294,584	\$ 657,807,530	\$ 664,385,606
1 FUND BALANCE, Begin	\$ 2,589,674	\$ 2,284,096	\$ 2,667,989	\$ 2,731,730	\$ 2,976,932	\$ 3,398,828	\$ 3,003,239
2 Adjustments to Debt Service Reserve	-	-	-	-	-	-	-
3 Fund Balance Available for Appropriation	\$ 2,589,674	\$ 2,284,096	\$ 2,667,989	\$ 2,731,730	\$ 2,976,932	\$ 3,398,828	\$ 3,003,239
SOURCES OF FUNDS:							
4 Tax Revenues	17,945,912	18,402,247	18,586,255	18,772,103	18,959,809	19,149,392	19,340,871
6 Allowance for Uncollected Taxes [1.5% of Tax Revenues]	(269,189)	(276,034)	(278,794)	(281,582)	(284,397)	(287,241)	(290,113)
8 Interest Income-Other	10,000	10,000	10,000	10,000	10,000	10,000	10,000
10 Grant Funds	-	-	-	-	-	-	-
12 License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000
14 Other Revenues	-	-	-	-	-	-	-
15 Sale of land	-	-	-	-	-	-	-
17 Bond Proceeds	-	-	-	-	-	-	-
20 Total Sources of Funds	\$ 17,722,723	\$ 18,172,213	\$ 18,353,461	\$ 18,536,521	\$ 18,721,412	\$ 18,908,151	\$ 19,096,758
25 TOTAL AVAILABLE FOR APPROPRIATION	\$ 20,312,397	\$ 20,456,309	\$ 21,021,450	\$ 21,268,252	\$ 21,698,343	\$ 22,306,979	\$ 22,099,997
USE OF FUNDS:							
DEBT SERVICE							
27 2009 Bond Refunding	-	-	-	-	-	-	-
28 2008 Bond Issue-Taxable {\$10.365 mil}	-	-	-	-	-	-	-
29 Debt Service - 2011A Issue {Refunding}	-	-	-	-	-	-	-
30 Debt Service - 2012 Issue {Refunding}	-	-	-	-	-	-	-
31 Debt Service - 2013 Issue {\$25.260 mil}	2,051,613	2,059,113	2,061,713	2,061,713	2,069,113	2,073,513	2,084,913
32 Debt Service - 2018 Issue {\$29 mil}	2,338,700	2,339,700	2,338,500	2,340,100	2,339,300	2,339,125	2,339,213
35 Paying Agent Services	1,200	1,200	1,200	1,200	1,200	1,200	1,200
40 Subtotal-Debt Service	4,391,513	4,400,013	4,401,413	4,403,013	4,409,613	4,413,838	4,425,326
OPERATING EXPENDITURES							
50 Prof Svcs/Proj Mgmt	175,000	175,000	175,000	175,000	175,000	175,000	175,000
52 Legal/Audit	1,400	1,400	1,400	1,400	1,400	1,400	1,400
54 Zone Park Maintenance [mowing, utilities, botanical supplies]	330,000	330,000	330,000	330,000	330,000	330,000	330,000
56 Rail Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58 Road/Signage Maintenance	100,000	100,000	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	200,000
62 TISD-Reimbursement [per contract]	30,388	31,907	31,907	31,907	33,502	33,502	33,502
65 Subtotal-Operating Expenditures	936,788	938,307	938,307	938,307	939,902	939,902	939,902
70 TOTAL DEBT & OPERATING EXPENDITURES	\$ 5,328,301	\$ 5,338,320	\$ 5,339,720	\$ 5,341,320	\$ 5,349,515	\$ 5,353,740	\$ 5,365,228
80 Funds Available for Projects	\$ 14,984,096	\$ 15,117,989	\$ 15,681,730	\$ 15,926,932	\$ 16,348,828	\$ 16,953,239	\$ 16,734,769
PROJECTS							
150 Temple Industrial Park	-	-	-	-	-	-	-
200 Corporate Campus Park	-	-	-	-	-	-	-
250 Bioscience Park/Crossroads Park	-	-	-	-	-	-	-
350 Outer Loop	-	-	-	-	-	-	-
400 Synergy Park	-	-	-	-	-	-	-
450 Downtown	450,000	450,000	450,000	450,000	450,000	450,000	450,000
500 TMED	-	-	-	-	-	-	-
550 Airport Park	-	-	-	-	-	-	-
650 Gateway Projects	-	-	-	-	-	-	-
750 Public Improvements	12,250,000	12,000,000	12,500,000	12,500,000	12,500,000	13,500,000	13,500,000
Subtotal-Projects	12,700,000	12,450,000	12,950,000	12,950,000	12,950,000	13,950,000	13,950,000
TOTAL USE OF FUNDS	\$ 18,028,301	\$ 17,788,320	\$ 18,289,720	\$ 18,291,320	\$ 18,299,515	\$ 19,303,740	\$ 19,315,228
800 FUND BALANCE, End	\$ 2,284,096	\$ 2,667,989	\$ 2,731,730	\$ 2,976,932	\$ 3,398,828	\$ 3,003,239	\$ 2,784,769

	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042
DESCRIPTION	51	52	53	54	55	56	57	58	59	60
1 "Taxable Increment"	\$ 671,029,462	\$ 677,739,756	\$ 684,517,154	\$ 691,362,325	\$ 698,275,949	\$ 705,258,708	\$ 712,311,295	\$ 719,434,408	\$ 726,628,752	\$ 733,895,040
1 FUND BALANCE, Begin	\$ 2,784,769	\$ 2,749,292	\$ 2,994,676	\$ 2,938,758	\$ 2,825,321	\$ 2,913,337	\$ 2,950,306	\$ 3,526,010	\$ 3,305,949	\$ 2,792,165
2 Adjustments to Debt Service Reserve	-	-	-	-	-	-	-	-	-	-
3 Fund Balance Available for Appropriation	\$ 2,784,769	\$ 2,749,292	\$ 2,994,676	\$ 2,938,758	\$ 2,825,321	\$ 2,913,337	\$ 2,950,306	\$ 3,526,010	\$ 3,305,949	\$ 2,792,165
SOURCES OF FUNDS:										
4 Tax Revenues	19,534,265	19,729,593	19,926,875	20,126,129	20,327,375	20,530,634	20,735,926	20,943,271	21,152,689	21,364,201
6 Allowance for Uncollected Taxes [1.5% of Tax Revenues]	(293,014)	(295,944)	(298,903)	(301,892)	(304,911)	(307,960)	(311,039)	(314,149)	(317,290)	(320,463)
8 Interest 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 License 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	-	-	-	-	-	-	-	-	-	-
15 Sale of land	-	-	-	-	-	-	-	-	-	-
17 Bond Proceeds	-	-	-	-	-	-	-	-	-	-
20 Total Sources of Funds	\$ 19,287,251	\$ 19,479,649	\$ 19,673,972	\$ 19,870,237	\$ 20,068,464	\$ 20,268,674	\$ 20,470,887	\$ 20,675,122	\$ 20,881,399	\$ 21,089,738
25 TOTAL AVAILABLE FOR APPROPRIATION	\$ 22,072,020	\$ 22,228,941	\$ 22,668,648	\$ 22,808,995	\$ 22,893,786	\$ 23,182,011	\$ 23,421,193	\$ 24,201,132	\$ 24,187,348	\$ 23,881,903
USE OF FUNDS:										
DEBT SERVICE										
27 2009 Bond Refunding	-	-	-	-	-	-	-	-	-	-
28 2008 Bond Issue-Taxable {\$10.365 mil}	-	-	-	-	-	-	-	-	-	-
29 Debt Service - 2011A Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
30 Debt Service - 2012 Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
31 Debt Service - 2013 Issue {\$25.260 mil}	2,092,913	-	-	-	-	-	-	-	-	-
32 Debt Service - 2018 Issue {\$29 mil}	2,337,038	2,341,488	2,337,113	2,339,138	2,337,113	2,338,369	-	-	-	-
35 Paying Agent Services	1,200	1,200	1,200	1,200	-	-	-	-	-	-
40 Subtotal-Debt Service	4,431,151	2,342,688	2,338,313	2,340,338	2,337,113	2,338,369	-	-	-	-
OPERATING EXPENDITURES										
50 Prof Svcs/Proj Mgmt	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000
52 Legal/Audit	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400
54 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
56 Rail Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58 Road/Signage Maintenance	100,000	100,000	100,000	100,000	100,000	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	200,000	200,000	200,000	200,000
62 TISD-Reimbursement [per contract]	35,177	35,177	35,177	36,936	36,936	36,936	38,783	38,783	38,783	40,722
65 Subtotal-Operating Expenditures	941,577	941,577	941,577	943,336	943,336	943,336	945,183	945,183	945,183	947,122
70 TOTAL DEBT & OPERATING EXPENDITURES	\$ 5,372,728	\$ 3,284,265	\$ 3,279,890	\$ 3,283,674	\$ 3,280,449	\$ 3,281,705	\$ 945,183	\$ 945,183	\$ 945,183	\$ 947,122
80 Funds Available for Projects	\$ 16,699,292	\$ 18,944,676	\$ 19,388,758	\$ 19,525,321	\$ 19,613,337	\$ 19,900,306	\$ 22,476,010	\$ 23,255,949	\$ 23,242,165	\$ 22,934,781
PROJECTS										
150 Temple Industrial Park	-	-	-	-	-	-	-	-	-	-
200 Corporate Campus Park	-	-	-	-	-	-	-	-	-	-
250 Bioscience Park/Crossroads Park	-	-	-	-	-	-	-	-	-	-
350 Outer Loop	-	-	-	-	-	-	-	-	-	-
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	-	-	-	-	-	-	-	-	-	-
550 Airport Park	-	-	-	-	-	-	-	-	-	-
650 Gateway Projects	-	-	-	-	-	-	-	-	-	-
750 Public Improvements	13,500,000	15,500,000	16,000,000	16,250,000	16,250,000	16,500,000	18,500,000	19,500,000	20,000,000	19,500,000
Subtotal-Projects	13,950,000	15,950,000	16,450,000	16,700,000	16,700,000	16,950,000	18,950,000	19,950,000	20,450,000	19,950,000
TOTAL USE OF FUNDS	\$ 19,322,728	\$ 19,234,265	\$ 19,729,890	\$ 19,983,674	\$ 19,980,449	\$ 20,231,705	\$ 19,895,183	\$ 20,895,183	\$ 21,395,183	\$ 20,897,122
800 FUND BALANCE, End	\$ 2,749,292	\$ 2,994,676	\$ 2,938,758	\$ 2,825,321	\$ 2,913,337	\$ 2,950,306	\$ 3,526,010	\$ 3,305,949	\$ 2,792,165	\$ 2,984,781

	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052
DESCRIPTION	61	62	63	64	65	66	67	68	69	70
1 "Taxable Increment"	\$ 741,233,990	\$ 748,646,330	\$ 756,132,793	\$ 763,694,121	\$ 771,331,062	\$ 779,044,373	\$ 786,834,817	\$ 794,703,165	\$ 802,650,197	\$ 810,676,699
1 FUND BALANCE, Begin	\$ 2,984,781	\$ 3,242,060	\$ 3,178,960	\$ 3,295,139	\$ 3,094,447	\$ 3,078,715	\$ 3,247,655	\$ 3,105,273	\$ 3,153,456	\$ 3,391,864
2 Adjustments to Debt Service Reserve	-	-	-	-	-	-	-	-	-	-
3 Fund Balance Available for Appropriation	\$ 2,984,781	\$ 3,242,060	\$ 3,178,960	\$ 3,295,139	\$ 3,094,447	\$ 3,078,715	\$ 3,247,655	\$ 3,105,273	\$ 3,153,456	\$ 3,391,864
SOURCES OF FUNDS:										
4 Tax Revenues	18,226,905	18,409,159	18,593,236	18,779,153	18,966,930	19,156,585	19,348,136	19,541,603	19,737,004	19,934,359
6 Allowance for Uncollected Taxes [1.5% of Tax Revenues]	(273,404)	(276,137)	(278,899)	(281,687)	(284,504)	(287,349)	(290,222)	(293,124)	(296,055)	(299,015)
8 Interest 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 License 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	-	-	-	-	-	-	-	-	-	-
15 Sale of land	-	-	-	-	-	-	-	-	-	-
17 Bond Proceeds	-	-	-	-	-	-	-	-	-	-
20 Total Sources of Funds	\$ 17,999,501	\$ 18,179,022	\$ 18,360,337	\$ 18,543,466	\$ 18,728,426	\$ 18,915,236	\$ 19,103,914	\$ 19,294,479	\$ 19,486,949	\$ 19,681,344
25 TOTAL AVAILABLE FOR APPROPRIATION	\$ 20,984,282	\$ 21,421,082	\$ 21,539,297	\$ 21,838,605	\$ 21,822,873	\$ 21,993,951	\$ 22,351,569	\$ 22,399,752	\$ 22,640,405	\$ 23,073,208
USE OF FUNDS:										
DEBT SERVICE										
27 2009 Bond Refunding	-	-	-	-	-	-	-	-	-	-
28 2008 Bond Issue-Taxable {\$10.365 mil}	-	-	-	-	-	-	-	-	-	-
29 Debt Service - 2011A Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
30 Debt Service - 2012 Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
31 Debt Service - 2013 Issue {\$25.260 mil}	-	-	-	-	-	-	-	-	-	-
32 Debt Service - 2018 Issue {\$29 mil}	-	-	-	-	-	-	-	-	-	-
35 Paying Agent Services	-	-	-	-	-	-	-	-	-	-
40 Subtotal-Debt Service	-	-	-	-	-	-	-	-	-	-
OPERATING EXPENDITURES										
50 Prof Svcs/Proj Mgmt	175,100	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000
52 Legal/Audit	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400
54 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	150,000
56 Rail Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58 Road/Signage Maintenance	100,000	100,000	100,000	100,000	100,000	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	200,000	200,000	200,000	200,000
62 TISD-Reimbursement [per contract]	40,722	40,722	42,758	42,758	42,758	44,896	44,896	44,896	47,141	47,141
65 Subtotal-Operating Expenditures	792,222	792,122	794,158	794,158	794,158	796,296	796,296	796,296	798,541	798,541
70 TOTAL DEBT & OPERATING EXPENDITURES	\$ 792,222	\$ 792,122	\$ 794,158	\$ 794,158	\$ 794,158	\$ 796,296	\$ 796,296	\$ 796,296	\$ 798,541	\$ 798,541
80 Funds Available for Projects	\$ 20,192,060	\$ 20,628,960	\$ 20,745,139	\$ 21,044,447	\$ 21,028,715	\$ 21,197,655	\$ 21,555,273	\$ 21,603,456	\$ 21,841,864	\$ 22,274,667
PROJECTS										
150 Temple Industrial Park	-	-	-	-	-	-	-	-	-	-
200 Corporate Campus Park	-	-	-	-	-	-	-	-	-	-
250 Bioscience Park/Crossroads Park	-	-	-	-	-	-	-	-	-	-
350 Outer Loop	-	-	-	-	-	-	-	-	-	-
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	-	-	-	-	-	-	-	-	-	-
550 Airport Park	-	-	-	-	-	-	-	-	-	-
650 Gateway Projects	-	-	-	-	-	-	-	-	-	-
750 Public Improvements	16,500,000	17,000,000	17,000,000	17,500,000	17,500,000	17,500,000	18,000,000	18,000,000	18,000,000	18,500,000
Subtotal-Projects	16,950,000	17,450,000	17,450,000	17,950,000	17,950,000	17,950,000	18,450,000	18,450,000	18,450,000	18,950,000
TOTAL USE OF FUNDS	\$ 17,742,222	\$ 18,242,122	\$ 18,244,158	\$ 18,744,158	\$ 18,744,158	\$ 18,746,296	\$ 19,246,296	\$ 19,246,296	\$ 19,248,541	\$ 19,748,541
800 FUND BALANCE, End	\$ 3,242,060	\$ 3,178,960	\$ 3,295,139	\$ 3,094,447	\$ 3,078,715	\$ 3,247,655	\$ 3,105,273	\$ 3,153,456	\$ 3,391,864	\$ 3,324,667

	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062
DESCRIPTION	71	72	73	74	75	76	77	78	79	80
1 "Taxable Increment"	\$ 818,783,466	\$ 826,971,300	\$ 835,241,013	\$ 843,593,423	\$ 852,029,358	\$ 860,549,651	\$ 869,155,148	\$ 877,846,699	\$ 886,625,166	\$ 895,491,418
1 FUND BALANCE, Begin	\$ 3,324,667	\$ 2,953,809	\$ 3,278,896	\$ 3,304,268	\$ 3,531,930	\$ 2,961,427	\$ 3,097,278	\$ 3,441,547	\$ 3,493,719	\$ 3,258,498
2 Adjustments to Debt Service Reserve	-	-	-	-	-	-	-	-	-	-
3 Fund Balance Available for Appropriation	\$ 3,324,667	\$ 2,953,809	\$ 3,278,896	\$ 3,304,268	\$ 3,531,930	\$ 2,961,427	\$ 3,097,278	\$ 3,441,547	\$ 3,493,719	\$ 3,258,498
SOURCES OF FUNDS:										
4 Tax Revenues	20,133,688	20,335,010	20,538,346	20,743,715	20,951,137	21,160,634	21,372,225	21,585,933	21,801,778	22,019,781
6 Allowance for Uncollected Taxes [1.5% of Tax Revenues]	(302,005)	(305,025)	(308,075)	(311,156)	(314,267)	(317,410)	(320,583)	(323,789)	(327,027)	(330,297)
8 Interest 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 License 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	-	-	-	-	-	-	-	-	-	-
15 Sale of land	-	-	-	-	-	-	-	-	-	-
17 Bond Proceeds	-	-	-	-	-	-	-	-	-	-
20 Total Sources of Funds	\$ 19,877,683	\$ 20,075,985	\$ 20,276,271	\$ 20,478,559	\$ 20,682,870	\$ 20,889,224	\$ 21,097,642	\$ 21,308,144	\$ 21,520,751	\$ 21,735,484
25 TOTAL AVAILABLE FOR APPROPRIATION	\$ 23,202,350	\$ 23,029,794	\$ 23,555,166	\$ 23,782,828	\$ 24,214,800	\$ 23,850,651	\$ 24,194,920	\$ 24,749,691	\$ 25,014,470	\$ 24,993,983
USE OF FUNDS:										
DEBT SERVICE										
27 2009 Bond Refunding	-	-	-	-	-	-	-	-	-	-
28 2008 Bond Issue-Taxable {\$10.365 mil}	-	-	-	-	-	-	-	-	-	-
29 Debt Service - 2011A Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
30 Debt Service - 2012 Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
31 Debt Service - 2013 Issue {\$25.260 mil}	-	-	-	-	-	-	-	-	-	-
32 Debt Service - 2018 Issue {\$29 mil}	-	-	-	-	-	-	-	-	-	-
35 Paying Agent Services	-	-	-	-	-	-	-	-	-	-
40 Subtotal-Debt Service	-	-	-	-	-	-	-	-	-	-
OPERATING EXPENDITURES										
50 Prof Svcs/Proj Mgmt	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000
52 Legal/Audit	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400
54 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	150,000
56 Rail Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58 Road/Signage Maintenance	100,000	100,000	100,000	100,000	100,000	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	200,000	200,000	200,000	200,000
62 TISD-Reimbursement [per contract]	47,141	49,498	49,498	49,498	51,973	51,973	51,973	54,572	54,572	54,572
65 Subtotal-Operating Expenditures	798,541	800,898	800,898	800,898	803,373	803,373	803,373	805,972	805,972	805,972
70 TOTAL DEBT & OPERATING EXPENDITURES	\$ 798,541	\$ 800,898	\$ 800,898	\$ 800,898	\$ 803,373	\$ 803,373	\$ 803,373	\$ 805,972	\$ 805,972	\$ 805,972
80 Funds Available for Projects	\$ 22,403,809	\$ 22,228,896	\$ 22,754,268	\$ 22,981,930	\$ 23,411,427	\$ 23,047,278	\$ 23,391,547	\$ 23,943,719	\$ 24,208,498	\$ 24,188,011
PROJECTS										
150 Temple Industrial Park	-	-	-	-	-	-	-	-	-	-
200 Corporate Campus Park	-	-	-	-	-	-	-	-	-	-
250 Bioscience Park/Crossroads Park	-	-	-	-	-	-	-	-	-	-
350 Outer Loop	-	-	-	-	-	-	-	-	-	-
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	-	-	-	-	-	-	-	-	-	-
550 Airport Park	-	-	-	-	-	-	-	-	-	-
650 Gateway Projects	-	-	-	-	-	-	-	-	-	-
750 Public Improvements	19,000,000	18,500,000	19,000,000	19,000,000	20,000,000	19,500,000	19,500,000	20,000,000	20,500,000	23,738,011
Subtotal-Projects	19,450,000	18,950,000	19,450,000	19,450,000	20,450,000	19,950,000	19,950,000	20,450,000	20,950,000	24,188,011
TOTAL USE OF FUNDS	\$ 20,248,541	\$ 19,750,898	\$ 20,250,898	\$ 20,250,898	\$ 21,253,373	\$ 20,753,373	\$ 20,753,373	\$ 21,255,972	\$ 21,755,972	\$ 24,993,983
800 FUND BALANCE, End	\$ 2,953,809	\$ 3,278,896	\$ 3,304,268	\$ 3,531,930	\$ 2,961,427	\$ 3,097,278	\$ 3,441,547	\$ 3,493,719	\$ 3,258,498	\$ (0)

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

Project Plan - 06/06/18 - to Zone Board

\$ 29,000,000
Bond Proceeds

SUMMARY FINANCING PLAN								
	2018	2019	2020	2021	2022	2023	2024	2025
1 Beginning Available Fund Balance, Oct 1	\$ 20,539,894	\$ 1,358,195	\$ 6,806,192	\$ 9,726,501	\$ 16,830,025	\$ 9,066,517	\$ 2,321,069	\$ 2,420,408
20 Total Sources of Funds	48,489,685	16,990,273	16,415,960	15,787,729	15,657,049	15,209,887	15,854,721	16,436,367
2 Adjustments to Debt Service Reserve		-	-	-	-	-	-	-
25 Net Available for Appropriation	69,029,579	18,348,468	23,222,152	25,514,230	32,487,074	24,276,404	18,175,790	18,856,775
50/52 General Administrative Expenditures	103,754	176,300	176,300	176,300	176,400	176,400	176,400	176,400
54 Zone Park Maintenance [mowing, utilities, botanical supplies]	330,000	330,000	330,000	330,000	330,000	330,000	330,000	330,000
56 Rail Maintenance	112,100	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58 Road/Signage Maintenance	200,000	100,000	100,000	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	200,000	200,000
62 TISD-Reimbursement [per contract]	27,563	27,563	27,563	28,941	28,941	28,941	30,388	30,388
27 Debt Service - 2009 Issue (Refunding)	1,488,750	1,485,000	-	-	-	-	-	-
28 Debt Service - 2008 Taxable Issue {\$10.365 mil}	1,241,957	1,241,173	1,237,744	1,241,670	1,242,422	-	-	-
29 Debt Service - 2011A Issue (Refunding)	908,350	915,950	2,497,800	2,497,550	2,494,950	-	-	-
30 Debt Service - 2012 Issue (Refunding)	79,600	77,650	80,050	77,250	78,750	-	-	-
31 Debt Service - 2013 Issue {\$25.260 mil}	2,047,694	2,048,344	2,047,944	2,046,494	2,031,494	2,030,094	2,026,694	2,038,413
32 Debt Service - 2018 Issue {\$29 mil}	-	2,129,596	1,746,550	1,434,300	1,385,900	2,338,700	2,340,700	2,340,700
33 Paying Agent Services	1,700	1,700	1,700	1,700	1,700	1,200	1,200	1,200
70 Total Debt & Operating Expenditures	6,741,468	8,833,276	8,545,651	8,234,205	8,170,557	5,305,335	5,305,382	5,317,101
80 Funds Available for Projects	\$ 62,288,111	\$ 9,515,192	\$ 14,676,501	\$ 17,280,025	\$ 24,316,517	\$ 18,971,069	\$ 12,870,408	\$ 13,539,674

PROJECT PLAN								
	2018	2019	2020	2021	2022	2023	2024	2025
TEMPLE INDUSTRIAL PARK:								
101 Receiving & Delivery (R&D) Tracks	21,920	-	-	-	-	-	-	-
101 Receiving & Delivery (R&D) Tracks {bond funded}	-	-	-	-	-	-	-	-
102 Rail Backage Road (E-W) GST Tract {bond funded}	450,000	-	-	-	-	-	-	-
103 Rail Backage Road (N-S) GST Tract	-	-	-	-	-	-	-	-
104 Overlay Industrial Blvd	650,000	-	-	-	-	-	-	-
108	-	-	-	-	-	-	-	-
150 Total Industrial Park	1,121,920	-	-	-	-	-	-	-
CORPORATE CAMPUS PARK:								
155 Pepper Creek Trail Hwy 36 to McLane Parkway	157,813	-	-	-	-	-	-	-
156 Corporate Campus Land	750,000	-	-	-	-	-	-	-
157 Mixed Use Master Plan	-	250,000	-	-	-	-	-	-
200 Total Corporate Campus Park	907,813	250,000	-	-	-	-	-	-
BIOSCIENCE PARK/CROSSROADS PARK:								
207 Cross Roads Park @ Pepper Creek Trail	3,191,551	-	-	-	-	-	-	-
250 Total Bio-Science Park	3,191,551	-	-	-	-	-	-	-
OUTER LOOP								
305 Outer Loop (IH 35 to Wendland) STAG grant {Little Elm Sewer}	1,925,000	-	-	-	-	-	-	-
305 Outer Loop (IH 35 to Wendland)	1,224,909	-	-	-	14,800,000	-	-	-
305 Outer Loop (IH 35 to Wendland) {bond funded}	500,000	-	-	-	-	-	-	-
310 Outer Loop (Wendland to McLane Pkwy)	1,010,016	-	-	-	-	11,700,000	-	-
315 Outer Loop (McLane Pkwy to Central Point Pkwy)	398,344	-	-	-	-	-	-	-
315 Outer Loop (McLane Pkwy to Central Point Pkwy) {bond funded}	7,250,000	-	-	-	-	-	-	-
316 Outer Loop Phase V (Poison Oak to Old Waco Road) {bond funded}	2,820,000	-	-	-	-	-	-	-
320 Outer Loop Phase VI (Old Waco Road to I35 South)	394,150	-	-	-	-	-	-	-
320 Outer Loop Phase VI (Old Waco Road to I35 South) {bond funded}	3,340,000	-	-	-	-	-	-	-
321 East Outer Loop {bond funded}	623,000	-	-	-	-	-	-	-
350 Total Research Parkway	19,485,419	-	-	-	14,800,000	11,700,000	-	-
SYNERGY PARK:								
352 Entry Enhancement	46,846	-	-	-	-	-	-	-
354 Land	-	750,000	-	-	-	-	-	-
400 Total Synergy Park	46,846	750,000	-	-	-	-	-	-
DOWNTOWN:								
401 Downtown Improvements (Transformation Team)	362,051	450,000	450,000	450,000	450,000	450,000	450,000	450,000
402 Downtown Electric Master Plan	75,000	-	-	-	-	-	-	-
403 Downtown Lighting	60,000	-	-	-	-	-	-	-
404 Santa Fe Plaza	7,105,977	-	-	-	-	-	-	-
404 Santa Fe Plaza {bond funded}	1,150,000	-	-	-	-	-	-	-
406 Downtown City Center/Hawn {bond funded}	2,050,000	-	-	-	-	-	-	-
406 Downtown City Center/Hawn	150,000	-	-	-	-	-	-	-
407 Santa Fe Market	3,554,084	-	-	-	-	-	-	-
408 MLK Festival Fields	-	-	-	-	-	-	-	-
409 TISD-Obligation per Contract	5,000,000	-	-	-	-	-	-	-
410 1st Street (Avenue B to Central Avenue) and Avenue A (North 3rd to South 2nd)	296,000	-	-	-	-	-	-	-
411 1st Street from Avenue A to Avenue B	1,060,000	-	-	-	-	-	-	-
412 1st Street from Avenue A to Central Avenue {bond funded}	1,280,000	-	-	-	-	-	-	-
413 1st Street Parking Garage {bond funded}	5,000,000	-	-	-	-	-	-	-
414 Avenue C from MLK to 24th Street {bond funded}	2,540,000	-	-	-	-	-	-	-
415 Santa Fe Plaza - Central Ave Corridor Parking and Enhancement Concept Design {bond funded}	170,000	-	-	-	-	-	-	-
416 Santa Fe Plaza - Parking Enhancement - 11th to 9th {bond funded}	155,000	-	-	-	-	-	-	-
417 Strategic Investment Zone - Grants	250,000	275,000	-	-	-	-	-	-
450 Total Downtown	30,258,112	725,000	450,000	450,000	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	74,800	-	-	-	-	-	-	-
460 31st Street (Loop 363 to Avenue M) and Avenue R (31st to 25th Street) Concept Design	130,000	-	-	-	-	-	-	-
461 31st Street Monumentation {bond funded}	450,000	-	-	-	-	-	-	-
462 Ave U TMED Ave. to 1st Street	362,305	-	-	-	-	-	-	-
465 Friars Creek Trail Amphitheater	-	-	-	-	-	-	-	-
466 Veteran's Memorial Blvd. Phase II	269,602	300,000	4,500,000	-	-	-	-	-
467 1st Street @ Temple College Pedestrian Bridge	-	-	-	-	-	-	-	-
468 TMED South 1st Street	1,759,550	-	-	-	-	-	-	-
500 Total TMED	3,229,192	300,000	4,500,000	-	-	-	-	-
AIRPORT PARK:								
507 Taxiway for Airport	-	-	-	-	-	-	-	-
510 Corporate Hangar Phase III	1,686,063	-	-	-	-	-	-	-
511 Draughon-Miller Regional Airport FBO Center & Parking Visioning	119,000	-	-	-	-	-	-	-
512 Draughon-Miller Regional Airport FBO Center & Parking {bond funded}	440,000	-	-	-	-	-	-	-
513 Corporate Hangar Phase IV {RAMP grant funded}	100,000	-	-	-	-	-	-	-
513 Corporate Hangar Phase IV {bond funded}	132,000	-	-	-	-	-	-	-
514 Clear Area Near Fire Station	-	172,500	-	-	-	-	-	-
515 Repaint Tower	-	172,500	-	-	-	-	-	-
516 Demolition of Old Terminal Building	-	115,000	-	-	-	-	-	-
517 Fence Realignment	-	124,000	-	-	-	-	-	-
550 Total Airport Park	2,477,063	584,000	-	-	-	-	-	-
GATEWAY PROJECTS:								
601 North 31st Street (Nugent to Central) Concept Design	212,000	-	-	-	-	-	-	-
602 Downtown Neighborhoods Overlay	-	100,000	-	-	-	-	-	-
650 Total Gateway Projects	212,000	100,000	-	-	-	-	-	-
Public Improvements								
701 Public Improvements	-	-	-	-	-	4,500,000	10,000,000	10,500,000
702 Contingency {bond funded}	-	-	-	-	-	-	-	-
750 Total Public Improvements	-	-	-	-	-	4,500,000	10,000,000	10,500,000
Total Planned Project Expenditures	60,929,916	2,709,000	4,950,000	450,000	15,250,000	16,650,000	10,450,000	10,950,000
800 Available Fund Balance at Year End	\$ 1,358,195	\$ 6,806,192	\$ 9,726,501	\$ 16,830,025	\$ 9,066,517	\$ 2,321,069	\$ 2,420,408	\$ 2,589,674

ORDINANCE NO. _____

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 SANTA FE PHASE 2 AND STRATEGIC INVESTMENT ZONE GRANTS IN FISCAL YEAR 2018; 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; Ordinance No. 2017-4871 on October 19, 2017; Ordinance No. 2017-4881 on November 2, 2017; Ordinance No. 2018-4885 on January 18, 2018; Ordinance No. 2018-4908; **Ordinance No. 2018-XXXX**;

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:

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

Part 2: 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.

Part 3: 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.

Part 4: 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.

Part 5: 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.

Part 6: Open Meetings. 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 **7th** day of **June**, 2018.

PASSED AND APPROVED on Second Reading on the **21st** day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/07/18
Item #11
Regular Agenda
Page 1 of 4

DEPT. / DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – FY-18-2-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning to Planned Development Single-Family One zoning district and a binding 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.

STAFF RECOMMENDATION: Staff recommends approval of the requested rezoning from Agricultural (AG) District to Planned Development Single Family-One (PD SF-1) District with the following conditions:

1. Development would require substantial compliance with the development/site plan;
2. Establishment of an HOA (homeowner's association) to maintain common areas, including the private park;
3. Implementation of the Citywide Trails Masterplan per the development/site plan within the HOA park;
4. A sidewalk will be constructed along the entry street connecting to the HOA park
5. Minimum lot size is 12,400 square feet and not to exceed 176 total lots;
6. Connection to the City's sanitary sewer system;
7. One 2-inch DBH (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);
8. Preservation of live oak trees (estimated 16-inches or greater) that are not in conflict with proposed structures or infrastructure; and
9. A fence along FM 93 shall be made of wood with masonry columns
10. The developer must limit homes to one
11. story along the west property line abutting the Valley Ranch properties; and
12. A new transparent metal fence along Friar's Creek (subject to approval of a floodplain development permit).

PLANNING & ZONING COMMISSION RECOMMENDATION: At their May 7, 2018 meeting, the Planning & Zoning Commission voted seven to zero to recommend approval of the proposed rezoning per staff's recommendation.

ITEM SUMMARY: The applicant, J.C. Wall III, requests this rezoning from Agricultural District to Planned Development Single-Family One District for property located along the south side of FM 93 and along Southwood Drive. He proposes a 176-lot single family residential development with minimum lot sizes of 12,400 square feet.

Since City Council approved the voluntary annexation of this property in January 2017, this is the third rezoning request that has gone before P&Z and the second to be reviewed by City Council. The other two requests could be summarized as follows:

- A Planned Development Single-Family One zoning district request with 280 proposed lots (7,500 sf minimum size)
 - P&Z recommended denial
 - Withdrawn by applicant
- A Planned Development Urban Estates zoning district request with 103 proposed lots (22,000 sf minimum size) with septic systems
 - P&Z recommended approval
 - Disapproved by City Council on July 20, 2017

The main differences between this and the previous 103-lot request are:

- A larger number of lots
- Connection to the City's sanitary sewer system (at the developer's cost)
- The fence along Friar's Creek

The proposed lot size of 12,400 sf is similar to the Legacy Ranch subdivision (smallest lots of 10,500 sf) located just across FM 93 and to the Valley Ranch Phase III subdivision (smallest lots of 11,011 sf). The property to the immediate west in Valley Ranch along Sun Valley Drive (Valley Ranch Phase II), however, consists of half-acre lots and is zoned PD Urban Estates. To the east on Boutwell Drive in the ETJ (extra-territorial jurisdiction) 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.

Per the PD, development would be required to substantially comply with the development site plan, including the minimum lot size of 12,400 sf, establishment of a Homeowner's Association park and five detention tracts for drainage.

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 proposed trail and 13 acres of dedicated park land along the creek as well as the larger lot size 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.

COMPREHENSIVE PLAN COMPLIANCE: 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, annexed in 2016, is within the Agricultural / Rural character district of the *Choices '08* City of Temple Comprehensive Plan. The applicant's requested PD SF-1 zoning is compatible with some of the existing residential developments near the subject property but is not compatible with the Agricultural / Rural designation, which does apply to all areas outside city limits and this property was annexed in 2016.

Thoroughfare (CP Map 5.2) and Temple Trails Master Plans

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. 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 development site plan reflects two ingress/egress points into the development along FM 93, for which TXDOT has given conceptual approval.

ITE (Institute of Transportation Engineers) car trip generation rate (potential traffic impact):

- 176 single family residences (178 PHT/Peak Hour Trips)
- Equivalent of:
 - A typical fast food drive-through restaurant (49.35 PHT per 1000 sf) or
 - A 15,000 sf supermarket (11.85 PHT per 1000 sf)

The Temple Trails Master Plan recommends a trail along the subject property's eastern boundary along the creek. Staff has worked with the applicant to implement the Trails Master Plan while also limiting the impact on adjacent neighbors by moving the trail system further into the interior of the property.

Availability of Public Utilities (CP Goal 4.1)

- Water and sewer – connections will be made to the north within the Legacy Ranch subdivision. The applicant proposes a sanitary sewer lift station at the low point of the property near Friar's Creek.
- Drainage – five detention ponds are proposed; City Engineering staff would confirm compliance at the platting and permitting stages.
 - The City is conducting a drainage study that includes the Friar's Creek drainage basin, which is projected for completion by the end of the year.

DEVELOPMENT REVIEW COMMITTEE (DRC): DRC reviewed the case on April 23, 2018 and identified no issues with the proposal.

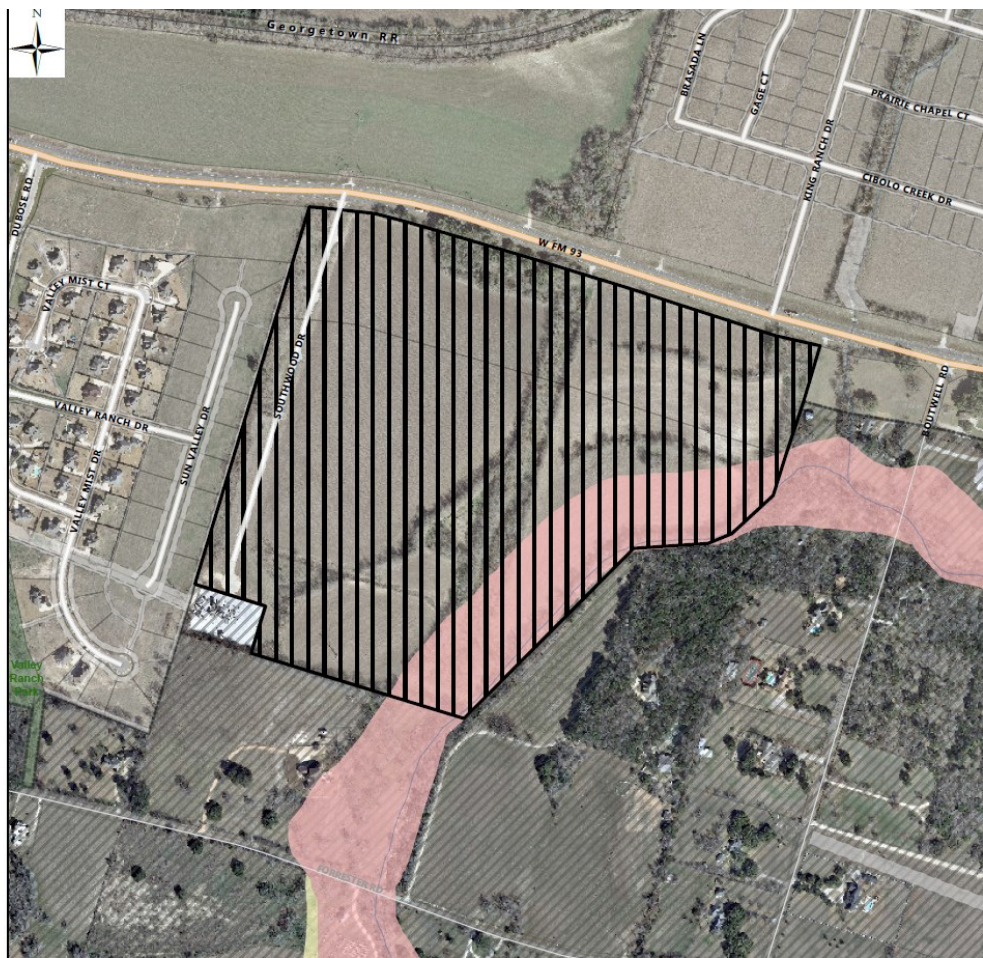
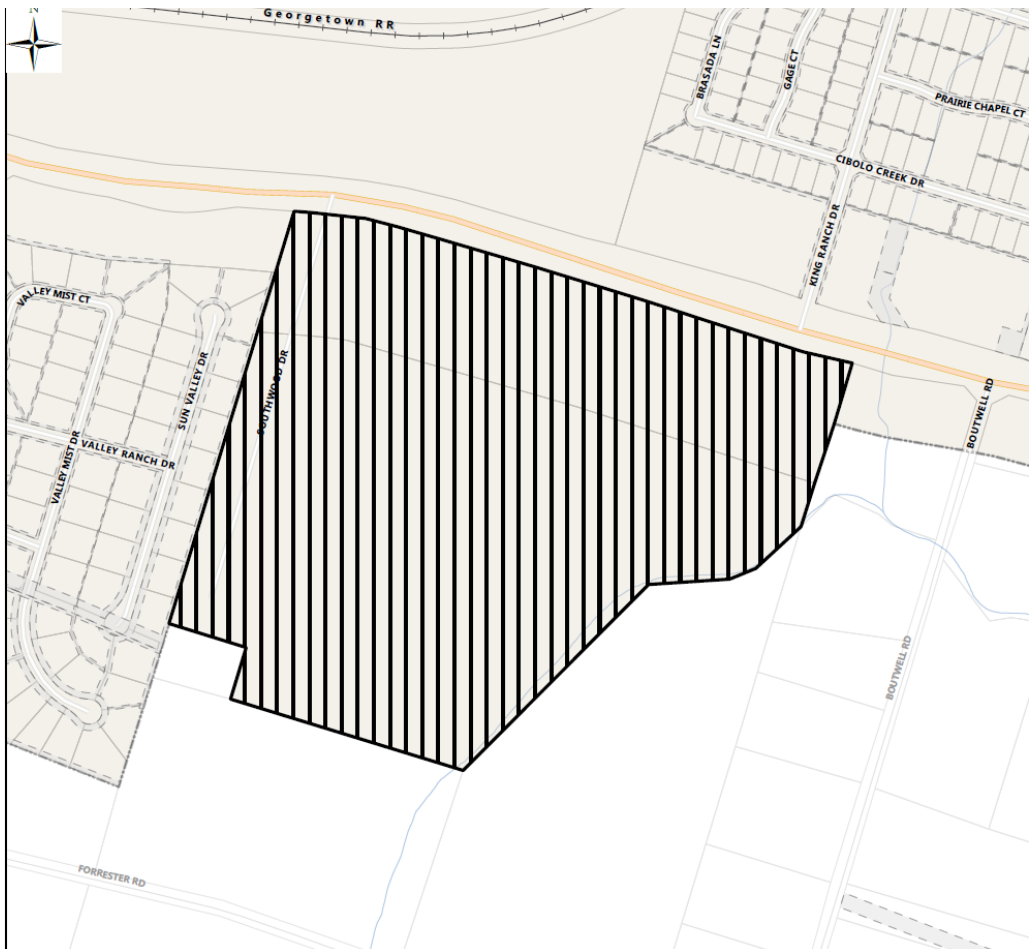
PUBLIC NOTICE: Thirty-six notices of the Planning and Zoning Commission public hearing were sent out to all property owners (including in the ETJ) within 200-feet of the subject property as required by State law and City Ordinance. As of Tue May 29, 2018 at noon, no notices were returned in favor of the proposed rezoning and 15 notices were received in opposition (including one outside notification area) to the proposed rezoning, which represents a calculation of 40.69% within the 200-foot notification area. Therefore, per Sec. 3.3.4 of the UDC, a protest has been triggered, which would require a supermajority vote (four out of five) by City Council to approve.

The newspaper printed notice of the public hearing on April 26, 2018, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Maps](#)
[Site and Surrounding Property Photos](#)
[Development Regulations](#)
[Neighbor Responses](#)
[Planned Development Site Plan](#)
[Planned Development Topo Utility Plan](#)
[P&Z Meeting Minutes \(May 7, 2018 excerpt\)](#)
[Ordinance](#)



AG TO PD SF-1

LOCATION MAP

Zoning Case :
FY-18-2-ZC

Address :
3093 W FM 93 &
6851 Southwood Dr

Transportation

Streets

- MAJOR ARTERIAL
- LOCAL STREET
- Railroad
- Temple Municipal Boundary

Parcel Features

- Parcels
- ETJ Parcels
- Production.SDE.Easement

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

Irbarrett
Date: 4/18/2018



AG TO PD SF-1

LOCATION MAP

Zoning Case :
FY-18-2-ZC

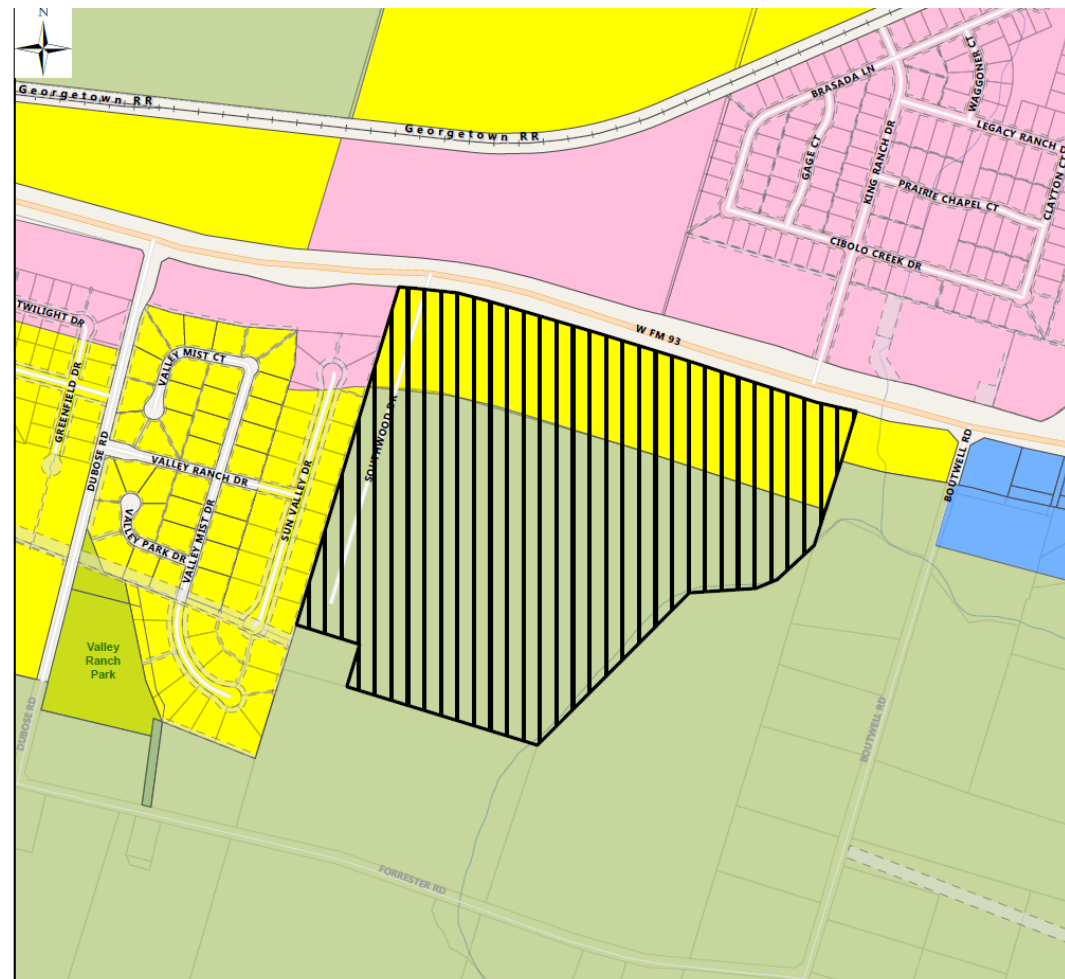
Address :
3093 W FM 93 &
6851 Southwood Dr

Production.SDE.Easement

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Irbarrett
Date: 4/18/2018





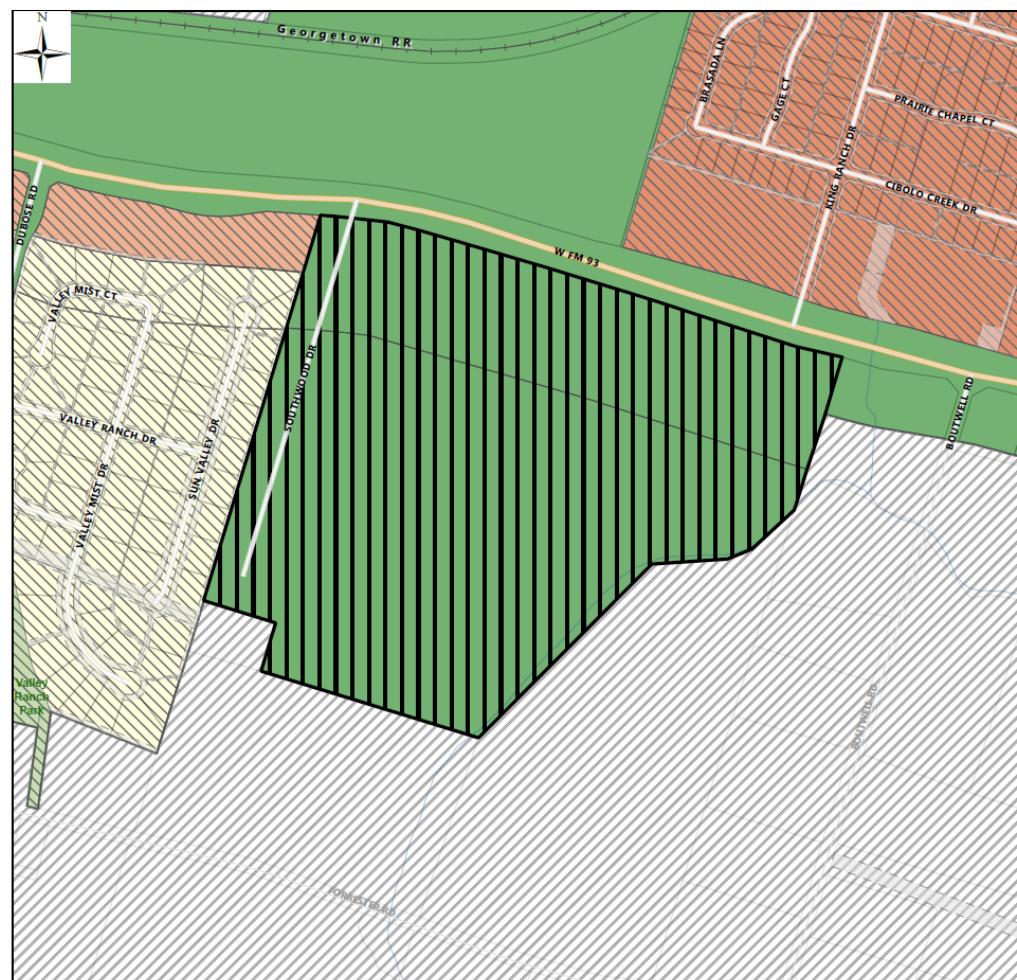
AG TO PD SF-1
FUTURE LAND USE MAP
 Zoning Case :
 FY-18-2-ZC
 Address :
 3093 W FM 93 &
 6851 Southwood Dr

Transportation
 EXPRESSWAY
 MAJOR ARTERIAL
 COLLECTOR
 LOCAL STREET
 MINOR ARTERIAL
 PRIVATE
 RAMP

Parcel Features
 Parcels
 Future LUP
 Agricultural/Rural
 Auto-Urban Commercial
 Auto-Urban Mixed Use
 Auto-Urban Multi-Family
 Auto-Urban Residential
 Business Park
 Estate Residential
 Industrial
 Neighborhood Conservation
 Parks & Open Space
 Public Institutional
 Suburban Commercial
 Suburban Residential
 Temple Medical Education District
 Urban Center
 Production/SOE Easement

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Irbarrett
 Date: 4/18/2018



AG TO PD SF-1
ZONING MAP
 Zoning Case :
 FY-18-2-ZC
 Address :
 3093 W FM 93 &
 6851 Southwood Dr

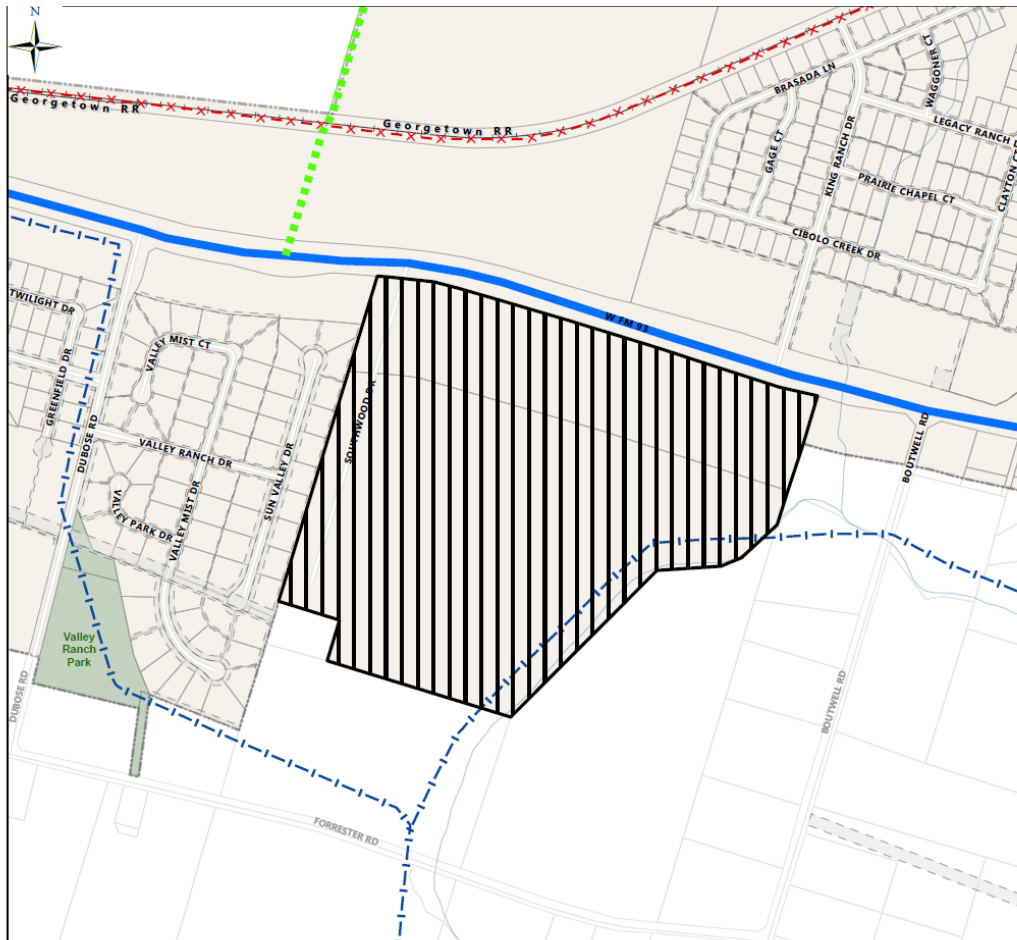
Current Zoning
 CA - CLP
 CA - CLP
 CA - PD
 C
 C - CLP
 PD
 C - CLP, PD
 LI
 LI - CLP
 LI - PD
 LI - CLP, PD
 HE
 HE - PD
 AC
 AC - CLP
 HH
 HH - CLP
 HH - PD
 MU
 MU - CLP
 MU - PD
 SD-C
 SD-C - CLP
 SD-H
 SD-H - CLP
 SD-T
 SD-V
 TV
 T4 - PD
 T4 - CLP
 TS-C
 TS-C - CLP
 TS-C - PD
 TS-E
 TS-E - CLP
 TS-E - PD
 NS
 NS - CLP
 NS - PD
 GS
 GS - CLP
 GS - PD
 GS - CLP, PD

Production/SOE Easement

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Irbarrett
 Date: 4/18/2018





AG TO PD SF-1 THOROUGHFARE AND TRAILS MAP

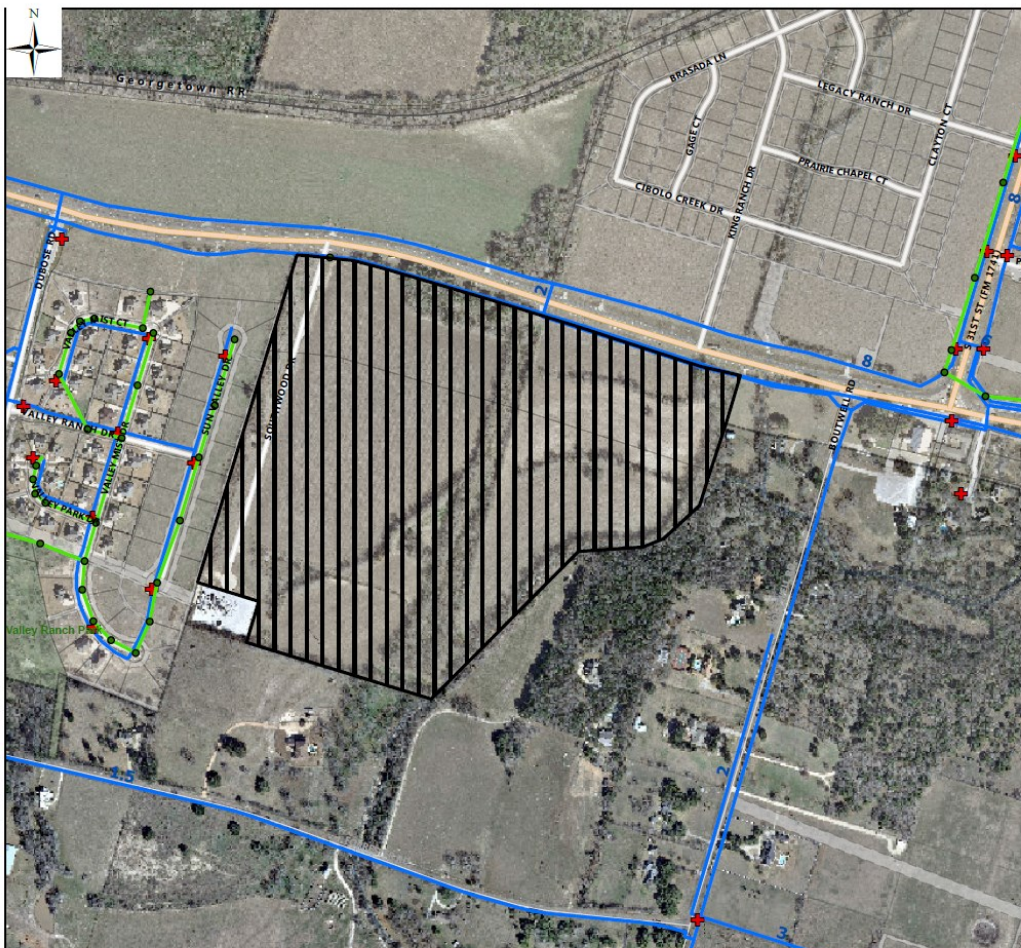
Zoning Case :
FY-18-2-ZC

Address :
3093 W FM 93 &
6851 Southwood Dr

Parcel
Features
Thoroughfare Plan
Expressway
Major Arterial
Minor Arterial
Proposed Major Arterial
Proposed Minor Arterial
Collector
Proposed Collector
Trails Master Plan
K = EXISTING, CITY
WIDE SPINE
EXISTING, COMMUNITY
WIDE CONNECTOR
EXISTING, LOCAL
CONNECTOR
PROPOSED, CITY WIDE
SPINE
PROPOSED, COMMUNITY
WIDE CONNECTOR
PROPOSED, LOCAL
CONNECTOR
Production SD

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Irbarrett
Date: 4/18/2018



AG TO PD SF-1

UTILITY MAP

Zoning Case :
FY-18-2-ZC

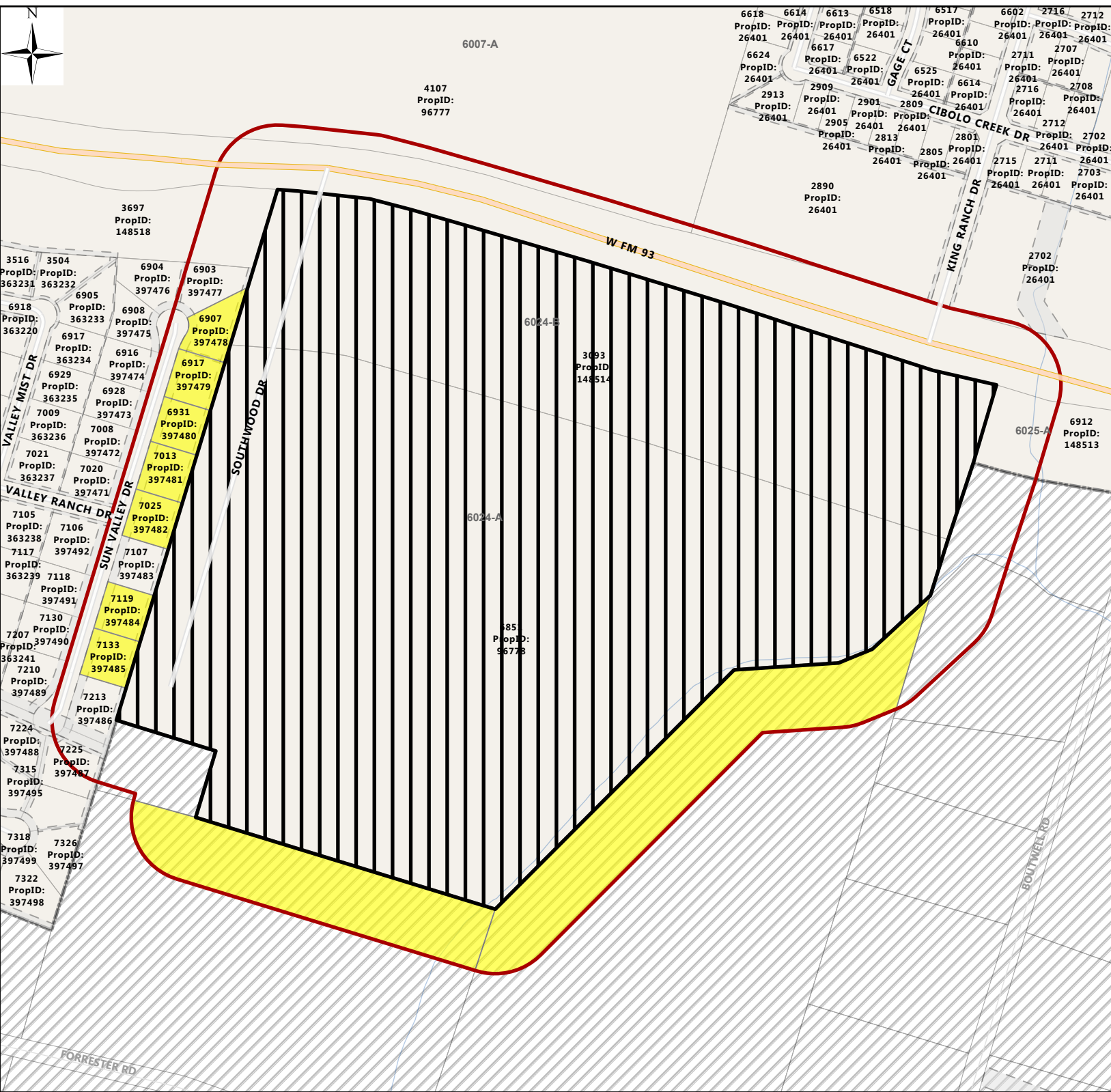
Address :
3093 W FM 93 &
6851 Southwood Dr

Sewer
Manhole
Gravity Main
Water Distribution
Hydrant
Main
Parcel Features
Parcels
Production, SDE, Easement

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

Irbarrett
Date: 4/18/2018








AG TO PD-SF-1

OPPOSITION MAP

Zoning Case :
FY-18-2-ZC

Address :
3093 W FM 93 &
6851 Southwood Dr.

-  40.69 % Opposition
-  Buffer
-  CaseArea




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

mhood
Date: 5/7/2018






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	
			 <p>Creek – Boutwell Road View</p>

Direction	Zoning	Current Land Use	Photo
			 <p>Boutwell Road</p>
West	PD_UE	Single Family Residential	 <p>FM 93</p>
			

Direction	Zoning	Current Land Use	Photo
South	No Zoning (ETJ)	Agricultural/ Rural Residential	 <p>Southwood Drive Cul-De-Sac</p>
			
North	AG & PD-GR	Agricultural and Undeveloped Land (future apartments)	 <p>FM 93</p>

Article 4: Zoning Districts

Sec. 4.5. Residential Dimensional Standards

4.5.1 Single-Family Detached Dwelling

Type of Use	AG	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	CA	C	LI	HI
Min. Lot Area (sq. ft.)	1 ac.	22,500	7,500	5,000	4,000	5,000	3,000	2,300	4,000	6,000	6,000	5,000	--	6,000	6,000	6,000	5,000	5,000	5,000	--	--
Min. Lot Width (ft.)	100	80	60	50	40	50	30	20	40	50	50	50	--	50	50	50	50	50	50	--	--
Min. Lot Depth (ft.)	150	125	100	100	100	100	100	100	100	100	100	100	--	100	100	100	100	100	100	--	--
Min. Front Yard Setback (ft.)	50	30	25	25	15	25	15	15	15	25	25	25	--	25	25*	15	15	See 4.4.4F.1.d*		--	--
Min. Side Yard Setback (ft.)	15	15	10% of lot width 6 min 7.5 max	5	5	5	5	5	10% width of lot 5 min	5	10% of lot width 5 min		--	10% of lot width 5 min	10% of lot width 5 min*	10% of lot width 5 min				--	--
Min. Side (Corner) Yard Setback (ft.)	15	15	15	15	15	15	15	15	15	15	15	15	--	15	15*	15	15	15	15	--	--
Min. Rear Yard Setback (ft.)	10	10	10	10	10	10	10	10	10	10	10	10	--	10	10	10	10	10	10	--	--
Max. Building Coverage (%) for Rear Half of Lot	50	50	50	50	50	50	50	50	50	50	50	50	--	50	50	50	50	50	50	--	--
Max. Height (stories)	3	3	2	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½	3	4	--	3	ALH	2 ½	3	ALH	ALH	--	--

ALH = Any Legal Height not prohibited by other laws -- = Use not permitted NA = Use permitted but standard does not apply * = See Sec. 4.4, Measurements and Special Cases



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

397484
BROCKETTE, ALVIS ETUX LORNA
7119 SUN VALLEY DR
TEMPLE, TX 76502

RECEIVED
MAY 04 2018
CITY OF TEMPLE
PLANNING & DEVELOPMENT

Zoning Application Number: FY-18-2-ZC

Case Manager: Brian Chandler

Location: Southeast of FM 93 and Southwood Drive, Temple, Tx

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:

OPPOSED TO THIS REQUEST DUE TO TRAFFIC,
SAFETY & ENVIRONMENTAL ISSUES.
PLEASE SEE ATTACHMENT


Signature

ALVIS BROCKETTE 5-4-18
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, bchandler@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **May 7, 2018**.

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

Number of Notices Mailed: 33

ate Mailed: April 26, 2018

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

Zoning Application Number: FY-18-2-ZC

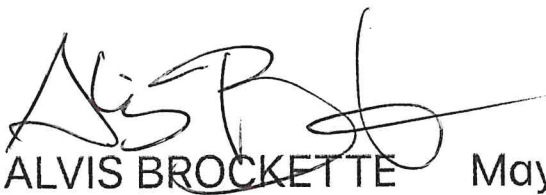
ATTACHMENT

I am opposed to the rezoning of the area southeast of FM 93 and Southwood Drive proposed to be known as the Valor Trails subdivision.

The development of an additional 178 lots in the area will lead to traffic and environmental issues for the area. With the development of 178 additional homes, it is possible to increase traffic by approximately 360 cars and would exacerbate existing traffic issues. This area already faces heavy congestion during peak hours and will increase already existing traffic hazards to existing residents and children attending the Central Texas Christian School.

As it stands, traffic will increase with the development of Legacy Ranch and the expansion of Valley Ranch. Valor Trails will only make it worse and more hazardous.

The development of Valor Trails will pose environmental issues with the additional runoff/drainage into Fryers Creek. Runoff from an additional 178 lots will increase flooding concerns and will contribute significant and adverse impacts to exiting properties and residents.



ALVIS BROCKETTE May 4, 2018

7119 Sun Valley Drive
Temple, Texas



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

397482
COX, BILL N JR & GAYLE
7025 SUN VALLEY
TEMPLE, TX 76502

Zoning Application Number: FY-18-2-ZC

Case Manager: Brian Chandler

Location: Southeast of FM 93 and Southwood Drive, Temple, Tx

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

I ☐ agree

☒ disagree with this request

Comments:

PLEASE SEE THE ATTACHED LETTER.

B. Cox Jr.
Signature

Gayle Cox

BILL N. COX JR.
Print Name

GAYLE COX

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, bchandler@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **May 7, 2018**.

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

Number of Notices Mailed: 33

ate Mailed: April 26, 2018

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

May 5, 2018

RE: Zoning Application Number: FY-18-2-ZC

Case Manager: Brian Chandler

The land abutted to the eastern edge of the Valley Ranch subdivision (Identified in the Conceptual Site Plan as the current primary entrance to the property and the land to the right as you drive south) should be designated as a "green belt area" to provide a transitional buffer between the subdivisions. As we have noted before, there are a number of trees in this specific area and these create a diverse animal habitat. From a variety of snakes to cotton-tail rabbits, possums, skunks, skinks, Spiny lizards, squirrels and multiple species of birds from Woodpeckers to Cardinals to Dove to Mockingbirds, hummingbirds, and many small, colorful species of birds. Destruction of this narrow parcel would greatly diminish the beauty of the area and create risks to family members, pets, visitors, and the wildlife itself. Temple has always encouraged the inclusion of natural areas to be enjoyed safely by all.

There is a major problem with rainwater drainage in the backyards of the homes located on Sun Valley Drive that back up to this property line. Building on this narrow parcel of land would definitely cause flooding issues to the existing homes and potentially the new homes built in this area if proper drainage is not addressed.

The proposed subdivision should have a Homeowners Association governing the residents just as Valley Ranch, Bentwood, Deerfield Estates, D'Antonis Crossing and Legacy Ranch to guarantee the proper maintenance of the homes, landscapes, and the neighborhood as a whole, to avoid issues such as animal control, loud music, improper use of the area (playgrounds, basketball courts, etc.) This would maintain the quiet, the beauty, and crime-free atmosphere residents are searching for in Temple TX.

We have concerns about the population density in this immediate area and its impact on the quality of life, crime potential, traffic and associated noise, and the potential of de-valuing our property if modifications are not implemented in this development plan.

Thank you for allowing us to voice our concerns regarding this rezoning and proposed development plan.

Sincerely,

A handwritten signature in blue ink that reads "Bill & Gayle Cox". The signature is written in a cursive, flowing style.

Bill & Gayle Cox
7025 Sun Valley Dr.
Temple, TX 76502
254-231-3549

FY-18-2-ZC
City of Temple
Planning Department
2 N Main Street, Suite 102
Temple, Texas 7651

PLANNING & ZONING COMMISSION ITEM MEMORANDUM

LOCATION: SOUTHEAST OF FM93 & SOUTHWOOD DRIVE, TEMPLE, TX

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

() Agree

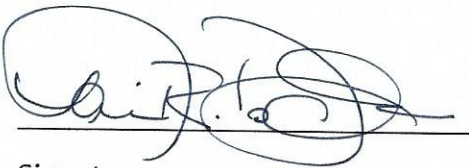
(X) Disagree

Comments:

1. **Wildlife and Fisheries that are unique and only known to Friar's Creek will be endangered;** has been determined that the fish found in Friar's creek cannot be found anywhere else in the nation
2. US Army Corps of Engineers have been brought in for evaluation of the concerns for the Friar's Creek preservation in 2017 and found there is 3 species of Fish that is only found in the Friar's Creek and the additional housing development will potentially endanger these wildlife creatures
3. **Connection to the City's sanitary sewer system:** will further cause damage / overload to the current piping system: **In the late winter / early spring of 2018 the sanitary / water piping failed and caused outage issues and flooding to the FM 93 extension from I-35 to 31st Street** with the current sanitary system piping- breakage in the water piping caused the housing of Valley Ranch and the businesses located on FM 93 to have no water / sanitary service for 18+ hours during a work week. Continuing to add additional water / sanitary pressure to this existing piping will further cause EPA damage to the current farm land, cattle land, horse farm, existing housing usage, and existing / future businesses.
4. **Planning for 176 Lots:** Should each house have minimum of 2 children per household= NOT ENOUGH SCHOOL ISDs to accommodate the single-family housing as 2 other housing developments are CURRENTLY UNDERWAY: 31st Street / FM 93 (Legacy Ranch Construction) and 5th Street / FM 93 (DR Horton Construction) sites. This number would count approximately 352 children needing a dedicated ISD for their educational needs. Belton ISD, Temple ISD, and Academy ISD are already at OVERFLOWING LIMITS. Belton ISD is having to build several additional schools to accommodate the increase housing developmental projects currently underway. How are the children to have a productive and decent educational experience when the existing schools / classrooms are overflowing as is?
5. **Legacy Ranch Construction:** Approximately 688 Homes are being constructed in this site... 2+ children per house hold equals, at minimum: 1,376 children in the Belton / Temple / Academy ISDs.
6. **Sun Valley Drive / Power Grid / Power Poles:** Each house existing on Sun Valley Drive – Valley Ranch aligned with the Southwood Drive Forestry has a **MINIMUM OF 2 POWER POLE LINES ON THE PRIVATE PROPERTIES (Backyards) OF THE EXISTING HOUSES.**

Currently, the only access to the power grid and Power Lines is via the Southwood Drive side!! Lining new, lower-valued housing on smaller lots will prevent Oncore from accessing the POWER LINES FOR POTENTIAL DAMAGES / REPAIRS should this construction be permitted!!!!

7. **Real Estate values:** in Valley Ranch and opposite adjacent to 86.91+/- acreage will be degraded tremendously due to the lower-valued housing proposed to be constructed.
8. **Size of Detention Pond:** Will not accommodate the necessary safety / EPA protections for the Sewer / Water Sanitary / Flood Plane locale.
9. **Fencing approval by the flood-plane:** This fencing idea may potentially cause harm / death to the wildlife should we have significant flooding issues with Friar's creek as it will trap the wildlife unable to escape the flood waters.
10. **PRESERVATION OF THE TREES:** Many of the Existing Trees are 100+ years old. Destroying these trees effect the environment in terms of wildlife and oxygen producing potential for the local area.
11. **Sidewalks: Safety of people / children is a grave concern;** the already high-volume traffic will be a safety hazard as FM 93 may futuristically become an extension of I-14. *Traffic volume safety is already in high demand as it is a major artery to the VA Hospital, Scott and White Hospital, Academy, Rogers, and Holland access.*
12. There is an existing Friar's Creek Trail emplaced; *there should not be an additional trail built*



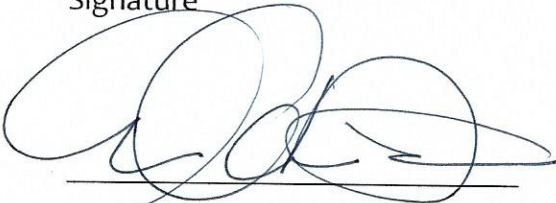
Signature

Laurissa R. Dodson

Printed Name

5/5/18

Date



Signature

Albert A. Dodson

Printed Name

5/5/18

Date



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

RECEIVED
MAY 02 2018
CITY OF TEMPLE
PLANNING & DEVELOPMENT

397474
EARGLE, JOHN ETUX SANDRA
6916 SUN VALLEY DR
TEMPLE, TX 76502

Zoning Application Number: FY-18-2-ZC

Case Manager: Brian Chandler

Location: Southeast of FM 93 and Southwood Drive, Temple, Tx

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

I () agree

(☒) disagree with this request

Comments:


Signature


Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, bchandler@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **May 7, 2018**.

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

Number of Notices Mailed: 33

ate Mailed: April 26, 2018

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



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

397485
HALL, TRAVIS WAYNE JR ETUX KATHY ELAINE
7133 SAN VALLEY DR
TEMPLE, TX 76502

Zoning Application Number: FY-18-2-ZC

Case Manager: Brian Chandler

Location: Southeast of FM 93 and Southwood Drive, Temple, Tx

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☐ () agree

☒ disagree with this request

Comments:

There is a big drainage concern,
This Area behind me is raised above my
property. Also property value concerns with
the lesser value houses could devalue my
property.

Travis W. Hall Jr
Signature

Travis W. Hall Jr
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, bchandler@templetx.gov or mail or hand-deliver this comment form to the address below, no later than May 7, 2018.

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

Number of Notices Mailed: 33

Date Mailed: April 26, 2018

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



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

397478
HAMM, JAMES R ETUX KELLEY L
6907 SUN VALLEY DR
TEMPLE, TX 76502

Zoning Application Number: FY-18-2-ZC

Case Manager: Brian Chandler

Location: Southeast of FM 93 and Southwood Drive, Temple, Tx

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I ☐ agree

☒ disagree with this request

Comments:

There are two huge housing developments going in off 93. Highway 93 barely handles the amount of traffic without several hundred extra vehicles. We also have half acre + lots. This many houses backed up to ours will decrease the value of our homes. There is also a freeline behind our property. What will happen to that greenspace?

Kelley L Hamm
Signature

Kelley L. Hamm
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, bchandler@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **May 7, 2018**.

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

Number of Notices Mailed: 33

ate Mailed: April 26, 2018

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



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

397483
PARKER, JOSHUA
7107 SUN VALLEY DR
TEMPLE, TX 76502

RECEIVED
MAY 07 2018
CITY OF TEMPLE
PLANNING & DEVELOPMENT

Zoning Application Number: FY-18-2-ZC

Case Manager: Brian Chandler

Location: Southeast of FM 93 and Southwood Drive, Temple, Tx

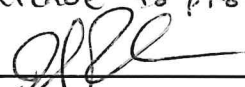
The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice,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

I () agree

(✓) disagree with this request

Comments:

Very concerned about my home value being adversely affected by having multiple SFI homes directly adjacent to my home. Also very concerned with flooding on my property and surrounding properties which is already an issue in my neighborhood. I ask that you continue to protect my investment. Thank you.


Signature

Joshua Parker
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, bchandler@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **May 7, 2018**.

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

Number of Notices Mailed: 33

ate Mailed: April 26, 2018

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



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

397480
PAVLISKA, STEVEN E ETUX AVERY D
6931 SUN VALLEY DR
TEMPLE, TX 76502

Zoning Application Number: FY-18-2-ZC

Case Manager: Brian Chandler

Location: Southeast of FM 93 and Southwood Drive, Temple, Tx

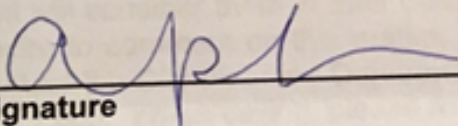
The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice,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

I () agree

☒ disagree with this request

Comments:

This request has already been voted "NO" by City Council less than one year ago. Home owners have tirelessly voiced their opposition! the request should be denied as it was last year.


Signature

Avery Pavliska
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, bchandler@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **May 7, 2018**.

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



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

397490
SCHRANK, LANCE BYRON ETUX MELISSA ANN
7130 SUN VALLEY DR
TEMPLE, TX 76502

Zoning Application Number: FY-18-2-ZC

Case Manager: Brian Chandler

Location: Southeast of FM 93 and Southwood Drive, Temple, Tx

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:

Melissa Schrank Melissa/Lance
Signature Print Name *Schrank*

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, bchandler@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **May 7, 2018**.

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

RECEIVED

MAY 07 2018

CITY OF TEMPLE
PLANNING & DEVELOPMENT

Number of Notices Mailed: 33

ate Mailed: April 26, 2018

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



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

397491
SANDERS, SHIRLEY J ETVIR ROY K
7118 SUN VALLEY DR
TEMPLE, TX 76502

Zoning Application Number: FY-18-2-ZC

Case Manager: Brian Chandler

Location: Southeast of FM 93 and Southwood Drive, Temple, Tx

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

I () agree

☒ disagree with this request

Comments:

I am strongly against this land being rezoned to allow this many houses being built on this property for the following reasons:
1. Our houses are built on half acre lots. The proposed lot size is 12,400 S.F. There will be approximately three houses behind each house on the east side of Valley Dr.

Shirley Sanders
Signature

SHIRLEY SANDERS
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, bchandler@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **May 7, 2018**.

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

RECEIVED

MAY 07 2018

CITY OF TEMPLE
PLANNING & DEVELOPMENT

Number of Notices Mailed: 33

ate Mailed: April 26, 2018

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



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

397481
SANT, MIKE
7013 SUN VALLEY DR
TEMPLE, TX 76502

Zoning Application Number: FY-18-2-ZC

Case Manager: Brian Chandler

Location: Southeast of FM 93 and Southwood Drive, Temple, Tx

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I () agree

☒ disagree with this request

Comments:

Mike Sant

Signature

Mike Sant

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, bchandler@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **May 7, 2018**.

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

Number of Notices Mailed: 33

ate Mailed: April 26, 2018

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

From: [Thomas, Scott](#)
To: [Brian Chandler](#)
Cc: [Thomas, Scott](#); [Kohl-Thomas, Belinda M M.D.](#)
Subject: FY - 18-2-ZC rezoning request
Date: Wednesday, May 02, 2018 10:25:18 AM

Mr. Chandler

Due to being out of town at the current time, I wanted to insure my vote is counted regarding the above request. We live at 3352 Forrester Road, Temple, 76502.

My wife Belinda and I vote **NO**—we disagree with the request.

My concerns remain several and all have been detailed on two previous P&Z appearances and responses as well as City Council presentation and discussion in the past. I believe all of these are public record and I hope have been reviewed by the Committee in advance as this is not really a “new” request. In fact, the previous meetings led to an acceptable zoning decision of Urban Estates 1. While I personally would not like to have neighbors to the north, I realize development and progress can, will and probably should occur, but in an environmental, civic, and financially responsible way—the job of the P&Z committee. The lot size, population density, traffic, safety and water/environment issues I felt were reasonably addressed with urban estate sizing, and it was much more in line with surrounding home sites in the Valley Ranch subdivision. SF-1 is unacceptable with regards to all of the issues noted in my opinion, and in the opinion of the P&Z (twice) and City Council (once). Therefore, I feel revisiting the property at those lot sizes despite addition of retention ponds still poses poor planning and issues that will impact the neighborhoods immediately adjacent. Please note Bella Terra (SF-1) and Legacy Ranch subdivisions are in early stages and zoning discussions as well and impact to the area is not well defined either.

Personally, my property will devalue. I have concerns regarding future development and the prospect of FM 93 traffic and possible rebranding as I-14 in the future. The sidewalk and “trail” addition I feel is trivial and not accessible by anyone anyway to connect with a greater City of Temple trail/park system as it exists without the crossing of FM 93. Two of the proposed lots are partially drawn in the flood plain. Sewer and lift station concerns with overflow to Fryer’s Creek in power failures as well as the alternative septic system concerns remain.

Please consider this and likely other established City of Temple residents’ concerns regarding this development.

I would appreciate a reply that acknowledges my vote was received and accounted for, given implications regarding City Council votings.

Thank you.

Scott Thomas
Belinda Kohl-Thomas



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

90422
SHINE, HUGH D ETUX DEBRA H
PO BOX 793
TEMPLE, TX 76503-0793

RECEIVED
APR 30 2018
City of Temple
Planning & Development

Zoning Application Number: FY-18-2-ZC

Case Manager: Brian Chandler

Location: Southeast of FM 93 and Southwood Drive, Temple, Tx

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

I () agree

☒ disagree with this request

Comments:

Signature

Print Name

HUGH D. SHINE

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, bchandler@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **May 7, 2018**.

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

Number of Notices Mailed: 33

ate Mailed: April 26, 2018

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

From: [Verheyden, Charles N M.D.](#)
To: [Brian Chandler](#)
Cc: [Susan Long](#); [Gale Verheyden \(auntgale@gmail.com\)](#); [Thomas, Scott](#)
Subject: Bella Terra, Legacy Ranch
Date: Wednesday, May 09, 2018 3:24:19 PM

Mr. Chandler,

Unfortunately, I missed the P and Z Committee meeting earlier this week. I live at 2271 River Ranch Road and Friar's Creek empties into the Leon River at the corner of my property. Over the last few years, we have lost 1-2 acres of land as the runoff from South Temple continues to carry our soil and a dozen or so large trees to the Brazos. Consequently, we have concerns about the property to be developed between Forrester Road and Highway 93.

1. Runoff: The density of the proposed development is much higher than was ultimately proposed in previous appearances at the P&Z Committee and City Council. We recognize that development must occur, but the higher the density, the more the runoff. Even a 2 inch rain can raise the level of the creek at our property as much as 8-10 FEET. I've not seen the latest diagram, but putting the sewer station in the flood plain also adds to the problem of contamination and the inability to handle sewage if power is interrupted.

The development across Highway 93—I think it is named Valley Ranch, has no provision for retention of runoff. We have looked at the areas that exist and, although the RATE of runoff may be affected by the concrete barriers on either side of the culverts, this would only delay the SAME VOLUME of runoff by a few minutes. We did not have the opportunity to comment on this, since we are more than 200 feet from the development!! The volume can only be changed by decreasing the size and/or number of the culverts or raising them to the TOP of the holding areas rather than the BOTTOM.

2. Traffic congestion: Whenever we pull out onto 93 from Boutwell Lane now, and don't have an accident, we comment, "Well, we make it one more time!" Just the addition of the corner store has increased the danger at that intersection considerably and the big development across the road is not even open yet! The long term plan for managing traffic along the intersections from 31st St. to Central Texas Christian School needs to be in place before any further development takes place. I'm not a traffic engineer and don't know what the best arrangement is, but I know that it is dangerous now and a couple of thousand more cars per day traveling around there makes the current arrangement untenable.

We understand that the areas cannot remain farmland forever, but there needs to be much more thought and planning in place before moving forward with additional development. We are firmly AGAINST the current plan for the development of that property and also feel that the water runoff situation on the north side of 93 needs to be addressed.

Again, I'm sorry for not being present at the P&Z meeting, but would greatly appreciate your forwarding this to them and to the City Council.

Charles Verheyden
2271 River Ranch Road
Temple, TX 76502
254-718-8044
cverheyden@sw.org



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

RECEIVED
MAY 02 2018
CITY OF TEMPLE
PLANNING & DEVELOPMENT

397472
WILLIFORD, RAY E ETUX CATHERINE A
7008 SUN VALLEY DR
TEMPLE, TX 76502

Zoning Application Number: FY-18-2-ZC

Case Manager: Brian Chandler

Location: Southeast of FM 93 and Southwood Drive, Temple, Tx

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:

TOO MANY LOTS ON 87 ACRES
MINIMUM LOT SIZE SHOULD BE 15 ACRES
TO CONSIDER WITH VALLEY RANCH LOTS IN
EVERGREEN ADDITION.


Signature

RAY WILLIFORD
Print Name

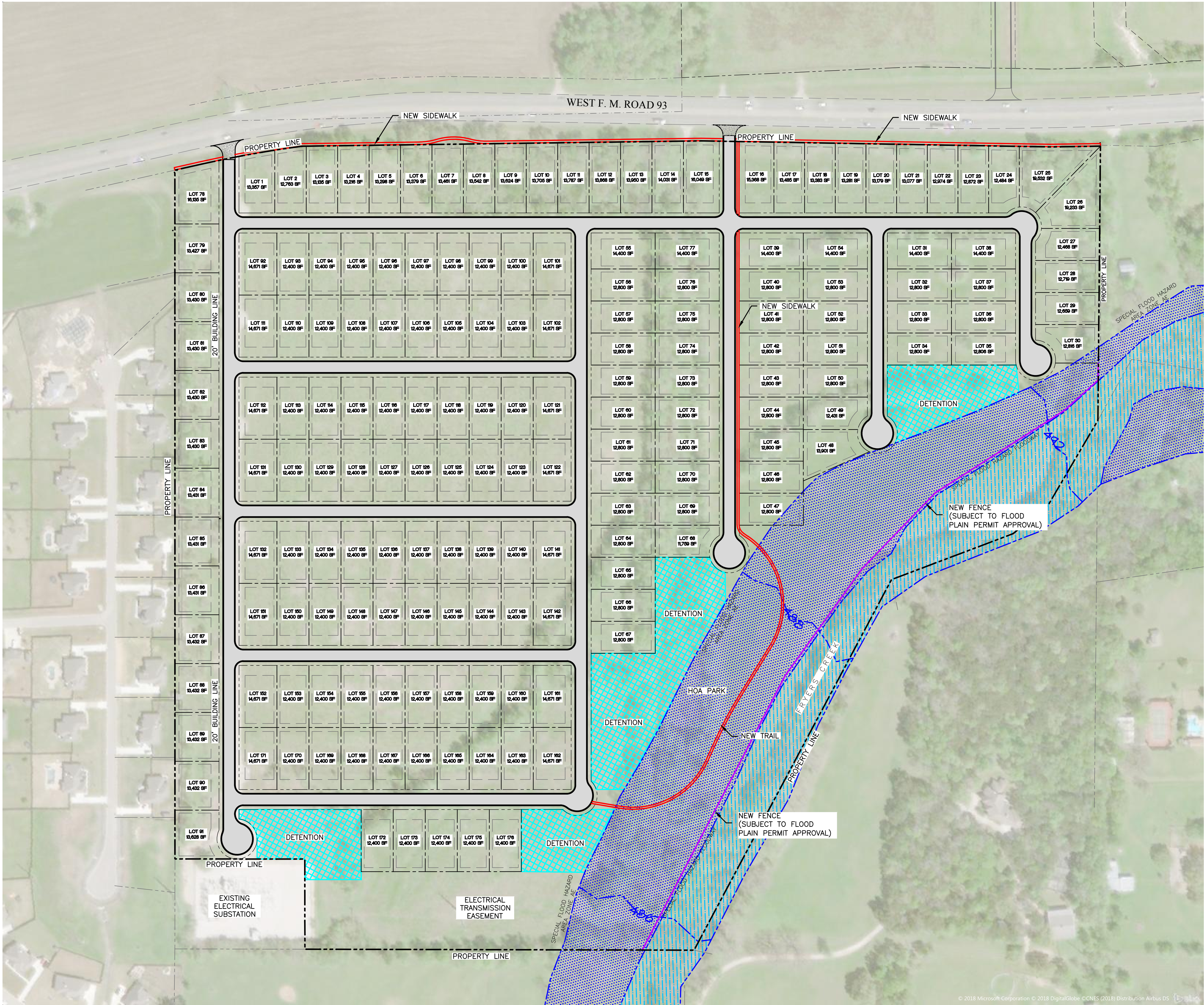
If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, bchandler@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **May 7, 2018**.

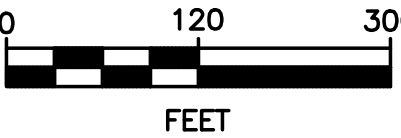
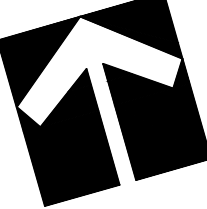
City of Temple
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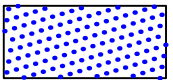
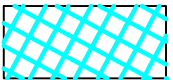
ate Mailed: April 26, 2018

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





LEGEND

-  FEMA SPECIAL FLOOD HAZARD FLOODWAY
-  FEMA SPECIAL FLOOD HAZARD ZONE AE
-  NEW DETENTION AREA

DEVELOPMENT STATISTICS

TOTAL NUMBER OF LOTS = 176

MINIMUM LOT SIZE = 12,400 S.F.

EASEMENTS AND BUILDING LINES (UNLESS OTHERWISE NOTED)

FRONT BUILDING LINE = 25'


SIDE STREET BUILDING LINE = 15'

SIDE BUILDING LINES = 7.5'

REAR BUILDING LINE = 10'

ADDITIONAL REQUIREMENTS:

- 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.
- FENCE ALONG FM 93 SHALL BE A WOOD FENCE WITH MASONRY COLUMNS.
- FENCE ADJACENT TO FRYERS CREEK IS SUBJECT TO FLOOD PLAIN PERMIT APPROVAL.



VALOR TRAILS
NEW RESIDENTIAL DEVELOPMENT
TEMPLE, TEXAS

CONCEPTUAL SITE PLAN

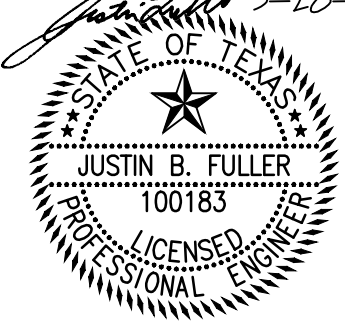
DRAWING STATUS

THESE DRAWINGS WERE PREPARED UNDER THE AUTHORITY OF JUSTIN B. FULLER P.E. 100183, CLARK & FULLER, PLLC FIRM NO: F-10384.

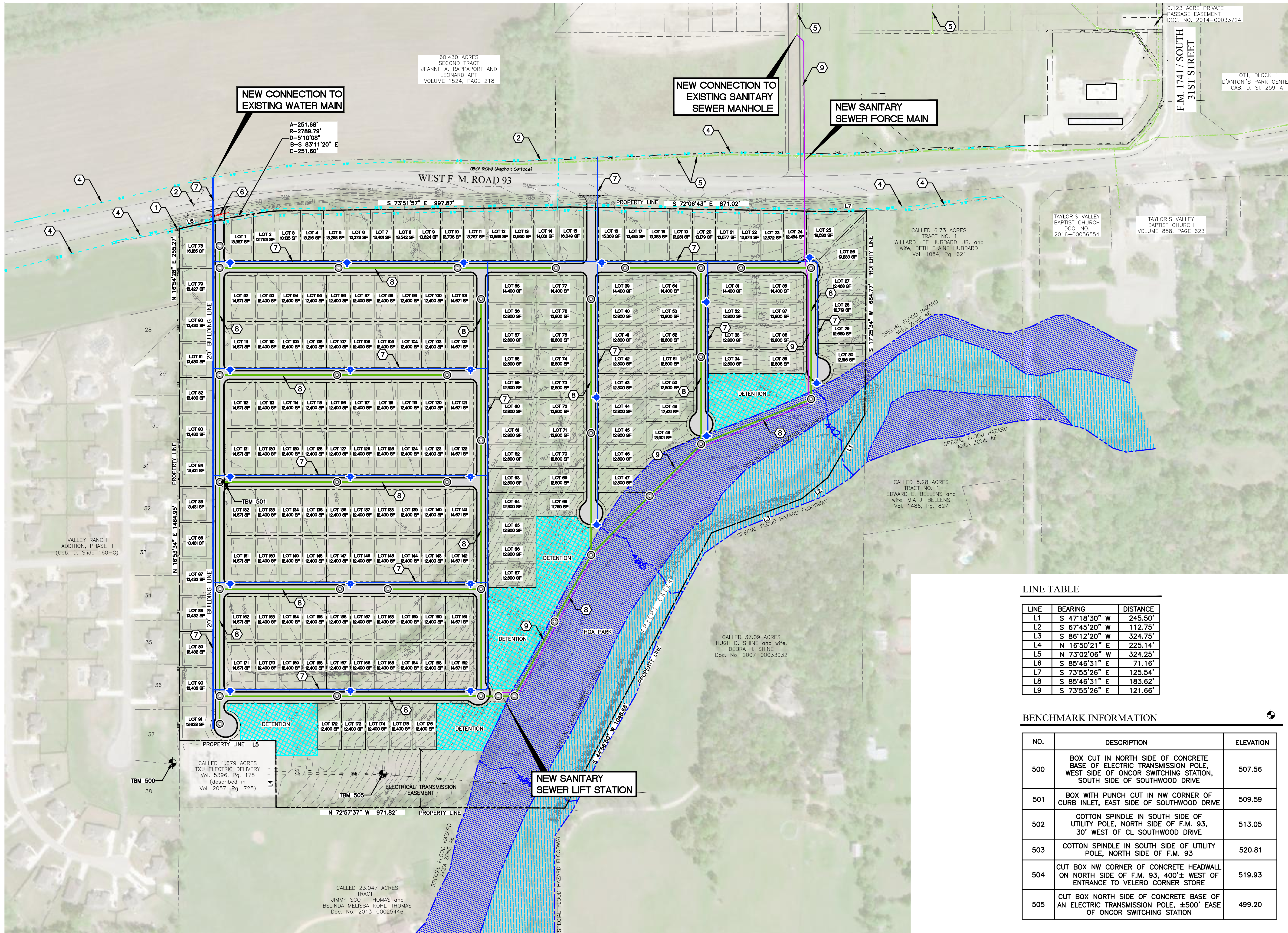
☒ FOR REVIEW
THIS DOCUMENT IS RELEASED FOR THE PURPOSES OF INTERIM REVIEW ONLY AS PER DATE ON DRAWING. IT IS NOT TO BE USED FOR BIDDING OR CONSTRUCTION PURPOSES. ONLY DRAWINGS ISSUED "FOR CONSTRUCTION" CAN BE CONSIDERED COMPLETE.

☐ FOR CONSTRUCTION
FINAL DRAWINGS

Designed	JBF
Drafted	ECB
Project No	171724.00
Plot Date	3-28-18



1



EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, MAY 7, 2018

ACTION ITEMS

Item 3: FY-18-2-ZC – Hold a public hearing to discuss and recommend action on a rezoning for 86.91 +/- acres, from Agricultural (AG) district to Planned Development Single Family-One (PD-SF-1) district and a binding development/site plan, situated in the Redding Roberts Survey, Abstract 692, Bell County, Texas, located southeast of FM 93 and Southwood Drive.

Mr. Brian Chandler, Director of Planning, indicated this item is scheduled to go to City Council for first reading on June 7, 2018 and second reading on June 21, 2018.

Location and aerial maps shown.

The south portion of the applicant's property went through a Voluntary Annexation by the developer and property owner (Case No. X-FY-17-01). City Council approved this request on February 2, 2017 per Ordinance No. 2017-4820.

Located in Belton Independent School District (BISD).

There have been two previous requests on this property that were reviewed by P&Z. The first request was a Planned Development Single-Family One (PD SF-1) zoning district with 280 proposed lots (7,500 square foot minimum size). P&Z recommended denial on April 17, 2017 and as a result the applicant withdrew his request.

The second request was for a Planned Development Urban Estates (PD-UE) zoning district request with 103 proposed lots (22,000 square foot minimum size) with septic systems. P&Z recommended approval; however, City Council disapproved on July 20, 2017.

On-site photos shown.

Surrounding properties include FM 93 to the north, lift station and Southwood Drive (private road) to the south, Boutwell Road, undeveloped property, and creek to the east, and FM 93 and Valley Ranch Subdivision to the west.

The current proposal is for 176 lots (86.91 acres) with a minimum lot size of 12,400 square feet in a PD district. Substantial compliance with the site plan would be binding, including density, lot size, general access, etc.

There are two proposed access points from FM 93. The red line indicates proposed sidewalk.

A trail through a proposed Home Owners Association (HOA) privately maintained park connecting to another street would provide connectivity and compliance with the Trails Master Plan.

To the south along Friar's Creek lies a floodway (hatched) and floodplain. Five detentions ponds are indicated by turquoise

The Future Land Use and Character Map designate the subject property (northern portion) as Suburban-Residential which is characterized by mid-size single family lots. Agricultural/Rural (southern portion) is characterized by rural properties, zoning of newly annexed tracts

Zoning map shown.

The proposed PD SF-1 District with the proposed 12,400 square foot minimum lot size is comparable to nearby subdivisions. Valley Ranch II consists of half-acre lots. The more recent Valley Ranch phases to the west of Phase II include 10,500 square foot minimum, and to the north Legacy Ranch is comparable lot size of 10,500 square feet minimum. The request complies with zoning.

Mr. Chandler added that with the current AG zoning, the developer would be allowed to have HUD-Code manufactured homes by right per Sec. 5.3.2 with:

- A one-acre minimum platted lot size;

- With screening of each home by walls, fences or landscaping.

The Thoroughfare Plan designates FM 93 as a Major Arterial. The applicant's engineer has been in communication with TxDOT and they have given preliminary approval of the proposed development and the two access points.

The proposed sidewalks and trails would implement the City's Trails Master Plan which is designed to provide general connectivity throughout the town. As with the Thoroughfare Plan Staff is responsible for ensuring that connectivity can take place through new development. The applicant is willing to provide that connectivity through the main entryway into the neighborhood and through a trail system on the HOA park but also a sidewalk along FM 93.

Institute of Transportation Engineers (ITE) trip generation rate for the impact of 176 single family residential lots on FM 93:

- 176 single family residences (178 Peak Hour Trips-PHTs)

- Equivalent of:

 - A typical fast food drive-through restaurant (49.35 PHTs per 1000 square feet) or

 - A 15,000 square foot supermarket (11.85 PHTs per 1000 square feet)

Topo/Utilities layout shown.

Land Use Table / Development Standards for SF-1 shown.

The request complies with the Thoroughfare Plan, is compatible with 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.

Thirty-six notices were mailed in accordance with all state and local regulations with zero responses returned in agreement and thirteen responses returned in disagreement. Due to a 40.69 percent opposition, this item triggers a supermajority vote at City Council.

Staff recommends approval of a rezoning from AG to PD-SF-1 with the following conditions:

1. Substantial compliance with the development/site plan;
2. Implementation of the Citywide Trails Masterplan per the development/site plan within the HOA park;
3. Sidewalk along the entry street connecting to the HOA park trail;
4. Development would also be subject to all City code requirements during the platting and permitting process;
5. Minimum lot size is 12,400 square feet and maximum 176 total lots;
6. Connection to the City's sanitary sewer system;
7. One two-inch Diameter at Breast Height (DBH) canopy tree in each front yard per the approved City of Temple Tree list (UDC);
8. Preservation of live oak trees (estimated 16-inches or greater) that are not in conflict with proposed structures or infrastructure;
9. A fence along FM 93 shall be wood with masonry columns;
10. Limit homes to one-story along the west property line; and
11. A new metal fence along Friar's Creek (subject to approval of a floodplain development permit).

Chair Fettig asked if there had been any discussion about going back to the half-acre lots since the two major issues are population/traffic and runoff.

Mr. Chandler deferred to the developer to respond to that question but stated Staff did encourage the half-acre lots; however, Staff does support the 12,400 square foot lots based on the various metrics.

Chair Fettig opened the public hearing.

Mr. Bill DiGaetano, 2715 Forrester Road, Temple, Texas, stated his home is approximately one point two (1.2) miles from the previously discussed item and less than one-half a mile from this item. Mr. DiGaetano enjoys approximately 300-feet of Friar's Creek.

Mr. DiGaetano stated when City Council denied this request in August of 2017, at that time a drainage study was to be conducted for South Temple. Mr. DiGaetano asked if that study was available?

Zoning approvals seem to be based on individual merits rather than considering the whole climate. Approximately 650 homes will be added in the area to the approximately 650 existing homes today. This will create congestion, environmental issues, possible deterioration of home values, safety, and drainage.

The creek varies in depth and can cause major destruction of property, animals, and people.

Mr. DiGaetano commented there are already miles of wooden fences and brick columns that are already falling down in the City and feels it is the lowest common denominator in its budget.

Development is critical to communities but must be done properly, with prudence and planning, and does not cause harm to the development or to taxpayers.

The water runoff issue continues to have developers and engineers plan work on detention based on their individual developments and not taking everything into consideration is a big concern to Mr. DiGaetano. Otherwise, home/property owners living near or on Friar's Creek and Leon River would not be having water coming into their homes and/or losing significant agricultural acreage. Photos and videos have been submitted to the City of the torrential floods that occur on the creek as well.

Mr. DiGaetano had an EPA document that talked of the advantages of lift stations and cited "they are used to reduce the capital cost of sewer system construction." The disadvantages: "compared to sewer lines where gravity drives wastewater, lift stations require electric power." What if the power goes out; is there a diesel generator?

Odor control is frequently required for lift stations. "Chemicals typically used for odor control include chlorine, hydrogen peroxide, metal salts, and potassium permanganate."

Mr. DiGaetano commented he would like to see the developers be patient and the City Leadership commit to the regional studies relating to traffic and drainage. He is concerned that any developer would purchase land that must be rezoned without a contingency or a back door that forces pressure on both citizens and the City to compromise due to what could be described as a risky practice on an investor.

According to Mr. Chandler, Mr. Richard Wilson, Deputy City Engineer, just stated that the drainage study for South Temple is underway and may be ready by the end of the year.

Mr. Scott Thomas, 3352 Forrester Road, Temple, Texas, stated he has 23 acres in the area and agrees with all of Mr. DiGaetano's comments.

Mr. Thomas took issue with the proposed Trails Master Plan since it is drawn through his property in two different directions and does not see the Trails Master Plan coming to fruition as drawn. The proposed trails plan drawn by the developer does not provide much to anyone other than the residents of the specific development.

Mr. Thomas stated that P&Z has turned this down twice and asked the Commission to consider all of the comments made and vote no on this request.

Mr. Chandler clarified that P&Z weighed in on this subject twice and ultimately did recommend approval for the Urban Estates request; City Council disapproved it.

Ms. Laurissa Dodson, 6917 Sun Valley Drive, Temple, Texas, stated the Army Corps of Engineers came out last year on request of a resident along Friar's Creek. There are three fish species known only to that creek in the entire nation. Wildlife and trees/environment may be destroyed by installing a fence.

Ms. Dodson expressed concern about the sewer lines and water mains breaking. There are a lot of cattle to the west that are sold for beef and crops to the north that are affected by flooding from broken water mains and rains. The safety of the water is a huge concern.

With the potential of all the homes currently being built and potentially developed, where will all of these children go to school? Belton is adding three new schools and Temple has no plans to build any more schools.

Ms. Dodson would like the developer to retain the woods directly behind the fence to the east of Valley Ranch for the wildlife and because Southwood is the only way to maintain the power lines located in the back yards of several Valley Ranch residents.

Ms. Dodson also requests the developer make half acre lots equivalent to Valley Ranch so their property values will not drop.

The detention ponds and the sidewalks are a big concern. Making a pedestrian crossing on FM 93 is going to get people killed.

Ms. Beth Hubbard, 6920 Boutwell Road, Temple, Texas, stated she has lived in her home for 47 years. With the little amount of rain from last week's rain, they had issues on their property from across the road because the detention ponds are not doing the job.

Ms. Hubbard is concerned about depreciated taxes.

Mr. Lee Hubbard, 6920 Boutwell Road, Temple, Texas, stated the developer is projecting to build 3.5 houses per acre. Mr. Hubbard does not feel the neighbors are being considered and how it will affect them due to the density proposed. Mr. Hubbard is opposed to this type of development.

Mr. Hubbard asked what was the least amount of square footage per house the developer could build and Mr. Chandler responded Staff does not have minimum square footage requirements for houses and would defer to the developer.

Mr. Chandler responded the minimum side yard setback is 10 percent of the lot width, and with a lot width of this size it would be 7.5 feet to the side, 15-feet between houses minimum. One of the benefits of a PD, is if this was a concern, is it can be changed and become a condition; however, it has not been previously mentioned as a concern.

Mr. Hubbard is interested in a buffer zone on either side of the development for people to the west and east; it is heavily wooded now and would prevent the development off the back of surrounding neighbors.

The privacy fence along the creek has not been determined in height (minimum is six-feet); and possibly made of metal. Mr. Hubbard commented that with the water that runs through there, sometimes 16 to 19-feet deep, would totally take a six-foot fence out.

Who will be allowed to use the concrete walking path? Mr. Hubbard understood that people from Legacy Ranch would have access yet he heard it might be private and only the residents could use it. How will enforcement be done for late night hours.

Lift stations can and do malfunction. With a 16 to 19-foot rise of water it would take it out and the sewage will flow everywhere.

Mr. J.C. Wall, 515 Cottingham Drive, Temple, Texas, responded to Mr. Hubbard's question about home size by stating they would be setting a 2,000 square foot minimum deed restriction on the property and it will be a high end, 12,000 square foot lots with 3 to 4-sided brick homes.

Mr. Wall stated it was never proposed for one-half acre with sewer; it was proposed as a half acre with septic. Mr. Wall stated he only annexed into the City because he was lead to annex into the City. Before the property was purchased they knew what they could do with the property and could have already been developed on half acre lots with septic; but the neighbors did not want this. The property was then voluntarily annexed into the City to make this project work.

When it comes to the street plans and Thoroughfare Plan, Mr. Wall has done whatever the City, Staff, and neighboring properties have asked of him.

Mr. Chandler clarified he understands the residents would like the trees adjacent to Mr. Hubbard's property (to the west) and trees adjacent to Valley Ranch properties (to the east) be left alone entirely (approximately 15 feet).

Mr. Wall was receptive to do as many conditions that would help the neighbors feel comfortable about the project.

Mr. Wall stated on February 2, 2017, the property was annexed into the City. Six months prior to that they already had the property. At that time Mr. Wall could have submitted plans to the county for a subdivision with half acre standards with septic tanks. It was not wanted. Now the neighbors do not want a lift station or sewer; they do not want anything. But now the property is annexed because Staff wanted to annex and P&Z and City Council approved it.

Mr. Chandler clarified that voluntary annexation is property owner initiated; not because Staff asked.

Mr. Lee Hubbard returned and stated that 15 feet is a very short distance with such heavy timber and brush already there and requested a 20 to 30-foot buffer zone to keep all the woods.

Mr. Justin Fuller, Clark & Fuller, 215 North Main Street, Temple, Texas, stated the smallest lots are 12,400 square feet, 80-feet wide by 155-feet deep. The ones along Valley Ranch are larger being 122-feet wide and 110-feet deep. The lots against Mr. Hubbard are deeper.

Water and sewer will be through the City of Temple. Because of the topography on the site the applicant needs a sanitary sewer lift station for this to work. There is too much elevation drop between those lots and the closest sanitary sewer which is located in Legacy Ranch.

There is a sanitary sewer force main located on the north side of FM 93 but it cannot be tied into with a gravity line. The topography prevents gravity sanitary sewer to the closest available point.

The lift station has to be designed to be in compliance with Texas Commission on Environmental Quality (TCEQ) and the City of Temple standards.

There is a lot of water that comes through this area without the development. It is an existing flood plain and Friar's Creek drains water from up to Avenue E and 19th Street, the railyard just south of Whistle Stop is the furthest point north.

The subject property of 87 acres means it takes up about two percent of the entire drainage basin of the creek. Detention ponds are planned and will meet or exceed the City's requirements on detaining the water. TxDOT has reviewed the layout and concurred with the layout.

Mr. Fuller stated there was another lift station located in Valley Ranch.

Mr. Fuller explained the power line easement is not located on the subject property but on the abutting property.

Mr. Albert Dodson, 6917 Sun Valley Drive, Temple, Texas, stated they request the developer to leave the greenery. There is an access road in front of the greenery that goes to the power lines and the developer wants to take that road out and there will be no way to access the poles. We would want the buffer to stay and leave the roadway for people to access the poles. Mr. Dodson asked the Commission to vote no.

Mr. Justin Fuller returned and clarified the road is still in the same place to the lift station. It is an existing paved road in a private access easement that is planned to be turned into a public right-of-way and leave access to the sub station.

Mr. Lee Hubbard returned and stated the buffer zone he is proposing is 20 to 30 feet from his back fence line and the developer install a privacy fence for the lots which puts a fence up and will deter children from crawling into his back yard.

Mr. Hubbard commented the water study is not complete and this should not be approved and reiterated half acre lots make sense.

Mr. Chandler confirmed the proposed number is 2.022 dwelling units per acre for the record.

Ms. Avery Pavliska, 6931 Sun Valley Drive, Temple, Texas, stated the people living along the western border of Valley Ranch all support leaving the natural vegetation that is there. After taking a poll of the residents, Ms. Pavliska gather 33 signatures that agree there needs to be a natural border.

The residents also support half acre lots.

Ms. Pavliska agrees this item should wait until the study is done since all of the surrounding area is involved.

Mr. J.C. Wall returned and asked if another condition could be added in relation the two sides having a six-foot cedar fence. The buffer could be the setback lines which are already at 25-feet. Can a deeper buffer zone be added for the Valley Ranch side and Mr. Hubbard's side? Mr. Chandler responded that the P&Z could add an additional recommendation to City Council as part of the PD and it just needs to be defined.

Ms. Laurissa Dodson returned and asked to leave the wooded area on both sides of the proposed development as the buffer which is approximately 50 feet wide.

Ms. Belinda Cole-Thomas, 3352 Forrester Road, Temple, Texas, stated this development is not for the betterment of Temple and not to enhance or improve lives or the area. Ms. Cole-Thomas would like to see the erosion issue resolved first.

A proposed metal fence will not stand up with the creek water flooding.

Ms. Cole-Thomas commented on the traffic situation along FM 93 and asked the Commission to vote no on this project since all of the information is not available.

Ms. Debbie Shine, 3018 Forrester Road, Temple, Texas, stated she is all for development but it needs to be responsible development. Approximately 650 additional homes to the north will impact the area significantly along Friar's Creek. Legacy Ranch and Bella Terra are having drainage issues which is already impacting the area south of FM 93 and the houses are not yet built.

Ms. Shine is totally against the trail idea due to personal reasons and because it is dangerous and will be difficult to keep kids away from the water.

Ms. Shine sees that sewer has been put in but does not believe the neighbors knew it would include putting a lift station right on a creek that floods with the least amount of rain and does not like the idea of the chemicals involved or having to smell the odors emitted. The chemicals will end up in the creek which will affect wildlife and people living further downstream.

Ms. Shine asked the Commission to wait on a decision until the drainage study is available along with any traffic studies for FM 93 and 31st Street and to vote no on this request.

Mr. Josh Pearson, Esq., 6575 FM 479, Belton, Texas, stated he was an attorney in Bell County and has been working with Mr. Wall and Mr. Fuller on this project.

This is the third time the project has come forward and each time there has been improvements. The developer has heard and responded to the concerns and requests brought forward and the project has improved.

Mr. Pearson commented this developer is trying to improve this tract of land and to do it in a professional way by hiring professionals who have spent a lot of time and money being professionals in their specific areas. Mr. Fuller is a top engineer and has addressed the engineering issues. There are four separate detention ponds, a huge buffer along the floodplain along the creek area, larger lots have been placed on the west and east sides, 280 homes have been reduced to 176, and the drainage concerns have been addressed.

Developments need to be near major arteries that will provide flow and the infrastructure to handle it.

The developer is willing to put his own money into sewer for the entire development.

Mr. Wall has 11 conditions he needs to meet and is willing to add another condition; he is bending over backwards to make this work and address concerns. Mr. Wall is making more concessions tonight that Mr. Pearson would rather he did not make just to please everyone.

You cannot be a neighbor to a development and then dictate exactly what will go on that development or force implications/impositions on a developer.

Mr. Pearson pointed out the improvements and progress made on this project since it first came up. Mr. Pearson would like the Commission to recommend approval on this request.

Mr. Mark Cole, 7640 Boutwell Drive, Temple, Texas, stated he has about 2,000 feet of Friar's Creek on his property and when it floods he has debris all over his pasture.

There being no further speakers, the public hearing was closed.

Vice-Chair Langley made a motion to approve Item 3, **FY-18-2-ZC**, per staff recommendation, and Commissioner Castillo made a second.

Motion passed: 7:0)

Commissioners Armstrong and Marshall absent

ORDINANCE NO. _____
(FY-18-2-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL ZONING DISTRICT TO PLANNED DEVELOPMENT SINGLE-FAMILY ONE ZONING DISTRICT, AND A BINDING DEVELOPMENT / SITE PLAN LOCATED ON APPROXIMATELY 86.91 ACRES, SITUATED IN THE REDDING ROBERTS SURVEY, ABSTRACT NO. 692, BELL COUNTY, TEXAS, LOCATED SOUTHEAST OF FM 93 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 a rezoning from Agricultural District to Planned Development Single-Family One District, for property located along the south side of FM 93 and along Southwood Drive where he proposes a 176-lot single family residential development with minimum lot sizes of approximately 12,400 square feet;

Whereas, on February 2, 2017, Council approved the voluntary annexation of this property;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, recommended approval of the rezoning and binding development/site plan from Agricultural zoning district to Planned Development Single-Family One 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; and

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

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

Part 1: 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 the rezoning and binding development/site plan from Agricultural zoning district to Planned Development Single-Family One 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 more thoroughly described Exhibit 'A,' attached hereto and made a part hereof for all purposes along with the following conditions:

1. Substantial compliance with the development/site plan
2. Establishment of a homeowner's association (HOA) to maintain common areas, including a private park;
3. Implementation of the Citywide Trails Masterplan per the development/site plan within the HOA park;
4. A sidewalk will be constructed along the entry street connecting to the HOA park;
5. The minimum lot size will be 12,400 square feet and will not exceed 176 total lots;
6. The development will connect to the City's sanitary sewer system at the developer's cost;
7. One 2-inch Diameter-at-Breast-Height canopy tree will be planted in the front yard of every lot; species shall conformed to the City's Tree list per the Unified Development Code;
8. Preservation of live oak trees (estimated 16-inches or greater) that are not in conflict with proposed structures or infrastructure;
9. A fence along FM 93 made of wood with masonry columns;
10. Developer must limit homes to 1-story along the west property line abutting the Valley Ranch properties; and
11. A new transparent metal fence will be installed along Friar's Creek (subject to approval of a floodplain development permit)

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 7th day of **June**, 2018.

PASSED AND APPROVED on Second Reading on the **21st** day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/07/18
Item #12
Regular Agenda
Page 1 of 3

DEPT. / DIVISION SUBMISSION & REVIEW:

Lynn Barrett, Assistant Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – FY-18-3-ZC: Consider adopting an ordinance authorizing a rezoning for 91.15 +/- acres, from Agricultural to Single Family Two, situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, addressed as 401 North 42nd Street.

STAFF RECOMMENDATION: Staff recommends approval for a rezoning from AG to SF-2 district for the following reasons:

1. The proposed SF-2 zoning is compatible with surrounding zoning, existing and anticipated uses as well as future growth trends in the area;
2. The proposal is in compliance with the Thoroughfare Plan; and
3. Public facilities are available to serve the subject property.

PLANNING & ZONING COMMISSION RECOMMENDATION: At their May 7, 2018 meeting, the Planning & Zoning Commission voted seven to zero to recommend approval of the rezoning to SF-2 with development/site plan per staff's recommendation.

ITEM SUMMARY: The applicant, WBW Land Investments, requests rezoning of 91 +/- acres from Agricultural (AG) zoning district to Single Family Two (SF-2) zoning district to develop the property into a single family residential subdivision. The property borders two streets designated as collectors, North 42nd Street and Lavendusky Drive, as well as having 1250 feet of frontage along the west side of the Northeast H K Dodgen Loop, designated as an Expressway. An adjacent older subdivision, across North 42nd Street to the west, is also zoned AG and consists of partially developed one-half to one acre lots.

TXDOT has not provided input relative to driveway access. Discussions may be on-going regarding future subdivision access directly to Loop 363. Details on access and street connections will be a part of the platting process of the subdivision.

The SF-2 designation is appropriate for a medium density residential subdivision.

The subject property is in the Temple Independent School District and is across Lavendusky Drive from Hector P Garcia elementary school.

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

Future Land Use Map (CP Map 3.1)

The subject property has the Future Land Use Map (FLUM) designation of Suburban Commercial designation due to its proximity to the Loop. Its location in East Temple as a new green field housing development location is partially compatible with this FLUP as a suburban character to the area would be manifested through new housing activity. And this portion of the city would benefit from having new housing choices.

Thoroughfare Plan (CP Map 5.2)

The subject property takes access from Loop 363, an expressway and North 42nd Street and Lavendusky Drive, both collector streets. No Transportation Capital Improvement Program (TCIP) improvements are identified for the area.

Availability of Public Facilities (CP Goal 4.1)

Sewer is available at the southwest corner of the property at the intersection of Lavendusky Drive and North 42nd Street Water is available through an eight inch waterline on the southern boundary of Lavendusky Drive and a portion of the property frontage on North 42nd Street.

Temple Trails Master Plan Map and Sidewalks Ordinance

No proposed trails are shown on the Trails Master Plan and no sidewalks are required.

DEVELOPMENT REGULATIONS: Standards for detached Single Family residential homes in the SF-2 district are:

	SF-2 (Proposed)
Minimum Lot Size	5,000 Square Feet
Minimum Lot Width	50 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 ½ Stories

SF-2 zoning does not allow commercial, restaurant, hospitality or business uses, although there are a few other uses allowed other than single family detached homes, including the following:

Permitted & Conditional Use Table – Single Family Two (SF-2)	
Agricultural Uses	* Farm, Ranch or Orchard
Residential Uses	* Single Family Residence (Detached Only) * Industrialized Housing * Family or Group Home
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)

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

PUBLIC NOTICE: There were 23 notices sent to property owners within 200-feet of the subject property containing notice of the public hearing as required by State law and City Ordinance. As of Thursday May 24, 2018 at 3:00 PM, one notice was received in agreement; five notices were received in disagreement and one was received undeliverable.

The newspaper printed notice of the public hearing on April 26, 2018, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

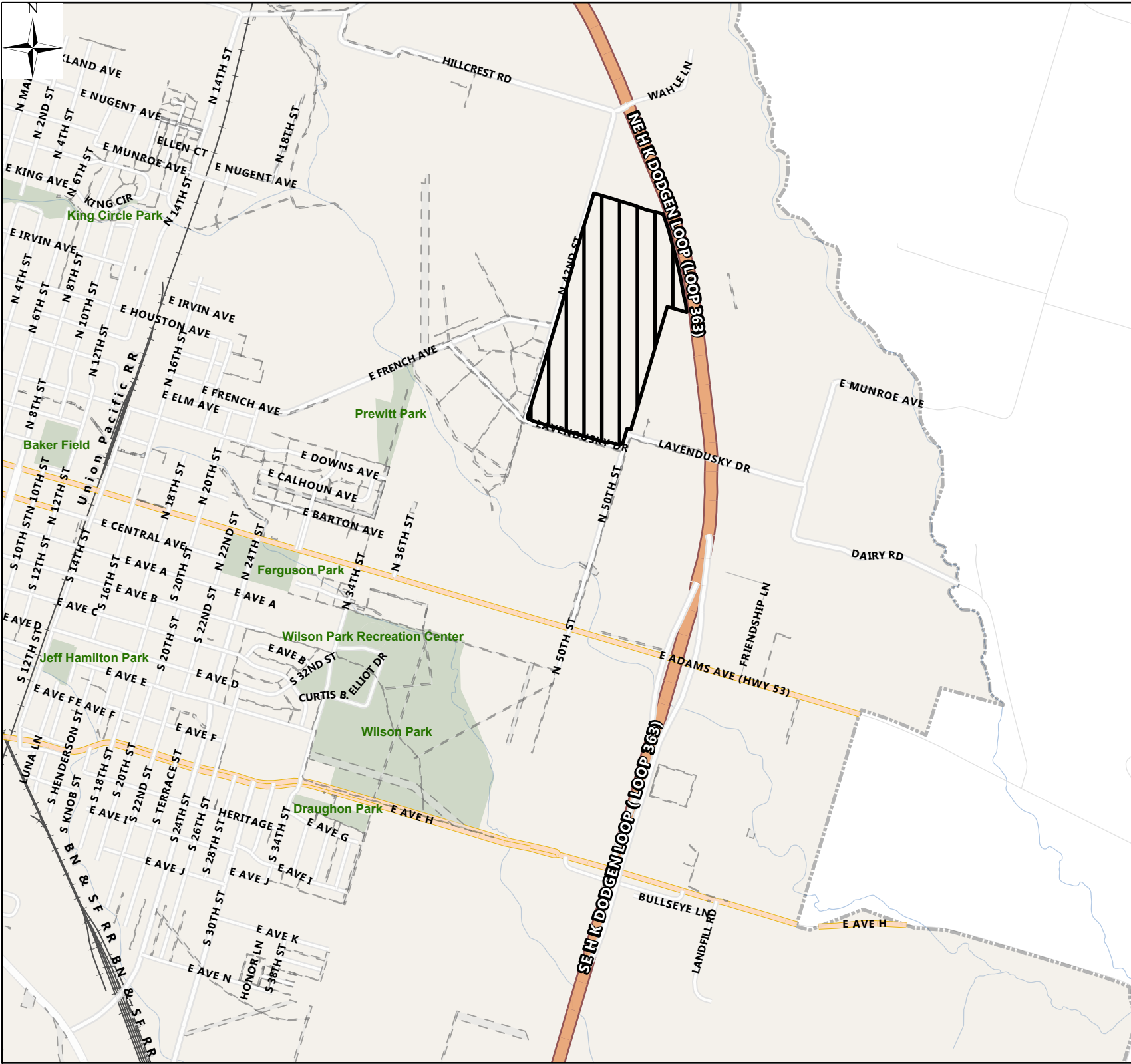
[Maps](#)

[Site Photos](#)

[Returned Property Notices](#)

[P & Z Excerpts \(May 7, 2018\)](#)

[Ordinance](#)



AG TO PD SF-2

AERIAL MAP

Zoning Case :
FY-18-3-ZC

Address :
401 N 42nd ST

Transportation

- Streets
- EXPRESSWAY
 - MAJOR ARTERIAL
 - COLLECTOR
 - LOCAL STREET
 - MINOR ARTERIAL
 - PRIVATE
 - RAMP
 - Railroad
- Temple Municipal Boundary
- Production.SDE.Easement

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

Irbarrett
Date: 4/17/2018





AG TO PD SF-2

AERIAL MAP

Zoning Case :
FY-18-3-ZC

Address :
401 N 42nd ST


Transportation

Streets

 EXPRESSWAY

 COLLECTOR

 LOCAL STREET

 Temple Municipal Boundary

Parcel Features

 Parcels

 ETJ Parcels

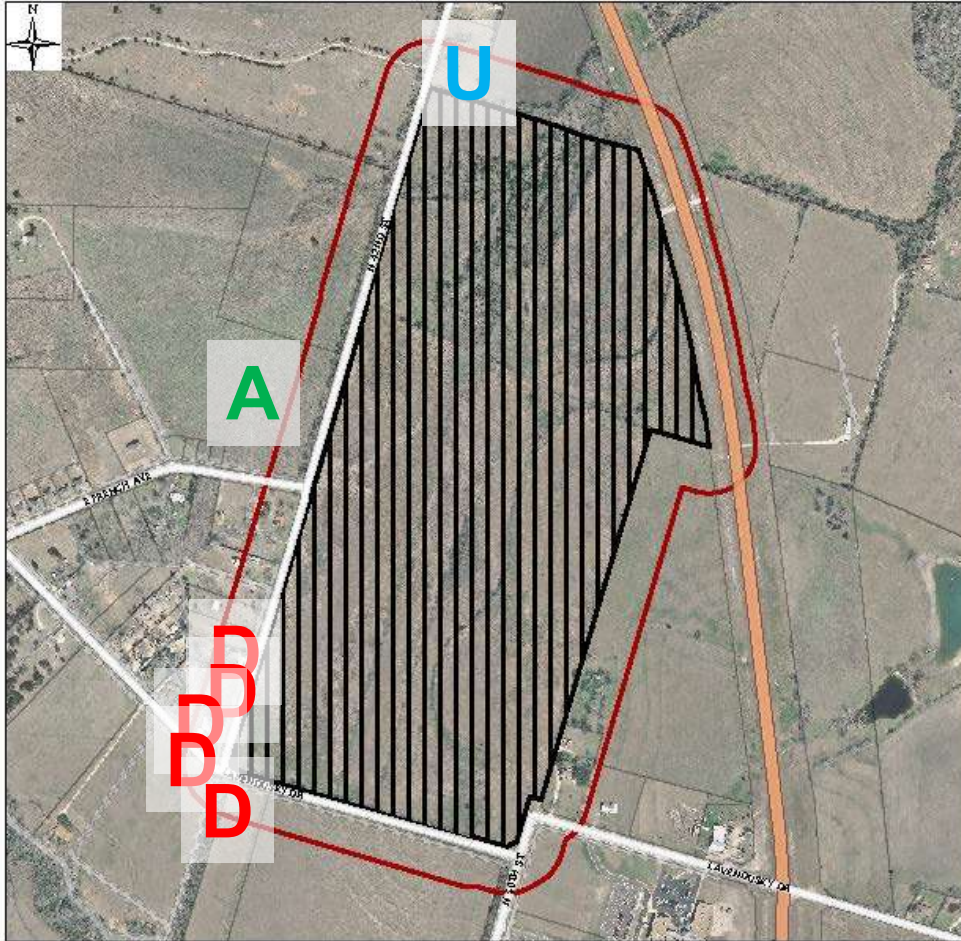
 Production.SDE.Easement

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

Irbarrett

Date: 4/17/2018





AG TO SF-2
200'
NOTIFICATION MAP
Zoning Case :
FY-18-3-ZC
Address :
401 N 42nd ST

☐ Production, SDE, Easement

City of Temple reserves the right to remove the map from the public domain for any reason, including but not limited to, the need to update the map to reflect changes in the area. The map is provided for informational purposes only and does not constitute a warranty of any kind. The City of Temple is not responsible for any errors or omissions on this map.

lrbarratt
Date: 4/16/2018





AG TO SF-2

UTILITY MAP

Zoning Case :
FY-18-3-ZC

Address :
401 N 42ND ST

Sewer

- Manhole
- Gravity Main

WaterDistribution

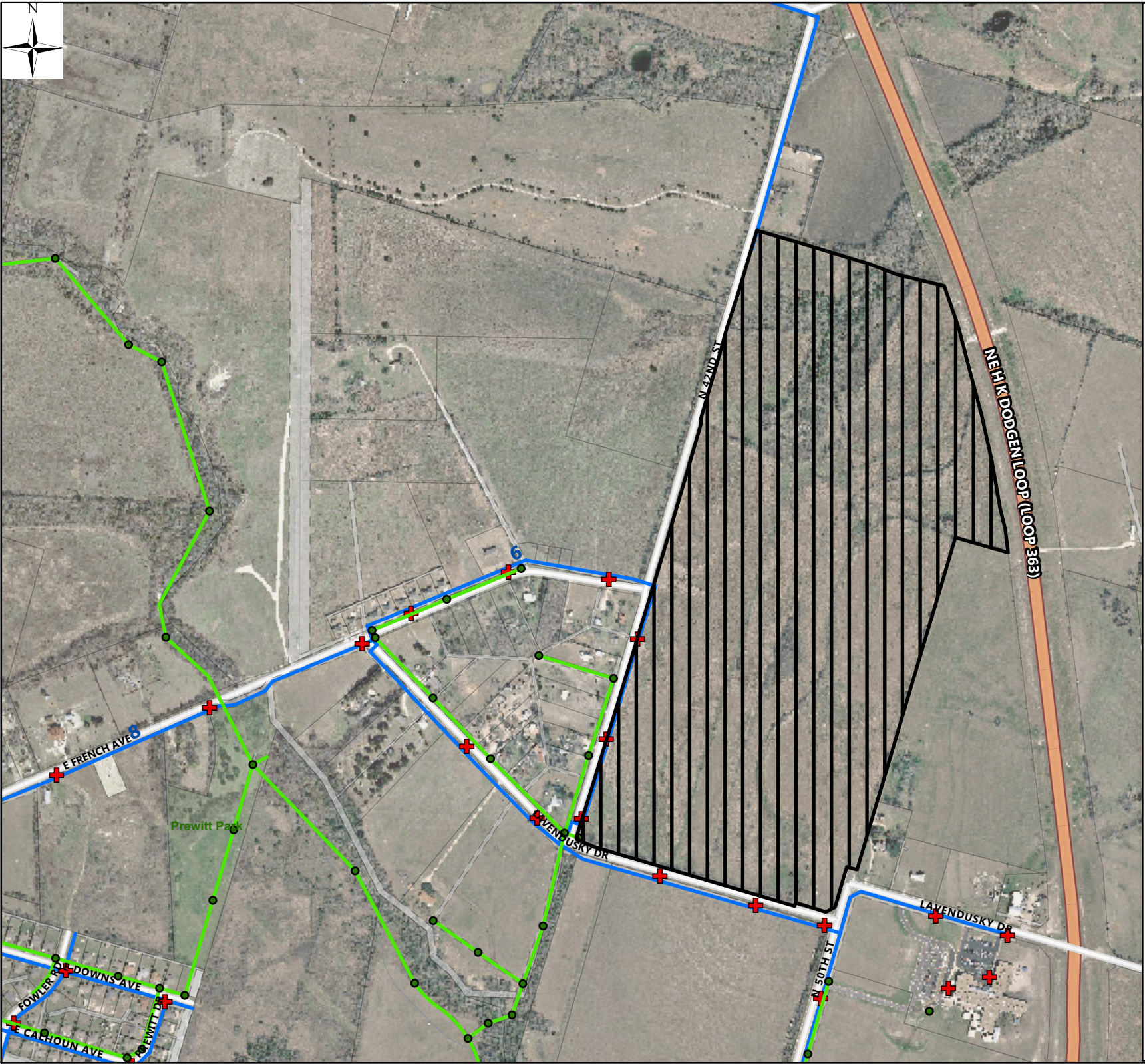
- ✚ Hydrant
- Main

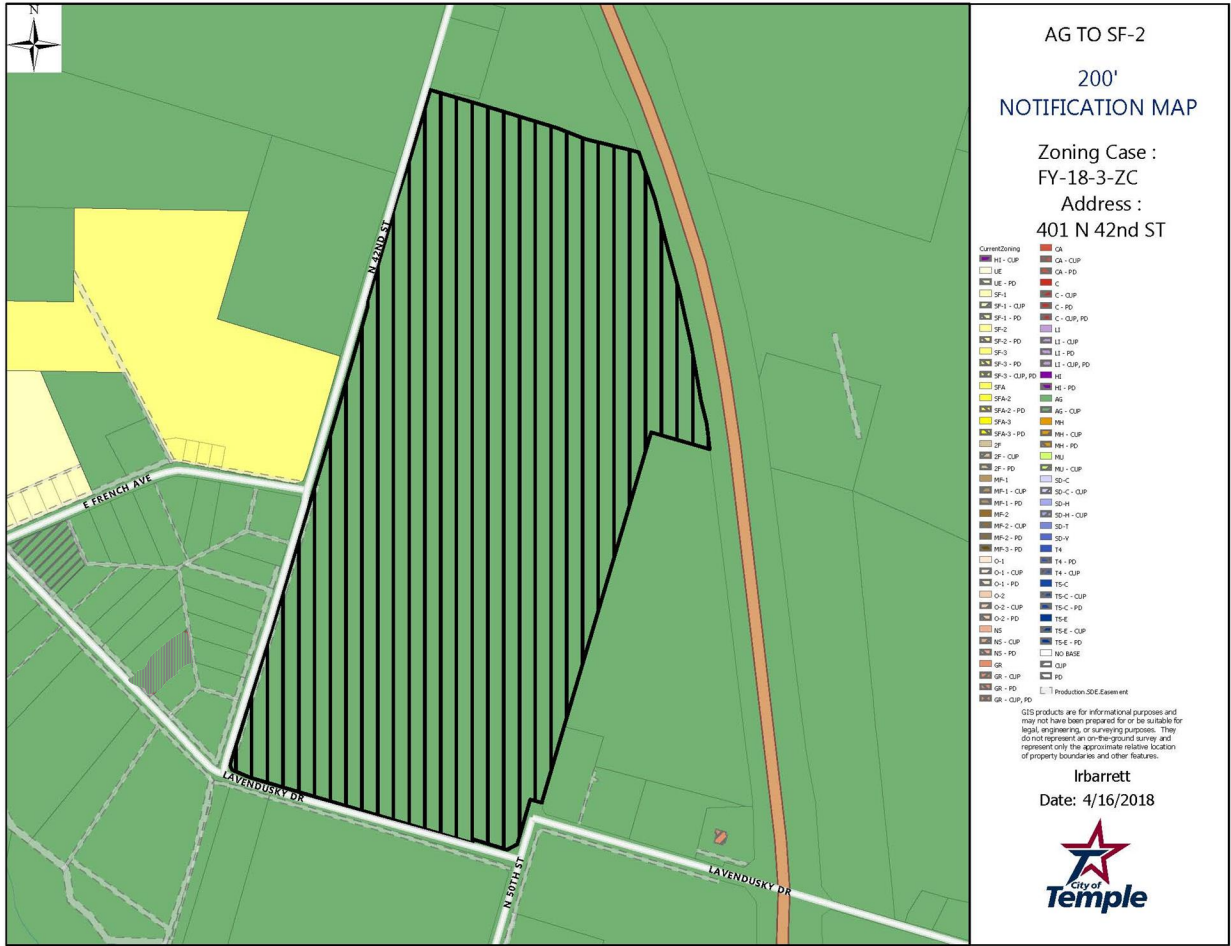
Parcel Features

- ▭ Parcels
- ▭ Production.SDE.Easement

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

Irbarrett
Date: 4/16/2018





Site Photos



View Down Lavendusky



50th St into subject property where intersects with Lavendusky Dr. School property is on the right.



From Lavendusky Dr into the property



View from Loop looking South along the property



View to North along the Loop





View from West into subject property



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

130204
NEW AMERICAN DREAM LTD
8702 ADAMS LN
TEMPLE, TX 76502

Zoning Application Number: FY-18-3-ZC

Case Manager: Lynn Barrett

Location: 401 North 42nd Street, Temple, TX

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:

J.C. Wall
Signature

J.C. Wall
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbarrett@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **May 7, 2018**.

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

Number of Notices Mailed: 23

Date Mailed: April 26, 2018

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



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

33635
ENTROP, CLARENCE A
41 BEACHCOMBER DR
BELTON, TX 76513-6407

Zoning Application Number: FY-18-3-ZC

Case Manager: Lynn Barrett

Location: 401 North 42nd Street, Temple, TX

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

I () agree

(☒) disagree with this request

Comments:

We have a peaceful, quiet place and do not
want that to change. This would have a very
negative impact on our lives.

Clarence Entrop
Signature

Clarence Entrop
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, lbarrett@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **May 7, 2018**.

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

RECEIVED
MAY 07 2018
CITY OF TEMPLE
PLANNING & DEVELOPMENT

Number of Notices Mailed: 23

Date Mailed: April 26, 2018

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



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

90443
PALOMINO, JESSE ETUX GLORIA
904 N 42ND ST
TEMPLE, TX 76501-4833

Zoning Application Number: FY-18-3-ZC

Case Manager: Lynn Barrett

Location: 401 North 42nd Street, Temple, TX

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

I () agree

(✓) disagree with this request

Comments:

No, I do not want rezoning of said property. I live right across the street & feel that by doing this it will encourage drug activity & many problems that will be unsolvable. I am a widow for 13 years & feel safe here for the past 45 years but if you rezoned I feel I will be in danger. Please Please reconsider.

Gloria H. Palomino

Signature

Gloria H. Palomino

Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbarrett@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **May 7, 2018**.

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

RECEIVED
MAY 04 2018
CITY OF TEMPLE
PLANNING & DEVELOPMENT

Number of Notices Mailed: 23

Date Mailed: April 26, 2018

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



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

RECEIVED
MAY 04 2018
CITY OF TEMPLE
PLANNING & DEVELOPMENT

61193
KOSEL, RAYMOND E
1909 LAVENDUSKY DR
TEMPLE, TX 76501-4806

Zoning Application Number: FY-18-3-ZC

Case Manager: Lynn Barrett

Location: 401 North 42nd Street, Temple, TX

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:

As a resident and landowner of this peaceful, rural area for over 45 years, we disagree with this zoning change as it would most likely cause increased traffic, crime and drugs. We are also very concerned about the type of housing that would be developed in this area in the future.

Angeline R. Kosel
Raymond E. Kosel
Signature

Raymond E. Angeline Kosel
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbartlett@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **May 7, 2018**.

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

Number of Notices Mailed: 23

Date Mailed: April 26, 2018

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



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

52186
HOUSTON, WANDA JEAN
908 N 42ND ST
TEMPLE, TX 76501-4833

Zoning Application Number: FY-18-3-ZC

Case Manager: Lynn Barrett

Location: 401 North 42nd Street, Temple, TX

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:

will bring in more felons. we enjoy our peaceful
and safe.

Wanda Houston
Signature

WANDA HOUSTON
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbarrrett@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **May 7, 2018**.

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

RECEIVED
MAY 07 2018
CITY OF TEMPLE
PLANNING & DEVELOPMENT

Number of Notices Mailed: 23

Date Mailed: April 26, 2018

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



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

61196
KOSEL, RAYMOND E
1909 LAVENDUSKY DR
TEMPLE, TX 76501-4806

Zoning Application Number: FY-18-3-ZC

Case Manager: Lynn Barrett

Location: 401 North 42nd Street, Temple, TX

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:

As a resident of this peaceful, rural agricultural area for over 45 years, we oppose this request due to concern it would bring increased traffic, crime and drugs.

Raymond E Kosel
Signature

Raymond E Kosel
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbartlett@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **May 7, 2018**.

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

RECEIVED

MAY 07 2018

CITY OF TEMPLE
PLANNING & DEVELOPMENT

Number of Notices Mailed: 23

Date Mailed: April 26, 2018

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

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, MAY 7, 2018**

ACTION ITEMS

Item 4: FY-18-3-ZC – Hold a public hearing to discuss and recommend action on a rezoning for a 91.15 +/- acres, from Agricultural (AG) to Single Family Two (SF-2), situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, addressed as 401 North 42nd Street.

Ms. Lynn Barrett, Assistant Director of Planning, stated the applicant is WBW Development and indicated this item is scheduled to go to City Council for first reading on June 7, 2018 and second reading on June 21, 2018.

Location and aerial maps shown. Hector P Garza School is at the southeast corner across Lavendusky.

This is a proposed residential subdivision and located within TISD.

Zoning map shown.

The Future Land Use and Character Map designates the subject property as Suburban-Commercial which supports suburban character. The adjacent Suburban-Residential is intended for single family development and supports SF-1 and SF-2 zoning.

Water and sewer are available to serve the property.

The Thoroughfare Plan designates Loop 363 as a Major Arterial and North 42nd Street and Lavendusky Drive as Collectors. There are no TCIP improvements scheduled for any of these roads.

Six-foot sidewalks are required on major arterials and will be addressed during the plat stage.

There are no trails.

Site photos shown.

UDC Development Standards table shown for existing AG and proposed SF-2.

Permitted uses (not all-inclusive) for SF-2 shown.

The request is in compliance with the Thoroughfare Plan, is compatible with 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.

Twenty-three notices were mailed (*as opposed to 26 which was indicated*) in accordance with all state and local regulations with one response returned in agreement and five responses returned in disagreement.

Staff recommends approval of the request for a rezoning of the subject property from AG District to SF-2 District

Chair Fettig opened the public hearing.

Mr. Raymond Kosel, 1909 Lavendusky Drive, Temple, Texas, stated he has lived in the area for over 45 years. The area is primarily AG with small farms.

Mr. Kosel feels with an estimated five to six houses per acre there will be problems with too many people in the area, the drainage problems, the streets are not able to handle the traffic now, and the lift station will not be able to accommodate the added homes. Mr. Kosel feels it would be better for 10 acre farms instead. Three to four houses per acre would be more realistic. Mr. Kosel asked the Commission to deny the request.

Mr. John Shutz, 1110 North 42nd Street, Temple, Texas, stated he disagrees with the request and agrees with the comments stated about the roads and that adding all that traffic would make things worse.

Mr. Tyler Freese, 3000 Illinois Avenue, Killeen, Texas, stated he is the engineer working on this project.

Mr. Freese commented there are existing utilities in the area and a lift station will be not be required.

A large study will be done on the drainage to ensure there is no impact on the area.

Mr. Freese agrees that the local streets are not in good shape; however, the Loop is nearby. right-of-way would be provided during the platting process.

Mr. Raymond Kosel returned and stated drugs and crime would come into the neighborhood with this type of housing.

Ms. Juanita Hernandez, 3202 East Munroe Avenue, Temple, Texas, stated she lives across the Loop and will not be directly impacted. Ms. Hernandez lives on one acre and with this type of development and stated "those people will find us" and she does not appreciate that.

Lavendusky is a bad street and the request does not make sense. Ms. Hernandez does not want three or more houses living next to hers.

There being no further speakers, the public hearing was closed.

Vice-Chair Langley made a motion to approve Item 4, **FY-18-3-ZC**, per staff recommendation, and Commissioner Crisp made a second.

Motion passed: (7:0)

Commissioners Armstrong and Marshall absent.

ORDINANCE NO. _____
(FY-18-3-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL ZONING DISTRICT TO SINGLE-FAMILY TWO ZONING DISTRICT ON APPROXIMATELY 91.15 ACRES, SITUATED IN THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14, BELL COUNTY, TEXAS, ADDRESSED AS 401 NORTH 42ND STREET, TEMPLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, WBW Land Investments, requests rezoning of approximately 91.15 acres from Agricultural (AG) zoning district to Single Family Two (SF-2) zoning district, to develop the property into a single family residential subdivision;

Whereas, the property borders two streets designated as collectors, North 42nd Street and Lavendusky Drive, as well as having approximately 1250 feet of frontage along the west side of the Northeast H.K. Dodgen Loop, designated as an Expressway;

Whereas, the proposed SF-2 rezoning is compatible with surrounding zoning, existing and anticipated uses, as well as future growth trends in the area, is in compliance with the Thoroughfare Plan, Public Facilities are available to service the subject property and SF-2 designation is appropriate for a medium density residential subdivision;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, recommended approval of the rezoning from Agricultural zoning district to Single-Family Two zoning district on approximately 91.15 acres, situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, addressed as 401 North 42nd Street, Temple, Texas; and

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

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

Part 1: 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 the rezoning from Agricultural zoning district to Planned Development Single-Family Two zoning district on approximately 91.15 acres, situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, addressed as 401 North 42nd Street, Temple, Texas, as more thoroughly described Exhibit 'A,' attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **7th** day of **June**, 2018.

PASSED AND APPROVED on Second Reading on the **21st** day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/07/18
Item #13
Regular Agenda
Page 1 of 4

DEPT. / DIVISION SUBMISSION & REVIEW:

Mark Baker, Senior Planner

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – FY-18-3-SITE: Consider adopting an ordinance amending Ordinance No. 2011-4422 to attach a site plan showing a three suite retail building consisting of 3,708 square feet of retail space on Lot 1, Block 1, Stonegate, Phase III subdivision, addressed as 5075 South 31st Street.

STAFF RECOMMENDATION: While the above referenced conditions of Ordinance 2011-4422 are still in effect, staff recommends approval to amend Ordinance 2011-4422 with the following additional Development/ Site Plan conditions:

1. That the Director of Planning, with consultation as needed by the Design Review Committee, may be authorized to approve minor changes to the Development/ Site Plan which include but not limited to: drainage considerations, overall lot layout, outdoor seating area, landscaping, exterior building elevations/ materials, parking configuration, buffering and screening materials, in compliance with minimum UDC development standards; and
2. That the concrete parking bump-out adjacent to the donut shop is fenced and converted to outdoor seating space.

PLANNING & ZONING COMMISSION RECOMMENDATION: During their May 7, 2018 meeting, the Planning & Zoning Commission voted seven to zero to recommend approval to amend Ordinance 2011-4422 to attach the development/ site plan as proposed, per staff's recommendation.

ITEM SUMMARY: The applicant, MRB Group, on behalf of owners Sokna San & Khengneng Chiv, requests development site plan approval, as required by the most recent PD ordinance (Ordinance 2011-4422) approved by City Council on February 3, 2011, included the 0.57 +/- acre, Lot, 1 Block 1 of Stonegate III.

As part of a larger Planned Development-zoned property for the Stonegate III development, Ordinance 2006-4090 was initially adopted with Lot 1, Block 1 zoned as Planned-Development General Retail (PD-GR). This was amended by Ordinance 2007-4140 rezoning the subject property to Planned Development-Neighborhood Service (PD-NS). Ordinance 2011-4422, expanded the boundaries of the PD-NS portion by approximately 27.50 feet to the south. The following conditions are relevant to Lot 1, Block 1 identified by originating Ordinance as follows:

1. Per Ordinance 2006-4090, 10 feet side and rear building setback lines are required where common boundary line meets a residential district. 10 feet side street building setback lines are required adjacent to a street. No front building setback line is required, except that no structure may be nearer than 30 feet to the centerline of any street on which such structure fronts;
2. Per Ordinance 2007-4140, PD-NS areas shall be developed to the standards shown in the Planned Development District Site Plan, attached hereto as Exhibit B, with the following notes on Exhibit B:
 - a. Zoning of PD-NS requested;
 - b. Landscaping areas to be equal 5% of the lot area utilized;
 - c. Parking scheduled is based on total floor area of building. Parking area to provide one parking space per 250 Sq. ft. of total building floor area.
 - d. Fencing to buffer PD-NS lots from PD-2F and PD-SF-1 zoned lots. Proposed fencing to be stone columns with wood fencing between.

Allowance shall be allowed in the building permit process for detailed drive aisle and fire lane widths, drive approach standards, turning radii for emergency vehicles and landscape/ irrigation plans (inclusive of landscape areas shown on plan along east side of fence on Lot 1, Block 1); and

3. Per Ordinance 2007-4140, TXU electric delivery requests a 15-foot rear yard setback for construction on the PD-NS area for the proposed Lot 1, Block 1 to accommodate future overhead facilities.

It should be noted that Exhibit B to Ordinance 2011-4422 is identical to that of the preceding Ordinance 2007-4140. The current request will effectively change the adopted site plan configuration with a new exhibit attached to the new rezoning ordinance if approved by City Council.

The project is summarized in more detail as follows:

SITE PLAN: It should be noted that while this is not the same site plan that the Planning & Zoning Commission reviewed, this revised site plan shifted the building footprint approximately 30 feet closer to South 31st Street. No other changes or new issues have been identified by this shift.

The site plan reflects development of Lot 1, Block 1 of the Stonegate, Phase III subdivision plat. The site plan shows a 3,708 square foot, 3-suite building footprint on the approximately 0.57 +/- acre lot. Access will be taken from two driveways along H.K. Allen Parkway. Traffic may enter from either driveway and allowed to circulate around the building with a drive-through lane and pickup window located on the north side of the building.

The placement of the proposed building has been rotated 90 degrees clockwise, relative to the adopted site plan, (See Ordinance 2011-4422, Exhibit B), coupled with a proposed second driveway along H.K. Allen Parkway, necessitates amendment to the current ordinance. The street side of the building is setback approximately 15-feet from the property line, which exceeds the minimum 10-foot street corner side yard setback required by UDC Section 4.6 and is acceptable.

While this property is not in the I-35 Corridor Overlay, per UDC Section 6.7.9D.2g, restaurants with drive-through facilities in the overlay are required to provide a minimum 150 square feet of outdoor seating area. This is also similar in nature to the PD requirement in "The District", located at South 31st Street & Scott Boulevard. Staff believes an outdoor seating area would create a more pedestrian-friendly environment while benefitting this development and the neighborhood.

Staff has met with the applicant and has discussed this opportunity for an outdoor seating area adjacent to the drive-through lane. The concrete parking bump-out is reflected on the site plan. An example of this seating area may be observed with the Starbucks located at the southwest corner of Loop 363 and South 31st Street. Condition #2 is proposed to accommodate this opportunity.

Ideally the outdoor seating area with a fence enclosure is desirable, however if outdoor seating is not provided, at least the concrete strip adjacent to the proposed drive-through should be landscaped with a tree and shrubs, grass or groundcover.

SUBDIVISION PLAT: The subject property is within a larger 142 lot, six block subdivision plat named Stonegate, Phase III (P-FY-2007-01) which was recorded by Bell County on August 21, 2007.

DRC REVIEW: The DRC reviewed the Development/ Site Plan on April 23, 2018. Drainage and site plan layout was discussed. Additional discussion regarding drainage can be found later in this report.

BUILDING ELEVATIONS / MATERIALS: A combination of stone and stucco is proposed for exterior elevations in the following ratios:

- Front (West Elevation): Stucco (87%) / Stone (13%)
- Sides (North & South): Stucco (75%) / Stone (25%)
- Rear (East): Stucco (100%)

Eight-foot high cantilevered canopies will be extended away from the wall at public entrances and windows of the front of each suite as well as drive-up window on the north side of the building.

PARKING: Per Ordinance 2007-4140, parking is required at the rate of one space per 250 square feet of building floor area. Based on 3,708 square feet of building floor area, 14.8 parking spaces is required and 24 parking stalls are proposed. The parking area includes provisions for Americans with Disabilities Act as well as the requirements in UDC Section 7.5 for maneuvering and circulation within parking areas. Compliance to both will be determined with the review of the Building plans.

DUMPSTER LOCATION: The site plan shows a single dumpster location for trash collection for the three suites on the northeast portion of the property. Landscaping and the required fence will screen and buffer the dumpster from the residential use toward the east. The dumpster enclosure will be required to comply with UDC Section 7.7.6 regarding refuse containers as well as meet the specifications of the Design and Development Standards manual.

LANDSCAPING: Site landscaping consists of proposed trees, shrubs and turf and existing grass. Trees are shown to be provided along the South 31st Street and H.K. Allen Parkway street frontages as well as along the eastern property line adjacent to the proposed eight foot high solid wood privacy fence. While specific species have not been identified by the Landscape Plan, Staff will require flexibility at the time of building plan review to evaluate suitable species, locations or relocations, if necessary. A condition to address this flexibility is proposed. While per UDC Section 7.4, a minimum 5% of site landscaping is required, the site plan shows 22% landscaping is provided.

SCREENING & BUFFERING: Screening and buffering will be provided by a fence with stone columns and wood slats in between as required by Ordinance 2011-4422. A 10-foot landscape strip on the eastern side of the property along with a wood fence with stone columns has been provided and collectively will provide additional buffering and screening which exceed minimum buffering and screening standards as provided for by UDC Section 7.7 as well as is required by Ordinance 2011-4422. The shifting of the building footprint has increased the buffer distance and the building is approximately 75 feet from the eastern property line.

SIGNAGE: Signage is reviewed under a separate permit application and is not part of the site plan review.

DRAINAGE: The subject property is currently undeveloped. As discussed earlier, provisions for drainage and utilities been discussed between Public Works and the applicant's engineer and preliminary documents have been reviewed by Public Works. A building permit cannot be issued until drainage and utilities have been adequately addressed, which will be finalized with the review of the Construction drawings. Final drainage considerations may require minor changes to the site plan or overall layout.

PUBLIC FACILITIES: Sewer is available from an existing eight inch sewer line within a 15-foot easement on the east side of the property. Water is available through an eight inch water line in H.K. Allen Parkway as well as an eight inch water line in South 31st Street.

ACCESS: As referenced earlier, access will be provided from two driveway cuts along H.K. Allen Parkway. No access is proposed along South 31st Street (FM 1741), which is TxDOT right-of-way.

PUBLIC NOTICE: Twelve notices to property owners within 200-feet of the subject property were sent notice of the public hearing as required by State law and City Ordinance. As of Tuesday May 29, 2018 at 9:00 AM, one notice in disagreement and two notices in agreement have been received.

The newspaper printed notice of the public hearing on April 23, 2018, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Ordinance 2011-4422](#)

[Vicinity Map & Photos](#)

[Site Plan](#)

[Building Elevations](#)

[Notification Map](#)

[Returned Property Notices](#)

[P&Z Excerpts \(May 7, 2018\)](#)

[Ordinance](#)

[PLANNING NO. Z-FY-11-10]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING AN AMENDMENT TO ORDINANCE NO. 2006-4090 FROM PLANNED DEVELOPMENT SINGLE FAMILY ONE DISTRICT (PD-SF1) TO PLANNED DEVELOPMENT GENERAL RETAIL DISTRICT (PD-GR) FOR A PORTION OF LOT 8, BLOCK 2, STONEGATE III ADDITION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the owner of the property described as Lot 8, Block 2, Stonegate III Addition has requested an amendment to Ordinance No. 2006-4090 from Planned Development Single Family One District (PD-SF1) to Planned Development General Retail District (PD-GR) for the purpose of expanding the boundaries of an existing PD-GR property by approximately 27.50 feet to the south;

Whereas, on January 3, 2011, the Planning and Zoning Commission voted to approve the owner's request; and

Whereas, the City Council, after notice and a public hearing, finds that it is in the public interest to authorize this action.

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

Part 1: The City Council approves an amendment to Ordinance No. 2006-4090 from Planned Development Single Family One District (PF-SF1) to Planned Development General Retail District (PD-GR) for a portion of Lot 8, Block 2, Stonegate III Addition, more fully shown on Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The City Council approves a revised binding site development plan that includes the expansion, attached hereto as Exhibit B, and made a part hereof for all purposes.

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

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

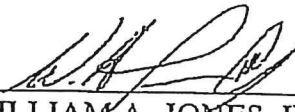
Part 5: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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


PASSED AND APPROVED on First Reading and Public Hearing on the 20th day of January, 2011.

PASSED AND APPROVED on Second Reading on the 3rd day of February, 2011.

THE CITY OF TEMPLE, TEXAS

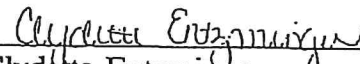

WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:


Jonathan Graham
City Attorney

ATTEST:



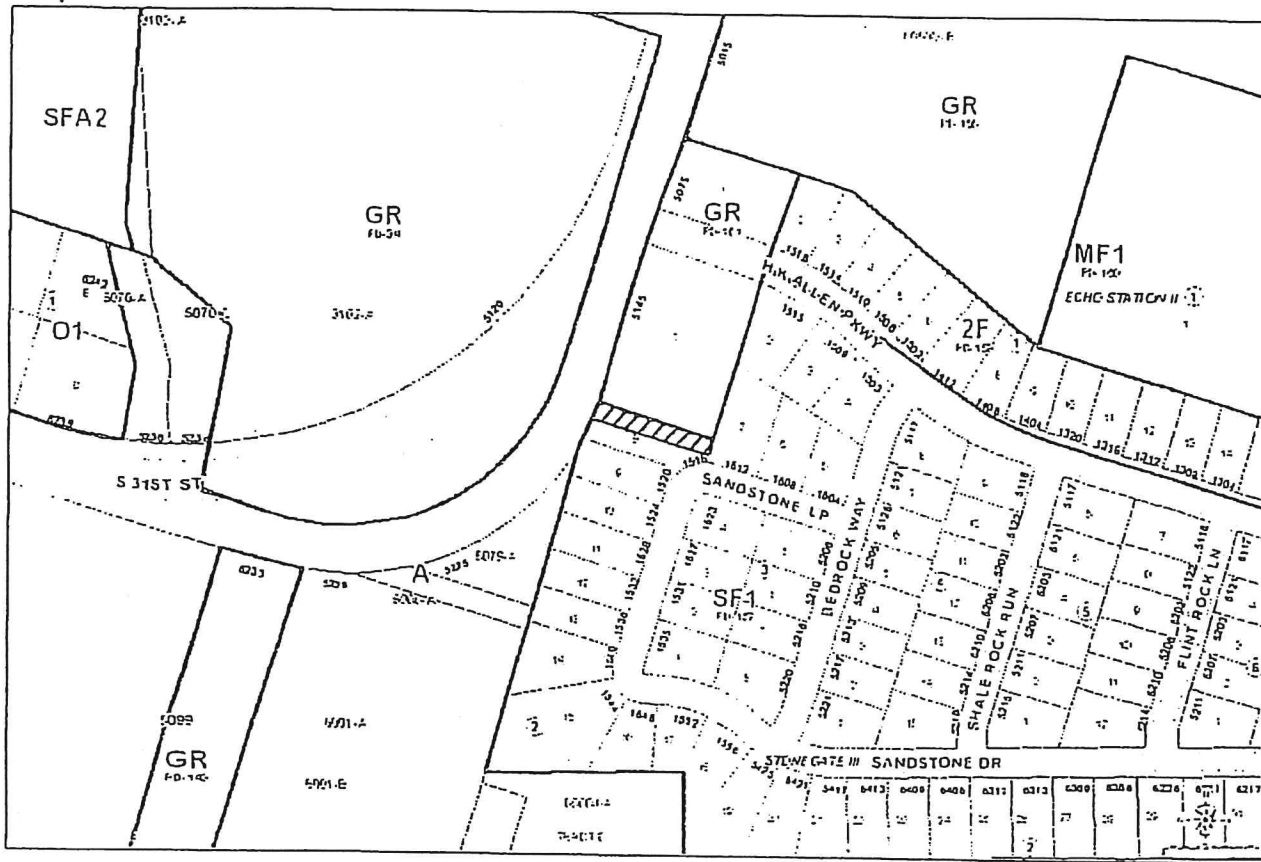

Clydette Entzminger
City Secretary



Z-FY-11-10

Stonegate III, Blk 2, Lot 6

1516 Sandstone Loop



 Z17.11.10

feet 0 100 200 300

J Stone 12.01.10

EXHIBIT

B

FUTURE COMMERCIAL
DEVELOPMENT

FENCING

BL

UL

LANDSCAPING

H X ALLEN PRWY
(66' ROW, 41' B-B)

SIDEWALK

LANDSCAPING

FENCING

NOTES

1. ZONING IS PD-GR.
2. LANDSCAPING AREAS TO EQUAL 5% OF THE LOT AREA TO BE UTILIZED AND TO COMPLY WITH APPLICABLE LANDSCAPING ORDINANCE AT TIME OF BUILDING CONSTRUCTION
3. PARKING SCHEDULE IS BASED ON TOTAL FLOOR AREA OF BUILDING. PARKING AREA TO PROVIDE ONE (1) PARKING SPACE PER 250 SQ.FT. OF TOTAL BUILDING FLOOR AREA.
4. FENCING TO BUFFER PD-GR LOTS FROM PD-2F AND PD-SF1 ZONED LOTS. PROPOSED FENCING TO BE STONE COLUMNS WITH WOOD FENCING BETWEEN.

120

60

0

SCALE 1" = 60'

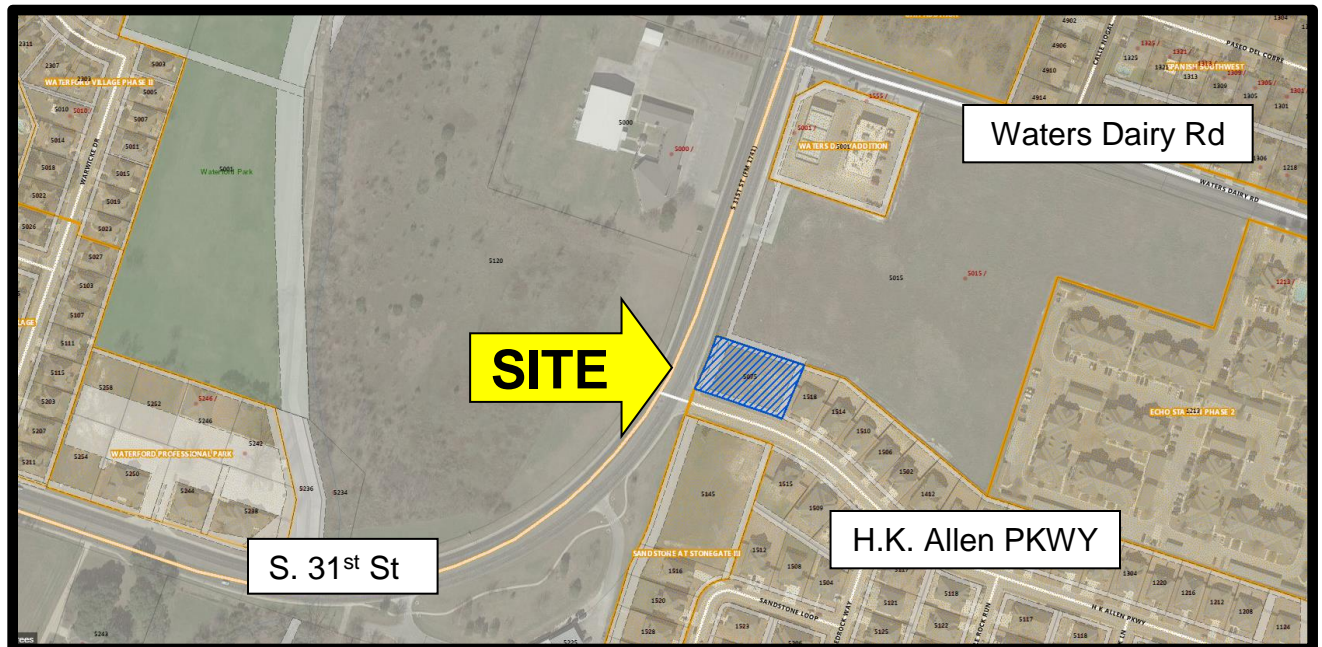
CONCEPTUAL SITE PLAN FOR STONEGATE III PD-GR LOTS

10102
Stongate III
GR Site Plan

TURLEY ASSOCIATES, INC.

ENGINEERING • PLANNING • SURVEYING • CONSTRUCTION MANAGEMENT
301 NORTH 3RD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400

Vicinity Map & Photos



Vicinity Map (City of Temple GIS Maps)



Street View:
Looking from H.K. Allen Parkway



Starbucks #1 (Outdoor Seating Area):
Starbucks located at 1313 SW H.K. Dodgen Loop



Starbucks #2 (Outdoor Seating Area):
Starbucks located at 1313 SW H.K. Dodgen Loop

CITY OF TEMPLE UNIFIED
DEVELOPMENT CODE

ARTICLE 4 - ZONING DISTRICTS
SECTION 4.1.1 ZONING DISTRICTS ESTABLISHED
ZONING DISTRICT - GR-PD - GENERAL RETAIL-PLANNED DEVELOPMENT OVERLAY

SECTION 4.4.6 MAXIMUM FLOOR AREA RATIO
MAXIMUM FAR = 0.6:1

SECTION 4.6 NONRESIDENTIAL DIMENSIONAL STANDARDS
MINIMUM FRONT YARD = 15'
MINIMUM SIDE YARD = 10'
MINIMUM SIDE CORNER = 10'
MINIMUM REAR YARD = 10'
MAXIMUM HEIGHT = 3 STORIES

ARTICLE 5 - USE STANDARDS
SECTION 5.1 USE TABLE
BAKERY OR CONFECTIONARY SHOP (RETAIL) = P-PERMITTED

ARTICLE 7 - GENERAL DEVELOPMENT STANDARDS
SECTION 7.1.2 NOISE
MAX. dB RECEIVED = 70

SECTION 7.2.5 COMMERCIAL DRIVE APPROACHES
PROPERTY FRONTAGE UP TO 101'-200'
CURB RETURN RADII = MIN. 2.5' - MAX. 30'
MIN. ISLAND WIDTH = 15' 9' PROVIDED PER DRC
MIN. CORNER CLEARANCE = 15'
TWO-WAY CURB CUT WIDTH = MIN. 24' - MAX. 45'
MAX. NUMBER OF CURB CUTS PER FRONTAGE = 3

SECTION 7.3.1 SIDEWALKS
SIDEWALKS ARE REQUIRED
WAIVER REQUESTED: NO CONNECTION ON SOUTH SIDE OF LOT
EXISTING WALK SOUTH SIDE H.K. ALLEN PKWY.
EXISTING WALK ON WEST SIDE OF LOT ON 31ST ST.

SECTION 7.4.4 LANDSCAPING
A. MINIMUM LANDSCAPE AREA OF 5% OF LOT
24,454.4 SF / 5,460.1 SF = 22% PROVIDED
E. MIN. 1 TREE OR 3 SHRUBS (5 GALLON) FOR EACH 40' OF LINEAR STREET FRONTAGE
323.24 L.F. = 8 TREES OR 24 SHRUBS REQUIRED
1 TREE & 21 SHRUBS PROVIDED

SECTION 7.4.5 GENERAL PLANTING CRITERIA
F. CANOPY TREES MUST BE A MINIMUM OF 2" IN DIAMETER AT BREAST HEIGHT

SECTION 7.4.8 MAINTENANCE AND IRRIGATION
C. LANDSCAPING MUST BE IRRIGATED BY AUTOMATIC SPRINKLER OR HAVE
ACCESS TO HOSE CONNECTION WITHIN 100' OF ALL LANDSCAPING

SECTION 7.5.4 OFF-STREET PARKING RATIOS
RETAIL SALES & SERVICES - 1 SPACE FOR EACH 250 SF. OF TOTAL FLOOR AREA
= 15 SPACES REQUIRED 1 ACCESSIBLE REQUIRED
24 SPACES TOTAL PROVIDED INCLUDING 1 ACCESSIBLE

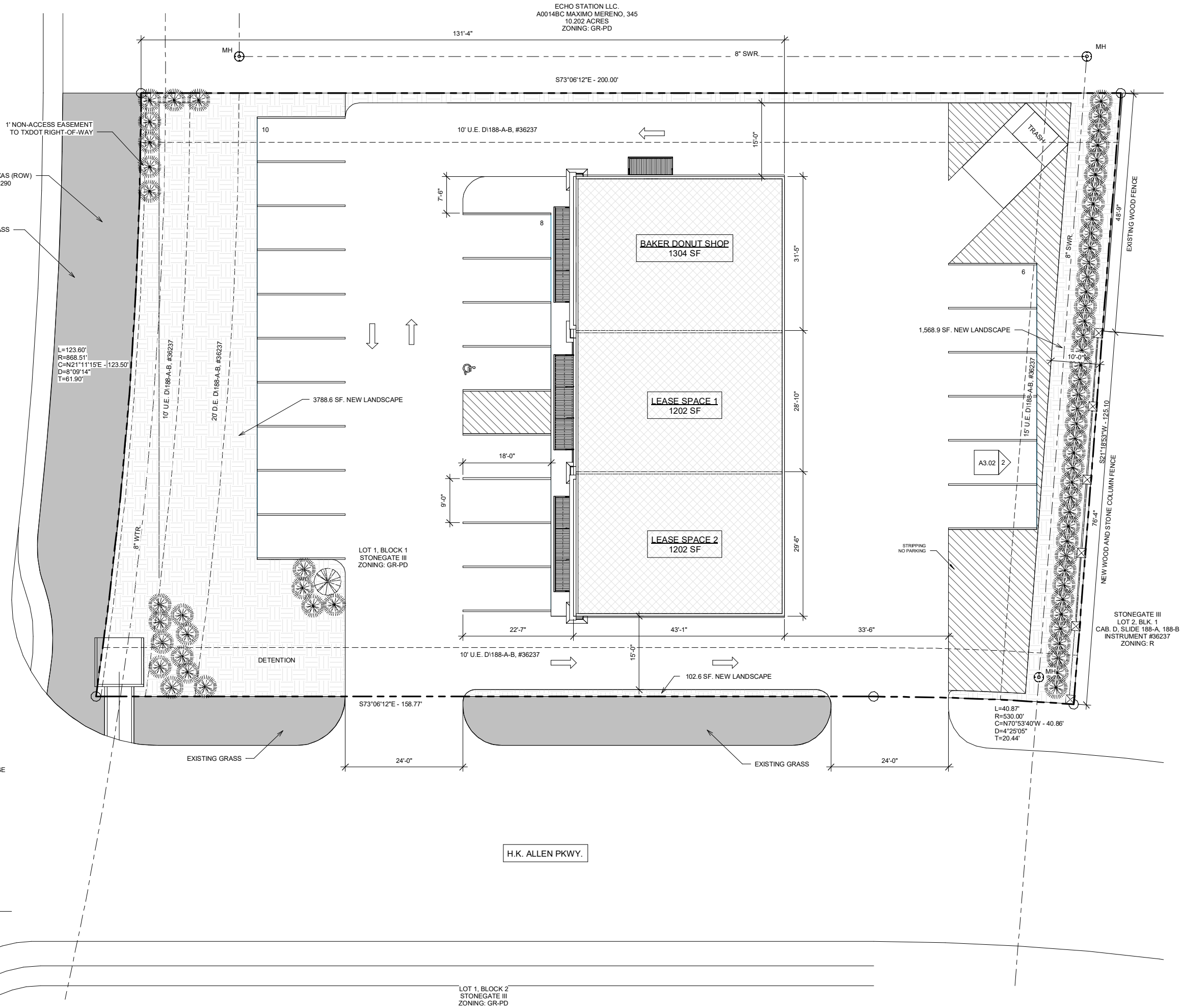
SECTION 7.7.4 BUFFERING - REQUIRED
B1. MINIMUM 5 GALLON, HEIGHT 6", PLACED ON 36" CENTERS

SECTION 7.7.6 REFUSE CONTAINERS - REQUIRED

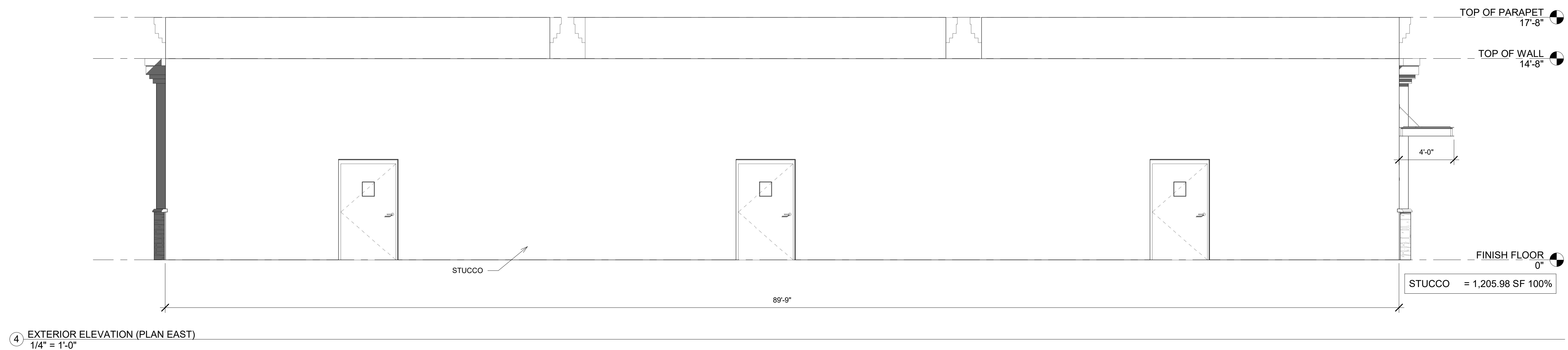
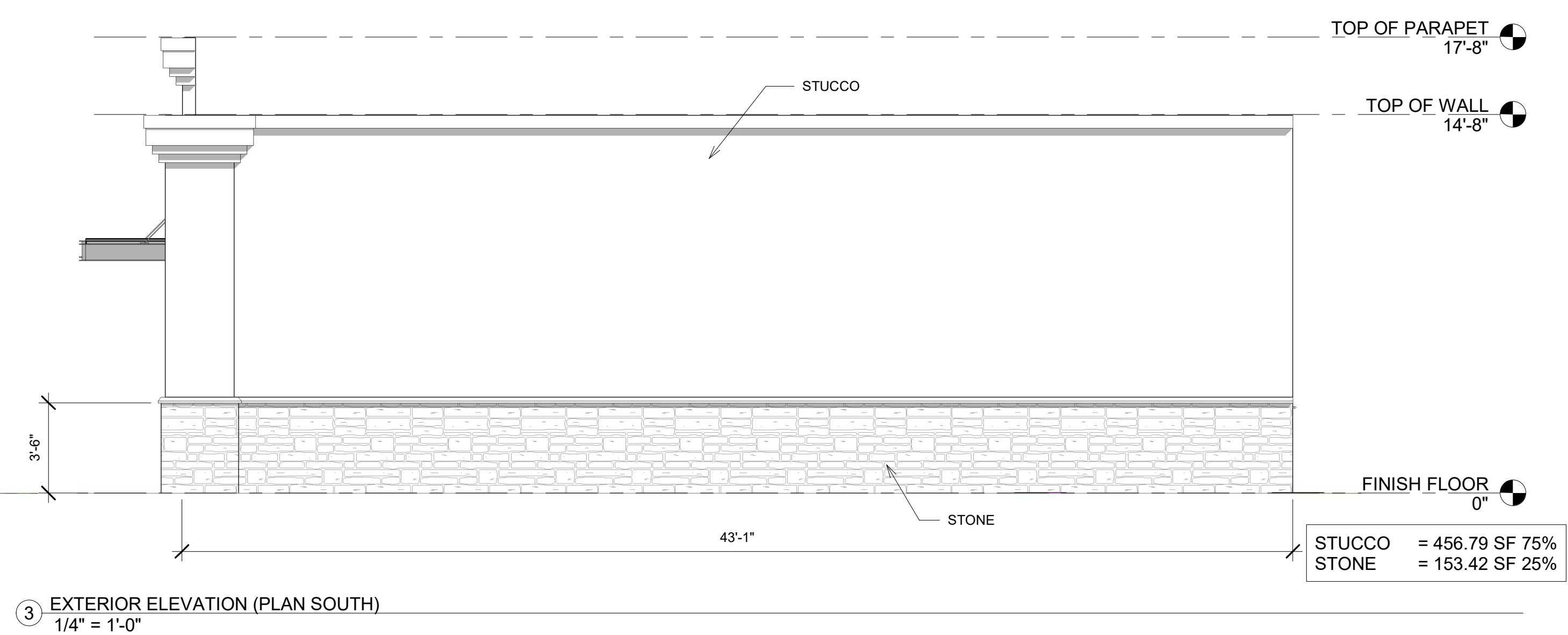
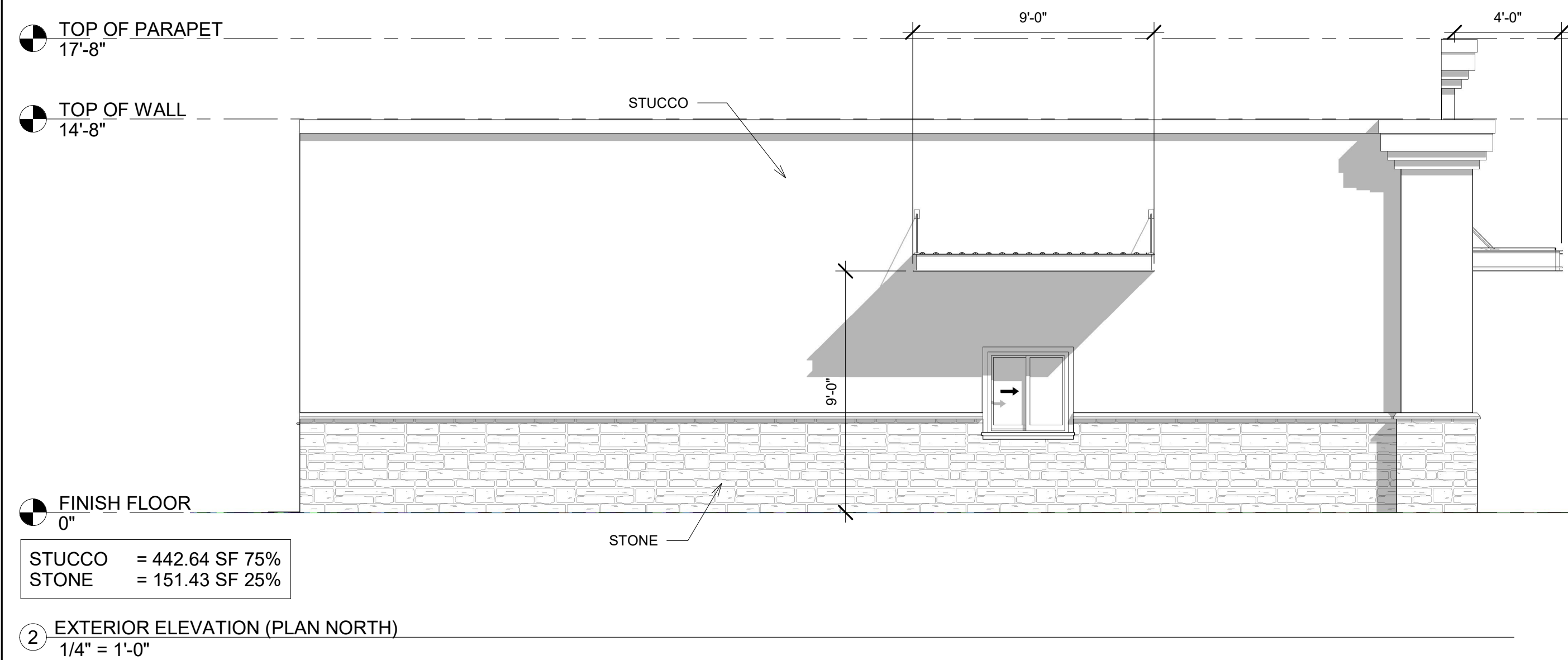
SECTION 7.8.4 FACADE
F. MIN. PERCENT SURFACE AREA EACH FACADE = 70%

② City of Temple UDC
1/4" = 1'-0"

① SITE PLAN - 24,454.4 SF
1" = 10'-0"



Project Title:		Baker Donut Shop/Lease Space		5075 South 31st Street		Temple TX. 76502		SITE PLAN		Revisions and Descriptions		By		Date	
Drawing Title:		Baker Donut Shop/Lease Space		5075 South 31st Street		Temple TX. 76502		SITE PLAN		Revisions and Descriptions		By		Date	
Drawn By:		am		TLR		As Indicated		03/20/18		No.		Copyright © 2017 MRB Group		All Rights Reserved	
Checked By:		TLR		As Indicated		03/20/18		No.		Copyright © 2017 MRB Group		All Rights Reserved		Date	
Scale:		TLR		As Indicated		03/20/18		No.		Copyright © 2017 MRB Group		All Rights Reserved		Date	
Date:		TLR		As Indicated		03/20/18		No.		Copyright © 2017 MRB Group		All Rights Reserved		Date	
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Sheet No.		A0.01		of		Project No.		4477.18001		5/21/2018 2:01:38 PM					

[illegible]

Project Title:	BAKER DONUT SHOP/LEASE SPACE 5075 SOUTH 31ST STREET TEMPLE TX. 76502		
Drawn By: Author	Checked By: Checker	Scale:	1/4" = 1'-0"
Date:	01/01/18		
Drawing Title:	BUILDING ELEVATIONS		

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MRB *group*
Engineering, Architecture & Surveying
5250 South 31st Street, Temple, Texas 76702 Phone: 254-771-2654
Corporate Office: The Calver Road Armory, 145 Calver Road, Suite 100, Rochester, New York 14620 Phone: 585-381-9250
TPEP Firm Number F-10615
www.mrbgroup.com

Sheet No.
A3.01
_____ of _____
Project No.
4477.18001

4/20/2018 12:38:14 PM



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

399060
MENGUITO, HANNAH ETVIR JAIME NAVARRO JR
1518 H K ALLEN PARKWAY
TEMPLE, TX 76502

Zoning Application Number: FY-18-3-SITE

Case Manager: Mark Baker

Location: Lot 1, Block 1, Stonegate, Phase III subdivision - Addressed as 5075 S. 31st Street

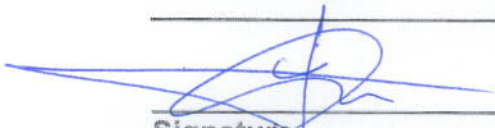
The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice,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

I ☐ agree

☒ disagree with this request

Comments:

I would agree with the rezoning plan; however, I am losing property due to this build. By losing property, my home value will decrease and my resale value will be significantly lower. If a form of financial compensation would be made, then I would possibly agree with the rezoning plan.
Please feel free to contact me if further information is needed.


Signature

5/1/18

Jaime Navarro
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **May 7, 2018**.

**RECEIVED
PLANNING DEPT
MAY 1. 2018**

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

Number of Notices Mailed: 12

Date Mailed: **April 26, 2018**

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



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

388067
ECHO STATION TEMPLE LLC
4102 GALACIA DR
AUSTIN, TX 78759

Zoning Application Number: FY-18-3-SITE

Case Manager: Mark Baker

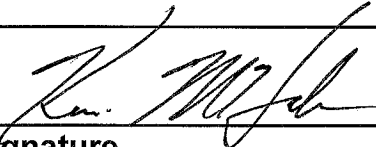
Location: Lot 1, Block 1, Stonegate, Phase III subdivision - Addressed as 5075 S. 31st Street

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

I ☒ agree

() disagree with this request

Comments:


Signature *Kevin McHale*

Kevin McHale member
Print Name *Echo Station Temple, LLC*

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **May 7, 2018**.

RECEIVED
PLANNING DEPT
MAY 3, 2018

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

Number of Notices Mailed: 12

Date Mailed: **April 26, 2018**

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



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

108858
SOUTH THIRTY-FIRST LTD
2005 BIRDCREEK DR STE 211
TEMPLE, TX 76502-1002

Zoning Application Number: FY-18-3-SITE

Case Manager: Mark Baker

Location: Lot 1, Block 1, Stonegate, Phase III subdivision - Addressed as 5075 S. 31st Street

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

I ☒ agree

() disagree with this request

Comments:


Signature


Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **May 7, 2018**.

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

RECEIVED
MAY 07 2018
CITY OF TEMPLE
PLANNING & DEVELOPMENT

Number of Notices Mailed: 12

Date Mailed: **April 26, 2018**

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

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, MAY 7, 2018**

ACTION ITEMS

Item 6: FY-18-3-SITE – Hold a public hearing to consider and recommend action to amend Ordinance No. 2011-4422 to attach a site plan showing a 3-suite retail building consisting of 3,708 square feet of retail space on Lot 1, Block 1, Stonegate, Phase III subdivision, addressed as 5075 South 31st Street.

Mr. Mark Baker, Senior Planner, stated this item is scheduled to go to City Council for first reading on June 7, 2018 and second reading on June 21, 2018.

This property was originally rezoned in 2006 and has gone through a number of amendments, the most recent being February 3, 2011 which amended the Ordinance for the GR portion on this particular lot.

Ordinance 2006-4090 (NS)

Ordinance 2007-4140 (NS)

Ordinance 2011-4422 (GR)

This is Lot 1, Block 1, of the Stonegate, Phase III subdivision. The original subdivision was recorded on August 21, 2007.

The Site Plan was reviewed by DRC on April 26, 2018. The Site/ Development Plan requires public review per rezoning Ordinance 2011-4422.

On-site photos shown.

The proposed Site Plan shown is for a 3,708 square foot 3-suite building. The building footprint is being rotated and a second access is being proposed which is enough of a difference from the plan adopted by Ordinance 2011-4422, so the Ordinance would be required to be amended and the attached revised site plan is required.

Parking: One space per 250 square feet of total building floor area per Ordinance 2011-4422. Fifteen spaces are required and 24 are being provided.

An Outdoor Seating Area would be consistent with the I-35 Corridor Overlay and The District in TMED (although the subject property is not located in the I-35 Corridor Overlay or TMED).

Restaurants with a drive-through lane are required to provide 150 square feet of outdoor seating area. An opportunity exists for the concrete parking bump-out to be provided with an outdoor seating area. Staff is proposing a condition for 150 square free minimum fenced outdoor seating area.

Landscaping: A minimum of five percent of the lot is to be landscaped per UDC 7.4 and 31 percent is being proposed which exceeds the minimum.

The plant types will be confirmed during permit review. Minor relocations of shrubs may be necessary for screening and buffering and a suggested condition for minor site plan amendments is being proposed.

Public Facilities: Sewer is being provided through an eight-inch sewer line within a 15-foot Easement located on the east side of the property. Water is being provided through an eight-inch water line in H.K. Allen Parkway.

Buffering and Screening: a landscape strip varying between 10-feet and 19-feet wide is proposed for trees and shrubs, plus as required by the underlying Ordinance, is required to have a proposed eight-foot high wood fence with stone columns (on east side) for a 125-foot section.

Exterior building materials: both stone and stucco are proposed and each elevation will contain more than the minimum 70 percent of the masonry materials in compliance with UDC Sec. 7.8.4F.

Drainage: Provisions for drainage and utilities have been discussed between Public Works and the applicant's engineer. There has been review of the preliminary documents by the City's Public Works Department.

A building permit cannot be issued until drainage and utilities have been adequately addressed and the review of that will be during the Construction Documents. Review is ongoing and not finalized.

Final drainage considerations may require minor changes to the site plan or overall layout. Condition No. 1 would accommodate those changes.

Twelve notices were mailed in accordance with all state and local regulations with two responses returned in agreement and one response returned in disagreement.

Notes for Exhibit B (Ordinance 2011-4422) is shown and have been met with new site plan.

Staff recommends approval to amend Ordinance 2011-4422 to attach a site plan for a 3-suite building, subject to the following conditions:

1. That the Director of Planning, with consultation as needed by the Design Review Committee (DRC), may be authorized to approve minor changes to the Development/Site Plan which include but not limited to: drainage considerations, overall lot layout, outdoor seating area, landscaping, exterior building elevations/materials, parking configuration, buffering and screening materials, in compliance with minimum UDC development standards; and
2. That the concrete strip adjacent to the drive-through lane be provided with a minimum 150 square feet of fenced outdoor seating space

Chair Fettig opened the public hearing.

Ms. Tanya Mikeska-Reed, 5250 South 31st Street, Temple, Texas, stated she is the designer for the applicant. Ms. Reed could not respond as to why one response letter received

indicated that person would lose property since there is no encroachment to any other property. This person would be receiving a buffer zone and a privacy fence between the properties and there is no loss of property.

Mr. Baker added that when the response was received on the disagreement, he contacted the property owner to inform them there would be no loss of property as a result of this request since all improvements/modifications would be done on the applicant's property only.

There being no further speakers, the public hearing was closed.

Commissioner Ward made a motion to approve Item 6, **FY-18-3-SITE**, per staff recommendation, and Commissioner Walker made a second.

Motion passed: (7:0)

Commissioners Armstrong and Marshall absent

ORDINANCE NO. _____
(FY-18-3-SITE)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 2011-4422 TO ATTACH A SITE PLAN SHOWING A 3-SUITE RETAIL BUILDING CONSISTING OF APPROXIMATELY 3,708 SQUARE FEET OF RETAIL SPACE ON LOT 1, BLOCK 1, STONEGATE PHASE III SUBDIVISION, ADDRESSED AS 5075 SOUTH 31ST STREET; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, applicant, MRB Group, on behalf of owners Sokna San & Khengneng Chiv, requests development site plan approval for the development of approximately 0.57 acre, Lot 1, Block 1 of Stonegate Phase III subdivision, as required by the Planned Development Ordinance (Ordinance 2011-4422) approved by Council on February 3, 2011—the subject property is contained within a larger 142 lot, 6 block subdivision plat named Stonegate, Phase III, recorded by Bell County on August 21, 2007;

Whereas, per Ordinance No. 2011-4422, the proposed development must comply with the following conditions:

1. Ten-foot side and rear building setback lines are required where common boundary line meets a residential district. Ten-foot side street building setback lines are required adjacent to a street. No front building setback line is required, except that no structure may be nearer than 30 feet to the centerline of any street on which such structure fronts;
2. Areas shall be developed to the standards shown in the Planned Development District Site Plan, attached hereto as Exhibit A, with the following notes on Exhibit A:
 - a. Zoning of PD-NS requested;
 - b. Landscaping areas to be equal 5% of the lot area utilized;
 - c. Parking scheduled is based on total floor area of building. Parking area to provide one (1) parking space per 250 Sq. ft. of total building floor area.
 - d. Fencing to buffer PD-NS lots from PD-2F and PD-SF-1 zoned lots. Proposed fencing to be stone columns with wood fencing between.

Allowance shall be allowed in the building permit process for detailed drive aisle and fire lane widths, drive approach standards, turning radii for emergency vehicles and landscape/ irrigation plans (inclusive of landscape areas shown on plan along east side of fence on Lot 1, Block 1); and

3. TXU electric delivery requests a 15-foot rear yard setback for construction on the PD-NS area for the proposed Lot 1, Block 1 to accommodate future overhead facilities;

Whereas, the placement of the proposed building has been rotated 90 degrees clockwise, relative to the adopted site plan, as outlined in Ordinance 2011-4422 attached hereto as Exhibit A—rotation of the building coupled with a proposed second driveway along H.K. Allen Parkway, necessitates amendment to the current Ordinance;

Whereas, Staff recommends amending Ordinance No. 2011—4422 to attach a site plan showing the development of Lot 1, Block 1, Stonegate Phase III subdivision, as 3-suite retail building consisting of 3,708 square feet of retail space with the following additional Development/Site Plan Conditions:

- The Director of Planning, with consultation as needed by the Design Review Committee, is authorized to approve minor changes to the Development/Site Plan which include, but are not limited to drainage considerations, overall lot layout, outdoor seating area, landscaping, exterior building elevations/materials, parking configuration, buffering, and screening materials, in compliance with minimum Unified Development Code development standards;
- The concrete parking bump-out adjacent to the donut shop is fenced and converted to outdoor seating space; and

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

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

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

Part 2: The City Council amends Ordinance No. 2011-4422 to attach a site plan showing a 3-suite retail building consisting of 3,708 square feet of retail space on Lot 1, Block 1, Stonegate, Phase III subdivision, addressed as 5075 South 31st Street, as set forth more fully in Exhibit B, attached hereto and incorporated herein for all purposes and requiring the additional site plan conditions.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **7th** day of **June**, 2018.

PASSED AND APPROVED on Second Reading on the **21st** day of **June**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney