

**NOTICE OF MEETING
PLANNING AND ZONING COMMISSION
CITY MUNICIPAL BUILDING, 2 NORTH MAIN STREET
STAFF CONFERENCE ROOM, 1ST FLOOR
NOVEMBER 7, 2011, 5:00 P.M.
WORK SESSION AGENDA**

Staff will present the following items:

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Tuesday, November 7, 2011.
2. Presentation and discussion of widening of Interstate 35 through Temple.
3. Request to start P&Z Commission Regular Meeting at 6:00 PM on November 21, 2011.
4. Receive and discuss the Planning Director's Report containing items for future meetings regarding subdivision plats, zoning cases, conditional use permits, annexations, and proposed text amendments to the Unified Development Code (UDC).

**NOTICE OF MEETING
PLANNING AND ZONING COMMISSION
CITY MUNICIPAL BUILDING, 2 NORTH MAIN STREET
CITY COUNCIL CHAMBERS, 2ND FLOOR
NOVEMBER 7, 2011, 5:30 P.M.
REGULAR MEETING AGENDA**

1. _____ Invocation
2. _____ Pledge of Allegiance

A. CONSENT ITEMS

All items listed under this section, Consent Agenda, are considered to be routine by the Planning & Zoning Commission and may be enacted in one motion. If discussion is desired by the Commission, any item may be removed from the Consent Agenda at the request of any Commissioner and will be considered separately. Consider approving the Consent Agenda for each of the following:

- Item 1:** **Approval of Minutes**: Work session and the regular meeting of October 17, 2011.
- Item 2:** **P-FY-12-01** - Consider and take action on the Final Plat of Friendship Plaza Subdivision, an 11.50-acre, 5-lot nonresidential subdivision located at the northwest corner of Loop 205 and West Adams Avenue. (Belton Engineers for Grady Rosier)

B. ACTION ITEMS:

- Item 3:** **P-FY-12-04** - Consider and recommend action on the Second Amended Preliminary Plat of Heritage Place and Heritage Place Village, 37.868± acre, 212-lot residential subdivision, located south of West Nugent Avenue, west of

Bird Creek and east of Heritage Place Phase II with developer-requested exceptions to Unified Development Code Sections 8.2.1.C, 8.2.1.K and 8.3 related to reduced street width, installation of mountable curbs and reduced parkland dedication. (Turley Associates for Kiella Development)

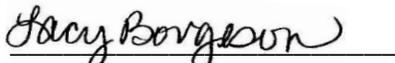
Item 4: [Z-FY-11-49](#) - Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow a permanent concrete batch plant on 3.787 ± acres of land situated in the City of Temple, Bell County, Texas, being a part of the Nancy Chance Survey, Abstract #5 and the T.M. Boggus Survey, Abstract #84, located at 4158 Shallow Ford West Road. (Turley Associates and Yong Mullins of Americrete Concrete for Brittney Williams, property owner)

Item 5: [Z-FY-11-52](#) - Hold a public hearing to discuss and recommend action on a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption with more than 75% revenue from alcohol sales in an existing bar on a portion of Lots 11 and 12, Block 22, Original Town Addition, commonly known as 11 E. Central Avenue. (Ryan Leshikar of O'Brien's Irish Pub for Howard Leshikar)

C. REPORTS

Item 6: Receive and discuss the [Planning Director's Report](#) containing items for future meetings regarding subdivision plats, zoning cases, conditional use permits, annexations, and proposed text amendments to the Unified Development Code. ***(continued, if not completed in Work Session)***

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 4:45 PM, on November 2, 2011.



Lacy Borgeson
City Secretary

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

I certify that this Notice of Meeting Agenda was removed by me from the outside bulletin board in front of the City Municipal Building at _____ the _____ day _____ 2011. _____ Title _____

**PLANNING AND ZONING COMMISSION
OCTOBER 17, 2011
5:30 P.M.**

PLANNING AND ZONING MEMBERS PRESENT

Derek Martin

COMMISSIONERS:

Will Sears
James Staats
H. Allan Talley
David Jones
[9th P&Z Commissioner position vacant]

Greg Rhoads
Mike Pilkington

PLANNING AND ZONING MEMBERS ABSENT:

Barbara Brown

STAFF PRESENT:

Brian Mabry, Planning Director
Trudi Dill, Deputy City Attorney
Autumn Speer, Dir. of Community Services
Salvador Rodriguez, Assistant City Engineer
Leslie Matlock, Senior Planner
Leslie Evans, Administrative Assistant
Jacob Calhoun, Planning Intern

The agenda for this meeting was posted on the bulletin board at the Municipal Building, October 13, 2011 at 9:20 a.m. in compliance with the Open Meetings Law.

The following is a summary of the proceedings of this meeting. It is not intended to be a verbatim translation.

Chair Martin called Meeting to Order at 5:32 P.M.

Invocation by Commissioner Jones; Pledge of Allegiance by Commissioner Rhoads.

A. CONSENT ITEMS

Item 1: Approval of Minutes: Work session and the regular meeting of October 3, 2011.

Item 2: P-FY-11-48 - Consider a recommendation to approve the Final Plat of Canyon Ridge Phase II, a 32.145±-acre, 106-lot two-family residential subdivision, located southeast of Canyon Creek Drive at Hartrick Bluff Road. (Justin Fuller of Clark and Fuller, PLLC on behalf of McLean Commercial, LTD.)

Vice-Chair Staats made a motion to approve Items 1 and 2 as stated Commissioner Jones made a second.

B. ACTION ITEMS

Item 3: Z-FY-11-49 - Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow a permanent concrete batch plant on 3.787 ± acres of land situated in the City of Temple, Bell County, Texas, being a part of the Nancy Chance Survey, Abstract #5 and the T.M. Boggus Survey, Abstract #84, located at 4158 Shallow Ford West Road. (Yong Mullins of Americrete Concrete for Brittney Williams)

Ms. Leslie Matlock, Senior Planner, stated the developer requested this item to be tabled until contact with the applicant would be made. If approved, City Council first reading would be on December 1st and second reading on December 15th.

Staff recommendation is to table the item per the developer's request and leave the public hearing open.

Commissioner Talley made a motion to table Item 3, **Z-FY-11-49**, and Commissioner Rhoads made a second.

Motion passed: (7:0)

Commissioner Brown absent

Item 4: Z-FY-11-48 - Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow a package store with alcoholic beverage sales for off-premise consumption on a portion of Lots 11,12,and 13, Block 25, Roach Addition, commonly known as 313 E. Central Avenue, zoned Central Area (CA) District. (Mohammed Naveed Usman on behalf of Galaxy Retail, Inc.)

Ms. Leslie Matlock stated this CUP is for a package store in the Central Area District (CA) located at the corner of Central Avenue and North Martin Luther King Drive. There are three lease spaces in the building and the convenience store is the only business open. Off-street parking is not required in the CA district, however, package stores are required to have off-street parking regardless of zoning district. Another approved package store is located on the same block at 1 North 6th Street.

Surrounding properties include a vacant commercial building to the north, vacant parcel to the south which would serve as the off-street parking, a vacant commercial building to the east, and an underutilized paved parking lot to the west. Seven parking spaces are located in front of the building.

The applicant proposes to redo the seven front straight-in parking spaces into parallel parking spaces which would be a safer ingress/egress into traffic along downtown streets. The proposed parking lot would be located in the vacant lot to the south and the parking spaces exceed the required amount.

Existing and proposed sidewalks and retaining walls are shown, along with connectors for pedestrian and handicap traffic.

There are existing acorn style street lights in place and the applicant proposes to install additional identical lights to provide more lighting on the corner.

The applicant proposes to add landscaping along the front and back of the building and the side along Martin Luther King.

Currently there is a missing section in the canopy and the applicant proposes to repair and paint the entire canopy on the building. The burglar bars which are currently in place were previously approved by P&Z to remain for one year; Staff recommends these be removed.

Two existing signs are on the building facing Martin Luther King Drive. These include a wall sign and dilapidated pole sign which are part of the convenience store.

The applicant will have professionally produced signs created in proportion to the building. Purple window signs are already affixed to the windows. Window signs are permitted on 25% of the window face. Signs are being requested for front, back and side of the building.

The Unified Development Code (UDC) has five criteria for a CUP approval:

1. The conditional use is compatible with and not injurious to the enjoyment of the property, and does not significantly diminish or property values within the immediate vicinity.
2. The establishment of the conditional use does not impede the and orderly development and improvement of surrounding vicinity
3. The design, location and arrangement of all driveways and spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development.
4. Adequate nuisance prevention measures have been taken to control offensive odors, fumes, dust, noise and vibration.
5. Directional lighting is provided so as not to disturb or adversely neighboring properties.

Eight notices were mailed out--two were received in opposition and zero in favor.

Staff has no recommendation in accordance with City Council guidance. The P&Z may recommend:

Approval of the project as presented,

Approval with additional conditions or changes, or

Denial of the project.

Should this item be approved, City Council would make the final decision. However, if the P&Z recommends denial, a super majority vote of the City Council will be required for this CUP application to be approved.

Commissioner Talley asked where the deliveries were made to the store. Ms. Matlock stated deliveries could happen in front or back but TABC does not allow them to have two entries. Commissioner Rhoads asked who owned the building and Ms. Matlock was unsure, but stated the applicant was present to answer.

Commissioner Jones asked about the amount of signage in the window and Ms. Matlock stated the UDC allowed 25% of the total window space to be used for signage.

Chair Martin opened the public hearing.

Mr. Naveed Usman, 406 Verona Circle, Kyle, Texas 78640, stated TABC would only allow deliveries to the back door and the customers use the front entrance, but two doors are required. The TABC has already issued the liquor license and Mr. Usman is now waiting for City Council approval.

Mr. Usman stated they had a 14 year lease on the building.

Chair Martin asked Mr. Usman if he had the current landlord's permission to go ahead and landscape the property and redo the parking and Mr. Usman stated yes.

Vice-Chair Staats asked if Mr. Usman owned or managed another liquor store and Mr. Usman stated no. Mr. Usman stated his TABC record contained no violations or tickets and has had the license for seven years.

There being no further speakers, Chair Martin closed the public hearing.

Commissioner Rhoads asked about two liquor stores located in the same area and wanted to know what the plans were for the other package store. Mr. Usman has done a lot of work on his property but the citizens are concerned about too many package stores in the same area. Commissioner Rhoads would like to hear from the other applicant. Chair Martin asked when the other business owner was granted his CUP and Ms. Matlock stated late 2010, she also knew of no permits being pulled to date by the other store owner.

Chair Martin stated he would urge the Commission to consider the opposing comments he has received regarding the package store(s). Commissioner Talley stated the site plan submitted by the applicant was very good and made sense, however, the grocery store has had numerous problems with the vacant lot area due to individuals drinking there, police being called repeatedly, vagrants, and debris being left lying around. He did not feel the package store would be helpful to that area. Chair Martin asked Commissioner Talley if he meant that although the addition landscaping, sidewalks and implementation of the new parking spaces, etc., that because of the grocery store the same problem would continue to occur. Commissioner Talley stated he felt it would add to the problem more than anything.

Commissioner Pilkington stated since there would be another package store across the street, the liquor would be there anyway. The applicant is trying to repair and lighten up his store to keep the vagrants away. Commissioner Talley agreed.

Chair Martin reopened the public hearing.

Mr. Khawaja Rizwan Shuja, 1113 Dexford Drive, Austin, Texas 78753, stated he was the owner of the grocery store and has had problems with bums and homeless people hanging around the store and drinking. He has tried to run these people off but since he does not own the property behind the store (where the parking lot would be located), the vagrants just go sit over there and drink. By opening up new businesses and lighting up the area it would hopefully keep these people from hanging around and breaking the law. Mr. Shuja was in favor of the package store stating it would only improve the area. Mr. Shuja said the liquor store across the street was approved nearly a year ago and nothing has been done and he does not know if anything would be done. Also, having two liquor stores in the same area would not hurt anything since the sale of liquor would be the same, it would not increase.

(Clarification of Mr. Shuja's name and address).

Commissioner Rhoads asked if there was a time frame for the applicant's improvements of the building and area if the item were approved. Ms. Matlock stated Mr. Usman would not be able to open the business until all of the improvements were done but he would need to start the improvements within six months.

Commissioner Jones asked if the burglar bars on the grocery store could come down in order to make the area more desirable. Mr. Shuja stated his store was the only thing around since most of the area was vacant and for safety purposes he felt the store needed the bars, at least for now. Mr. Shuja stated if approval for the package store was dependent upon his burglar bars coming down, he would remove them. Commissioner Staats mentioned there were other options for security systems and would be more comfortable with a plan of action.

Mr. Usman stated once the business was up and running there should be no open containers or public intoxication otherwise the TABC would get involved and issue a ticket. Currently the back area does not belong to them so they can tell the people to leave but cannot force them to go.

Commissioner Rhoads asked with a TABC license within a certain amount of footage that people could not be near the store with an open package and Mr. Usman stated there should be no open containers in or around the premises. Mr. Usman felt once the business was opened, the area would be better taken care of.

Mr. Usman stated he also had a \$68,000 contract in hand and was ready to start the work within two to three months.

Chair Martin closed the public hearing.

Chair Martin stated after hearing about the landscaping, repairs to the building and canopy, etc., along with removal of the burglar bars, he would feel the project would be an upgrade to the premises and outweigh any negatives of another liquor store in the area. As far as the other store is concerned, it has been almost a year and no action has been taken.

Commissioner Talley asked about the lighting and if it would keep the vacant lot somewhat bright to deter people from hanging out at night. Commissioner Talley stated in the discussions he has had with police they are called to that area quite often.

Discussion about the proposed lighting, hours of operation, and location of same.

Commissioner Staats made a motion to approve Item 4, Z-FY-11-48 as proposed and that any burglar bars on the entire building be removed within a year's time of the approval of this motion and Commissioner Pilkington made a second.

Motion passed: (6:1)

Commissioner Brown absent; Commissioner Talley voted nay

Item 5: Z-FY-11-51 - Hold a public hearing to discuss and recommend action on a rezoning from Multi Family One District (MF1) to General Retail District (GR) ± 0.6 acres in Abstract 5, located on the north side of W. Adams Avenue/FM 2305, ±185-feet west of Holy Trinity Catholic High School driveway, generally known as 6758 W. Adams Avenue. (BSP Engineers for Lisa Joshlin)

Chair Martin and Vice-Chair Staats asked to abstain from this item. Commissioner Pilkington led the meeting for Item 5.

Ms. Matlock stated this was a zone change from Multi-Family One District (MF1) to General Retail (GR) and the applicant was Lisa Joshlin. If approved, City Council first reading would be November 17th and second and final reading would be December 1st.

The subject property is a vacant lot. Surrounding properties include vacant properties on the north, south, east and west—the west having a new driveway leading to the Holy Trinity Catholic High School.

The Future Land Use and Character Map designates this area as Suburban Commercial.

GR allows most retail businesses but no apartments.

Adequate utilities serve the site.

Six notices were mailed out and zero notices were returned.

Staff recommends approval of this request since it complies with the Future Land Use and Character Map, the Thoroughfare Plan, and public facilities serve the property.

Commissioner Pilkington opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Talley made a motion to approve Item 5, **Z-FY-11-51**, from MF1 to GR and Commissioner Rhoads made a second.

Motion passed: (5:0)

Commissioner Brown absent; Chair Martin and Vice-Chair Staats abstained

Item 6: Z-FY-12-03 - Discuss and take action on an appeal of Section 6.7.5.F, Landscaping, of the Unified Development Code related to standards in the I-35 Corridor Overlay Zoning District for a proposed vehicle sales establishment at 7455 South General Bruce Drive. (JJA Properties)

Chair Martin and Vice-Chair Staats were both reseated.

Mr. Brian Mabry, Planning Director, stated this decision stops with the P&Z Commission and there is no public hearing required, however, the applicants are present to answer any questions.

A 50,000 square foot car dealership is proposed on the subject property, approximately 16± acres, and has approximately 730 feet of I-35 frontage. Staff has been working with the car dealership owner and representatives for almost a year to work out any issues with the site plan, building and the I-35 Corridor requirements.

Mr. Mabry stated there were a few landscaping issues that the site does not measure up to for the I-35 standards and Staff supports deviations requested except for one--the plantings along the front of the property.

Surrounding properties include Don Ringler Chevrolet to the south, zoned LI, and part of the I-35 Corridor and Harley Davidson dealership across the Interstate. Don Ringler was established before the I-35 Corridor overly and at that time met the citywide requirements.

With regard to the site plan, normally 70% of a building's foundation is required to have foundation plantings found along the base of a building. The proposed building is approximately 160 linear feet parallel with the frontage road, but is about a 10% foundation planting along the front of the building. The front of the building is to be used for a vehicle display area. Staff supports this request.

Berming should take place along 50% of the frontage. There is approximately 730 feet of frontage along I-35 for the subject property. The applicants show two 25 foot wide landscaped berms at the entry where it meets with the frontage road. Staff supports this request.

In compliance with the I-35 requirements, a 25 foot landscaped buffer should be along the front of the property. The applicants propose eight slightly raised vehicle display pads along the frontage, four north of the driveway and four south, and each pad would fit two cars. Staff supports this encroachment into the buffer yard.

There are UDC requirements for the landscaped terminal islands to be along the inventory area for any car dealership. They do not have to have trees planted. Car dealerships are allowed some exceptions for inventory and display needs which allow these islands to have low shrubs or plantings. Staff supports this request.

The area of disagreement lies in the canopy trees required per 30 feet of frontage along the Interstate which are larger style oak type trees. This would amount to 25 canopy trees along the front. The applicants propose to have just sodded landscaping with no vertical plantings along the majority of the frontage. Both corners of the property along I-35 would contain six proposed cedar elms and four Texas red buds. There would be no vertical plantings along the majority of the I-35 frontage.

Staff recommends approval of this landscaping plan with the additional requirement that five to six Yaupon Holly (or similar type) be planted on both sides of the driveway interspersed between the display pads. Concept plan shown.

Possible P&Z actions:

Approve the landscaping plan according to Staff recommendation;

Approve the landscaping plan as submitted by applicants (without the Yaupon Holly); or

Add in additional I-35 related planting requirements.

Since no public hearing is required, Chair Martin asked if the owners/representatives were present to speak.

Mr. Kenny McCarty, representative for Harry Adams, owner, stated they were in support of the I-35 Corridor Overlay and any features added to the car dealership would fit into the I-35 Ordinance.

Mr. McCarty stated a significant investment was being made in the landscaping proposals. Approximately nine acres would be under concrete with approximately 600 cars on display. The landscaped islands required would also require maintenance. Unlike most retail stores where the inventory is inside—cars are displayed outside and should be seen. The applicant is agreeable to blend into the I-35 aesthetics but without blocking the view of inventory.

Mr. McCarty stated the Yaupon Hollies could reach up to 20 feet high and would block the cars. Trees also attract birds and birds love to make a destructive mess. The variance is being requested for two reasons: 1) sight line for inventory and 2) birds.

Mr. McCarty asked the Commission to take into consideration what the applicant already proposes to do and the reasons for their actions.

Commissioner Staats asked if there were complete opposition to putting any landscaping between the pads, something low growing which would not attract birds. Mr. McCarty replied some type of short growing landscaping could be placed around the eight raised pads. Discussion continued about possible shrubbery around or between the display pads.

Mr. Lloyd Thomas, Aldrich-Thomas Group, 18 North 3rd Street, Temple, Texas 76501, sold the subject property to Mr. Adams. Mr. Thomas stated the concrete pads were about six to eight inches raised above the sod and some landscaping could be placed around those pads with short landscaping to provide extra color other than just the grass/sod. When shrubbery is moved up against the cars then it starts to block the inventory.

Discussion about acceptable type of plantings to come to a compromise.

Commissioner Rhoads made a motion to approve Item 6, **Z-FY-12-03**, according to the applicant's proposal and Commissioner Talley made a second.

Motion passed: (7:0)

Commissioner Brown absent

C. REPORTS

Item 7: Receive and discuss the Planning Director's Report containing items for future meetings regarding subdivision plats, zoning cases, conditional use permits, annexations, and proposed text amendments to the Unified Development Code. (continued, if not completed in Work Session)

Mr. Mabry stated the Director's Report would take longer due to consideration of the P&Z Commission's direction and advice to include more detailed information on upcoming projects:

Revisions to Final Plat for Lago Terra Subdivision, 47.36± acres, 78 lots, SF development located near Eagle Oaks at the Lake Subdivision, north of Adams. Some easements items are being worked through.

Rezoning from AG to PD-NS for Hansen Subdivision along FM 317 north.

Moving of establishment at old Saturn dealership. In order to receive a positive staff recommendation, ore screening of outdoor storage was needed along the street as part of the PD. The applicant has not decided whether to continue or not.

Commissioner Staats stated the applicant's site plan for the current location was not in compliance and Mr. Mabry agreed.

Final Plat of Lake Point Phase I, 9.58± acre, 48 lot SF development and will need another DRC meeting. This is a small part of a large complicated develop that was preliminary platted a few months ago and received approval. The property is surrounding by Pea Ridge to the east, 317 to the west and Prairie View to the north. The property only has frontage along Prairie View. The applicant has contested the City's Perimeter Street Fees regulations so a Traffic Impact Analysis was performed and showed the City's expectations were not unreasonable.

Mr. Mabry told the Commission the "S" curve proposal was withdrawn and Staff is working with another developer to turn a different road into an arterial in place of Pea Ridge.

Preliminary Plat for Garlyn Shelton Addition, non-residential one-lot, 8.6± acres subdivision located near I-35 (Midway and Shallow Ford Road needs one more DRC. Safety concerns for the reroute is being discussed.

Second Amended Preliminary Plat for Heritage Place and Heritage Place Village, 212 lot subdivision that fronts on Nugent and west of I-35. Some internal roads are being reconfigured.

Final Plat for Westfield Phase VIII, a 72-lot SF development and 2.2± acre non-residential lot. This property has 870 feet of frontage on Pea Ridge Road, an arterial on the Thoroughfare Plan and Perimeter Street Fees will be an issue. The developer is dedicating 12.5 feet of right-of-way along his side of Pea Ridge to assist in the widening of the road.

Final Plat of Joslin Subdivision, a 9.2± acre, two-lot plat just west of Holy Trinity.

Final Plat of Kegley Business Park, an 11± acre, five-lot development bordered by West Adams to the south, 205 Loop to the east and Kegley Road to the west. This would be a proposed bowling alley and mini-storage facility.

CUP request for O'Brien's Pub, an existing bar located downtown Temple.

An amendment to the Future Land Use and Character Map to accommodate previous rezonings that did not comply with Comprehensive Plan but were appropriate and approved (approximately 7-8 rezonings).

City Council final decisions:

Electric fence UDC amendment was approved on second reading;

City Council voted to table the proposed text amendment regarding semi-trailers, connexes, shipping containers, temporary portable storage containers (i.e., PODS) and donation boxes;

Rezoning from C to PD-2F in West Ridge Commercial Addition for duplexes was approved; and

Rezoning from A to C at the corner of MLK and SH 36 was approved.

There being no further business, Chair Martin adjourned the meeting at 7:07 p.m.

Respectfully submitted,

Leslie Evans

**PLANNING AND ZONING COMMISSION
OCTOBER 17, 2011
5:00 P.M.
WORK SESSION**

PLANNING AND ZONING MEMBERS PRESENT

Chair Derek Martin

COMMISSIONERS:

David Jones
Derek Martin
Will Sears
James Staats

Greg Rhoads
Mike Pilkington

PLANNING AND ZONING MEMBERS ABSENT:

Barbara Brown

STAFF PRESENT:

Brian Mabry, Planning Director
Trudi Dill, Deputy City Attorney
Salvador Rodriguez, Assistant City Engineer
Autumn Speer, Dir. of Community Services
Leslie Matlock, Senior Planner
Leslie Evans, Administrative Assistant
Jacob Calhoun, Intern

The agenda for this meeting was posted on the bulletin board at the Municipal Building in compliance with the Open Meetings Law.

The following is a summary of the proceedings of this meeting. It is not intended to be a verbatim translation.

With a quorum present, Chair Martin opened the work session at 5:01 p.m. and asked Mr. Brian Mabry, Planning Director, to proceed.

There are two Consent items, the approval of minutes for the October 3rd meeting and a final plat for Canyon Ridge Phase II, 32± acre, 106 lot, SF subdivision located near Canyon Creek and Hartrick Bluff Road. No exceptions were requested.

The first Action item is to recommend action on a CUP to allow a concrete batch plant on Shallow Ford West Road. The applicant has requested this item be tabled until contact with the property owners can be made. Staff is recommending tabling the item and keeping the public hearing open.

Item 4 is a public hearing to recommend action on a CUP for a package store located at 313 E. Central Avenue. P&Z previously recommended approval for but City Council took no action and was considered not approved. There has been a six month waiting period from City Council's decision and the applicant is reapplying the same CUP as previously. Two surrounding property owners were opposed to the request and zero responses were received in favor. Previous discussion included removal of burglar bars and time limit.

Commissioner Jones asked when the original vote when through for Temple to have liquor/package stores, was anything mentioned regarding distances between two package/liquor stores. Mr. Mabry stated the resulting City Council standards did not have anything written regarding this issue.

Commissioner Rhoads asked why City Council made no motion. Mr. Mabry stated two council members had concerns about approving two stores located so close together. The other package store has not opened yet. P&Z Commission voted against the first package store and City Council approved it.

Discussion about the entire building, burglar bars and landscaping.

Due to direction from City Council Staff has no recommendation on this item. If P&Z approves this item, Staff would ask it be approved subject to the submitted site plan.

Ms. Autumn Speer, Director of Community Services, stated there were a lot of Code Enforcement issues with this area concerning vagrants, loitering, discarded debris, etc., and it was her opinion the improvements to the subject property would be very good for the area and help to clean it up.

Commissioner Talley stated he has talked with the police and the owner of the grocery store and they have had a lot problems with the lot which have not stopped.

Commissioner Jones stated just because two liquor stores are located in the same area does not mean twice the amount of liquor or volume would be sold.

Chair Martin asked how many CUPs have been granted and Mr. Mabry stated six had been granted and one was approved but not opened (the building across the street). Commissioner Rhoads asked why the approved store has not opened yet. Mr. Mabry stated the owner runs several package stores and was not sure why there was a delay.

Item 5 is a rezoning from MF1 to GR for a small piece of property near Holy Trinity. No responses have been returned.

An I-35 appeal for landscaping provisions for the new Johnson Brothers Ford, just north of existing Don Ringler facility. The submitted plans complied with I-35 in all aspects except for landscaping provisions. The design is very good but one point of contention exists—the landscaping and visibility along the frontage of I-35. Staff is recommending small ornamental vertical plantings and the applicant disagrees. Other landscaping deviations exist but the Staff supports those.

No public hearing is required for this item, however, the dealership representatives will be present to answer any questions.

Ms. Speer stated there was a big gap between the previously accepted standards and the current I-35 standards.

Mr. Mabry reminded the Commissioners of the October 20th City Council meeting and the Proclamation being presented for National Planning Month. All Commissioners are encouraged to attend if possible.

Item 3 is feedback on the Texas APA Conference. Ms. Leslie Matlock, Senior Planner, stated she enjoyed the conference, especially the Ethics session and real world examples of planning.

Chair Martin stated some sessions were very basic but his favorite was also the real world example.

Commissioner Rhoads stated it was interesting to hear all of the stories. A Dallas P&Z Commissioner commented you had to work with the community but still adhere to the rules and regulations set. Commissioner Rhoads wanted to continue doing the work shops in order to educate the Commissioners in making fair decisions.

Commissioner Jones said he was glad he attended because he learned a lot. Commissioner Jones would like to have various speakers occasionally come in to explain the bigger picture of the TMED, the S&W area, etc., or even different department heads for the City to give overviews of what is going on in Temple.

There being no further discussion, Chair Martin adjourned the meeting at 5:28 P.M.



PLANNING AND ZONING COMMISSION AGENDA ITEM

11/07/11
Item #2
Consent Agenda
Page 1 of 1

APPLICANT / DEVELOPMENT: Belton Engineers for Grady Rosier, Owner

CASE MANAGER: Leslie Matlock, AICP, Senior Planner

ITEM DESCRIPTION: P-FY-12-01 Consider and take action on the Final Plat of Friendship Plaza Subdivision, an 11.50-acre, 5-lot nonresidential subdivision located at the northwest corner of Loop 205 and West Adams Avenue.

STAFF RECOMMENDATION: Staff recommends approval of the Final Plat of Friendship Plaza Subdivision.

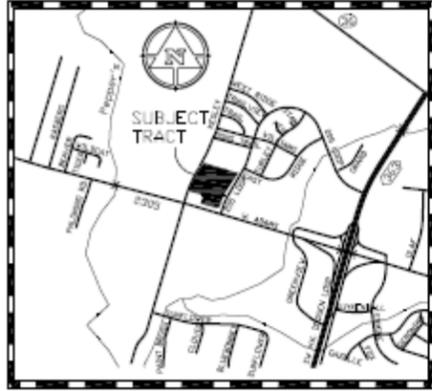
BACKGROUND: This is a five-lot nonresidential plat. The owner has tentative plans for a bowling alley and a mini-warehouse business on the two northern lots, but has no plans for the remaining three lots that are adjacent to West Adams Avenue.

The Design Review Committee reviewed the Final Plat on October 26, 2011 and deemed the Final Plat administratively complete on October 28, 2011. P&Z is the final authority of this plat.

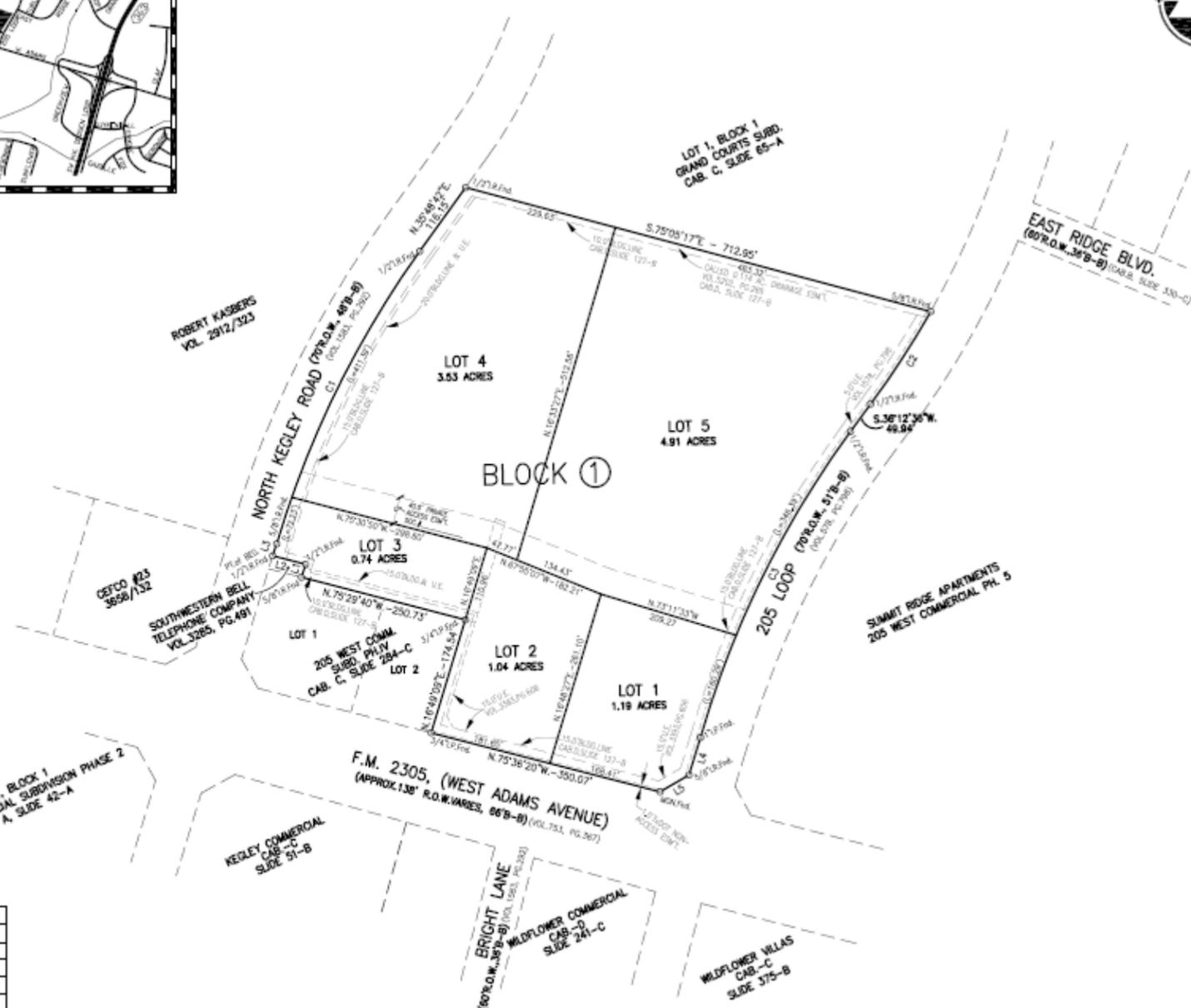
Park fees do not apply to nonresidential development.

ATTACHMENTS:

[Final Plat](#)



VICINITY MAP



NO.	BEARING	LENGTH
L1	N 17°41'06" E	20.08
L2	N 73°54'53" W	50.42
L3	N 19°12'57" E	18.86
L4	S 17°00'07" W	57.90
L5	S 60°01'47" W	49.47

NO.	DELTA	CHD.BRG.	CHD.	ARC	RADIUS
C1	19°07'38"	N 26°06'47" E	481.33	483.58	1448.56
C2	07°18'11"	S 33°07'31" W	163.11	163.22	1280.51
C3	20°12'09"	S 26°11'32" W	504.06	506.68	1437.00

FRIENDSHIP PLAZA IS IN ZONE X (UNSHADED), NOT WITHIN THE 100 YEAR FLOOD BOUNDARY PER F.E.M.A. FEDERAL INSURANCE RATE MAP NO. 48027C 0335 E

TxDOT, AND ALL UTILITY COMPANIES HAVE BEEN PROVIDED A FINAL PLAT AND UTILITY PLAN FOR REVIEW

A 4.0' SIDEWALK IS REQUIRED AS PER U.D.C. ALONG ONE SIDE OF 205 LOOP (COLLECTOR). ADDITIONALLY, A 6.0' SIDEWALK IS REQUIRED AS PER U.D.C. ALONG THE EAST SIDE OF KEGLEY RD. (MINOR ARTERIAL)

11.503 ACRES MORE FULLY DESCRIBED BY METES & BOUNDS BY SEPARATE FIELD NOTES PREPARED AND ATTACHED TO DEDICATION INSTRUMENT

TRACT SURVEYED SEPTEMBER 28, 2011

THIS TRACT IS REFERENCED TO THE CITY OF TEMPLE COORDINATE SYSTEM, AN EXTENSION OF THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS. ALL COORDINATES ARE REFERENCED TO CITY MONUMENT NO.188. THE THETA ANGLE AT CITY MONUMENT NO.188 IS 01°00'00". THE COMBINED CORRECTION FACTOR (CCF) IS 0.999999. GRID DISTANCE=SURFACE DISTANCE X CCF. GEODETIC NORTH = GRID NORTH + THETA ANGLE. REFERENCE TIE FROM CITY MONUMENT NO.188 TO THE SOUTHWEST CORNER OF THIS 11.503 ACRE TRACT IS S.79°40'00"E, 2747.21 FEET. PUBLISHED CITY COORDINATES FOR PROJECT REFERENCE POINT 188 ARE N=10,381,459.02 E=3,211,709.59

BENCHMARK CITY OF TEMPLE MONUMENT NO. 188, EL 581.42 PUBLISHED CITY OF TEMPLE BENCHMARK SYSTEM

STATE OF TEXAS

COUNTY OF BELL

TEMPLE REAL ESTATE INVESTMENTS INC., OWNER OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS FRIENDSHIP PLAZA WHICH INCLUDES A REPLAT OF LOTS 1, AND 2, BLOCK 1, GARDEN ESTATES, A SUBDIVISION IN THE CITY OF TEMPLE, TEXAS AND WHOSE NAME IS SUBSCRIBED HEREIN, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES AS SHOWN HEREIN.

TEMPLE REAL ESTATE INVESTMENTS INC.

GRADY ROSIER

STATE OF TEXAS

COUNTY OF BELL

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 2011 BY GRADY ROSIER, OWNER TEMPLE REAL ESTATE INVESTMENTS INC.

NOTARY PUBLIC:

THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION. DATED THIS _____ DAY OF _____, 2011.

SECRETARY TO PLANNING & ZONING COMMISSION:

THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION. DATED THIS _____ DAY OF _____, 2011.

CHAIRPERSON:

TAX CERTIFICATE

THE BELL COUNTY TAX APPRAISAL DISTRICT, THE TAXING AUTHORITY FOR ALL TAXING ENTITIES IN BELL COUNTY, TEXAS, DOES HEREBY CERTIFY THAT THERE ARE CURRENTLY NO DELINQUENT TAXES DUE OR OWING ON THE PROPERTY DESCRIBED BY THIS PLAT.

DATED THIS _____ DAY OF _____, 2011

BELL COUNTY TAX APPRAISAL DISTRICT

BY:

STATE OF TEXAS

COUNTY OF BELL

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



LINA CHTAI, P.E., NO.107211

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.

TIMOTHY LANE KENNEDY, R.P.L.S., NO.6119

FINAL PLAT FOR:
FRIENDSHIP PLAZA
WHICH INCLUDES A REPLAT OF LOTS 1 AND 2, BLOCK ONE GARDEN ESTATES OF TEMPLE TEXAS, SUBDIVISION
5 Lots, 1 Block
11.503 ACRES

OUT OF AND A PART OF THE GEORGE GIVENS SURVEY, ABSTRACT #345 A SUBDIVISION IN THE CITY OF TEMPLE BELL COUNTY, TEXAS

PLAT RECORDS OF BELL COUNTY, TEXAS

REVISIONS	

FINAL PLAT OF:
FRIENDSHIP PLAZA
GEORGE GIVENS, ABSTRACT #345
CITY OF BELTON, TEMPLE, KILLEEN, BELL COUNTY, TEXAS
TEMPLE REAL ESTATE INVESTMENTS INC.
1111 MILLCREEK DR., SALADO, TEXAS

BELTON ENGINEERING INC.
Engineering • Design/Build • Planning
OFFICE (254)731-5600
MOBILE (254)285-7273
E-MAIL beltonengr@att.net



FIRM # F-13392

SCALE: 1"=100'

DRAWN: LCHTAI

REF: -

ELECT. DRAWING FILE

C: 11028 1ST-FPA

DATE: 10/26/11

JOB NO.: 11028

01 of 04

500-D

FILE NUMBER



PLANNING AND ZONING COMMISSION AGENDA ITEM

11/07/11
Item #3
Regular Agenda
Page 1 of 3

APPLICANT / DEVELOPMENT: Turley Associates for Kiella Development

CASE MANAGER: Tammy Lyerly, Planner

ITEM DESCRIPTION: P-FY-12-04 Consider and recommend action on the Second Amended Preliminary Plat of Heritage Place and Heritage Place Village, 37.868± acre, 212-lot residential subdivision, located south of West Nugent Avenue, west of Bird Creek and east of Heritage Place Phase II with developer-requested exceptions to Unified Development Code Sections 8.2.1.C, 8.2.1.K and 8.3 related to reduced street width, installation of mountable curbs and reduced parkland dedication.

STAFF RECOMMENDATION: Staff recommends approval of the Second Amended Preliminary Plat of Heritage Place and Heritage Place Village, subject to City Council's approval of the developer's requested exceptions to Unified Development Code Sections 8.2.1.C, 8.2.1.K and 8.3 related to reduced street width, installation of mountable curbs and reduced parkland dedication.

BACKGROUND: The Development Review Committee reviewed the Second Amended Preliminary Plat of Heritage Place and Heritage Place Village on October 26, 2011. It was deemed administratively complete on October 31, 2011.

The Second Amended Preliminary Plat of Heritage Place and Heritage Place Village is an amendment to City Council's previously approved Preliminary Plat of Heritage Place, Phases III through VI (Ordinance 2008-5363-R). The subdivision consists of 212 single-family lots on 37.9 acres. The development is located along the south side of West Nugent Avenue, across from Eberhardt Road. The property is zoned Single-Family Three (SF3).

This plat includes Phases IV, V, and VI, and the developer requests the same exceptions granted by City Council in 2008 for the previous Preliminary Plat. The Final Plats of the previous three phases have all been approved and built with the developer's requested mountable curbs and reduced 28-foot street widths. The developer's requested exceptions will allow consistency with the previously approved and built phases of this established development. The photos below show the street and curb of the built phases of the development.







The developer wants to dedicate and develop a 1.763-acre Park & Nature Trail in Common Area “D” of the plat in lieu of paying the normally required \$47,700 in park fees for the development. The proposal was previously approved by City Council in 2008 (Ordinance 2008-5363-R). Trail improvements for Phases III and VI shall be installed prior to the recordation of the Final Plat of Phase VI. The Trails Master Plan classifies this section of trail as a Community-Wide Connector, which requires a minimum trail width of 8 feet.

The developer has submitted a sidewalk waiver letter to the Director of Community Services for the required 6-foot wide sidewalk required along West Nugent Avenue, a minor arterial.

ATTACHMENTS:

[Developer’s Letter of Exception](#)
[Nugent Sidewalk Waiver Letter](#)
[Development Plan](#)
[Plat](#)

Exceptions Request

Kiella Development, Inc.

PO Box 1344
 Temple, Texas 76503-1344
 254/778-0085 Cell 254/541-3060
 jkiella@kiella.com

RECEIVED

OCT 06 2011

City of Temple
 Planning & Development

To: Mr. Brian Mabry, Planning Director
From: John R. Kiella on October 6, 2011
Re: Heritage Place
 Plat Exceptions Request
 Second Amended Preliminary

This 'Exceptions Request' is for extension of exceptions that were approved for the initial Preliminary Plat and for the Amended Preliminary Plat of Heritage Place. Approval of this extension of exceptions for the Second Amended Preliminary Plat and subsequent development will insure that builders can continue to respond to a growing demand for new homes priced from \$90 - \$120,000.

This Exceptions request is requested for a Second Amended Preliminary Plat and for Final Plats for succeeding phases.

- Streets.** The Heritage Place Preliminary Plat approval included 28' Curb back-to-Curb back street design in lieu of 31' for all internal streets. This design has worked well in Phases I, II and III. The 'traffic-calming' effect is apparent and the cost benefit to entry-level homebuyers was accomplished without sacrificing traffic safety or limiting emergency or service vehicle access.
- Park Land Dedication.** The Heritage Place Amended Preliminary Plat approved the developer to dedicating to the City and improving 1.7 acres of land along Bird Creek, to clear brush and undergrowth and construct a nature trail the full length of the park, approximately 1,100 feet. We ask that this be extended to the Second Amended Preliminary Plat of Heritage Place.

Item	Requirement	Proposed	Exception Benefit
Local Street Width	31' Curb back-Curb back	28' Curb back-Curb back	Traffic Calming
			Cost savings benefit entry level homebuyer's
Curb & Gutter	Stand-up Curb	Mountable Curb	Cost savings benefit entry level homebuyer's
Park Land	Dedicate 2.38 acres	Dedicate & Develop 1.7 Acre Park & Nature Trail	Public park, Heritage HOA maintained. Park and Nature Trail benefit to Heritage and public -Potential for future trail extension through neighboring properties.

Heritage Place

"Master-planned community by Kiella Development, Inc."



TURLEY ASSOCIATES, INC.

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

October 26, 2011

City of Temple
Attn: Autumn Spears
Director of Community Services
2 North Main Street
Temple, TX 76501

RE: Second Amended Preliminary Plat of Heritage Place

Dear Autumn:

Turley Associates, Inc. respectfully requests that your office grant an exception to the sidewalk ordinance for the above referenced development.

There are currently no sidewalks built on Nugent Avenue for the developed portions to the west and east (Heritage Place Phase I and Phase II and Heritage Place Village, Phase III). This portion of sidewalk will not connect to another sidewalk and the City has no plans of installing sidewalk along Nugent Avenue within the next several years.

Also, we feel this plat is vested and any exceptions or procedures approved by Ordinance 2008-5363-R should still apply to this reconfigured preliminary plat.

We sincerely appreciate your consideration in this matter.

Thank you,
TURLEY ASSOCIATES, INC.

Jennifer Ryken, P.E.
Project Engineer

JR/sb

RECEIVED

OCT 28 2011

City of Temple
Planning & Development

Development Plan

Heritage Place

**A Master Planned Residential Community
in
Temple, Bell County, Texas.**

Developed by:

Kiella Development, Inc.

Engineer

TURLEY & ASSOCIATES

The Heritage Place Amended Preliminary Plat encompassed 52.288 acres with 317 Lots. The proposed 'Second Amended Preliminary Plat' includes 37.868 acres with 212 Lots.

Located in northwest Temple the development is in the Temple Independent School District and in close proximity to the Temple Industrial Park. It is bounded by Nugent Avenue on the north, John Paul Jones Dr. on the West and connects with Yorktown Dr. to the south.

A. Development Plan

1. **Heritage Place (Initial)**, was planned as a multi-phased residential development. Phase II and III have recently been completed and homes have been constructed. Homes in the subdivision range in size and price.

Pplat	Home Style	Story's	Living Area	Price
Initial	Conventional	1 & 2	1200 – 1600	\$110,000 - \$140,000
Amended	Conventional	1 & 2	1100 – 1600	\$90,00 - \$140,000

2. **Heritage Place (Second Amended Plan)**, continues the 'Initial and Preliminary Plan' of homes in the \$90,000 - \$140,000 range.

B. Development Plan - Salient Facts:

Component	Amended Preliminary Plat	Second Amended Preliminary Plat	Description
Land Area	52.288	37.868	Rolling Hills
Lots	317	212	Single-Family
Parks	Pocket Park Creek side Park	Pocket Park Creek side Park	Playground and Play Structure Creek Side Park and improved Nature Trail
Streets	Local – 28'	Local – 28'	50' R.O.W.
Zoning	SF3	SF3	Property zoned with Amended Plat
Land Use (West Temple Comprehensive Plan)	Residential	Residential	'Moderate Density Residential'
School District	TISD	TISD	Walk to Kennedy-Powell Elementary

Heritage Place

"Master-planned community by Kiella Development, Inc."

C. **Second Amended Preliminary Plat Package – Design:** There are no design standards changes from the Preliminary Plat, the Amended Preliminary Plat and Final Plats for Phases I, II and III.

Item	Component	Plan
Streets	Design	Based on Geotechnical Report
	Lighting	Street lights per City Code
Water	8” Existing Main – South side of Nugent Ave.	Fire Hydrants per City & State requirements
	8” On-site Main – SEC of Phase II.	
Wastewater	12” off-site Main East side of Bird Creek	Gravity flow – No Lift Station Required
Cost Sharing	Wastewater	‘Cost Sharing’ Agreement was executed and off-site Wastewater installed with Phase III
Stormwater	Creek	Engineer’s Drainage Calculations Included
Vehicular Access	<u>5 Access Points</u> 3 from Nugent Ave. 1 from John Paul Jones 1 at Yorktown Dr.	Provides Phase I & II with improved circulation and increased access
Parks & Green Space	Pocket Park Creek Side Park & Nature Trail	Nature Trail along Bird Creek through giant Pecan Trees
Dry Utilities	Electric, Phone & Cable	Plat Copies furnished to Providers

Heritage Place

“Master-planned community by Kiella Development, Inc.”



PLANNING AND ZONING COMMISSION AGENDA ITEM

11/7/11
Item #4
Regular Agenda
Page 1 of 9

APPLICANT: Yong Mullins of Americrete Concrete for Brittney Williams, property owner

CASE MANAGER: Leslie Matlock, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-11-49 Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow a permanent concrete batch plant on 3.787 ± acres of land situated in the City of Temple, Bell County, Texas, being a part of the Nancy Chance Survey, Abstract #5 and the T.M. Boggus Survey, Abstract #84, located at 4158 Shallow Ford West Road.

BACKGROUND: This item was previously tabled by the Planning and Zoning Commission at the October 3rd meeting in order that the Applicant could be requested to attend. At the October 17th regular meeting, the Applicant's engineers requested that this item be again tabled. On October 26th, the Applicant requested that this item be brought back to the P&Z. She and her Engineer have been informed of the rescheduling of the case. The Conditional Use Permit (CUP) site plan remains unchanged from its initial submittal.

The applicant is requesting to make a recently established temporary concrete batch plant permanent. Batch plants are used to mix large quantities of concrete and to fill concrete trucks traveling to building sites. Temporary batch plants are allowed by right in the Light Industrial (LI) zoning district, and are primarily used for building a large development that is too far from a permanent concrete plant. Temporary plants are removed when the development is completed. The time limit is 6 months for a temporary batch plant to be in one place in Temple. The temporary plant setup is completely on wheels and can be moved with a truck. A temporary trailer for programming the plant machinery is also currently in place and able to be moved. The applicants additionally have a second temporary trailer onsite being used as an office.

In order to establish the business permanently in the LI zoning district, a concrete batch plant must receive CUP recommendation from the P&Z and approval from the City Council. This approval process is set up in the Unified Development Code to allow review of the use and establish any mitigation for the use to be acceptable in its particular location. Mitigation, or easing of any negative impacts of the use on surrounding properties, would be needed in this case because of the industrial nature of the business, the outdoor bulk storage of materials, the appearance of the concrete mixing machinery, possible dust and particulate production, runoff and erosion from site conditions, and the amount of heavy load traffic produced or long term damage to public infrastructure, such as road deterioration. The P&Z and Council may impose additional conditions on the CUP that will impact the plant's operations at this site. A CUP is revocable at any time by the City Council if the use that received the CUP violates any of the terms of its approval.

The subject property has approximately 347 feet of frontage along Shallow Ford West Road. A separate tract under common ownership with the subject property has frontage on I-35, as shown in the aerial photo below, but the I-35 corridor overlay zoning district prohibits the proposed use. Therefore, all access to the batch plant facility must take place from Shallow Ford West Road.



The temporary batch plant began operations in mid-July 2011. If this CUP request is denied, then the batch plant will have to cease operation and remove all equipment from the property by January 16, 2012.

Surrounding Property and Uses

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

Direction	Zoning	Current Land Use	Photo
Subject Property	LI	Temporary Concrete Batch Plant	
North	LI	Vacant Land	

Direction	Zoning	Current Land Use	Photo
South	AG	Vacant Land	
East	AG & C	Vacant Land & Pet Boarding / Training Business (across Shallow Ford West Rd)	
West	LI and I-35 Overlay	Vacant Land (yellow circle indicates top of batch plant barely visible from S. General Bruce Drive)	

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

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character	N*
	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	N*
	Map 5.2 - Thoroughfare Plan	Y/N*
STP	NA	NA

* = See Comments Below CP = Comprehensive Plan STP = Sidewalk and Trails Plan

Future Land Use and Character (CP Map 3.1)

The request does not conform to the Future Land Use and Character Map (FLUCM) which designates the property, and the land surrounding it, as Estate Residential. The Auto-Urban Commercial future land use category is identified nearby, along I-35.

Availability of Public Facilities (CP Goal 4.1)

Water and sanitary sewer do not currently serve the site from Shallow Ford West Road. The temporary batch plant is using water from a 2-inch line connected and metered on a public line along S. General Bruce Drive. The applicant also proposes a 2-inch extension for the irrigation of proposed landscaping. This private line is not large enough to support a fire hydrant.

Thoroughfare Plan (CP Map 5.2)

This request conforms to the Thoroughfare Plan in that the subject tract takes access from Shallow Ford West Road, a Collector classed road. The existing public right-of-way for Shallow Ford West Road is adequate for a Collector, but this road is built to county rural street standards with a paved width of approximately 22 feet with no curb or gutter. Concrete mixing trucks are considered heavy load trucks, and this use could place trucks going both ways on Shallow Ford West Road. In the recent Mobility Report published by the Public Works Department, Shallow Ford West Road received a “C” rating on its pavement condition, with “A” being best and “F” being worst.



View looking to the north on Shallow Ford West, toward the pet resort.

CONDITIONAL USE PERMIT SITE PLAN REVIEW:

If the Planning and Zoning Commission recommends and City Council approves this CUP request, it must be built according to the approved CUP site plan.

The site plan shows the arrangement of the batch plant on an approximately 25-acre disturbed area on the larger unplatted lot. The plan depicts the site as it is built right now, but shows a future office building. This office does not have elevations in this CUP package and, given the zoning of LI, will not be subject to the Citywide masonry requirements unless such requirements are placed on this development as a condition of CUP approval. An onsite septic system is proposed to serve this development.

Concrete pavement is shown on all vehicular maneuvering areas, parking areas and truck washout areas. Rock riprap is shown at the entrance of the site and serves as the connection to the right of way.

A drainage detention area is shown at the east and south portion of this site. A rock gabion is shown at the southeast corner of site, at the outfall of the drainage pipe, as a filter for site runoff that drains into this detention area and onto the right of way. At the southwest corner, a truck wash out is shown and appears to be at the top of the detention area.

The applicant has noted on the plans that dust suppression will be manually performed, with watering drives and operation areas as needed.

Below are southern-facing photos, taken of the property as it currently appears, from the north of the vehicle driveway to the rock gabion. The soil has been cleared on this site, but it is not apparent that the drainage detention pond has been built yet. The site has not received permits for the flatwork that is currently being done. The work also appears to the Building Official to be incorrectly reinforced and doweled.



View from North portion of site along Shallow Ford West, showing the gabion constructed at the SE corner of the site, and area where detention bond will be graded. Tree in center of photo near the porta-potty appears to be in section that will contain drainage area and will be retained.



Code Enforcement Photos: The site has not received permits for the flatwork that is currently being done. The work also appears to the Building Official to be incorrectly reinforced and sections not doweled together.

Landscaping is shown across the front of the parcel in question on the site plan. Nine 2-inch caliper approved trees would be normally required on a project not requiring a CUP. This CUP is showing 9 approved trees and 52 shrubs on 5-ft centers planted across the front area of the lot as mitigation. The applicants were asked by the Development Review Committee to screen the Shallow Ford West ROW from the view of the batch plant by providing additional trees along the north side of the site, and this plan does not show such screening. As shown in the site plan and photo below, additional landscape screening of the northern side of the site will be necessary to block the view from the right-of-way. The trees and shrubs should be shown on the site plan planted as far back as the placement of the batch plant on that northern side.

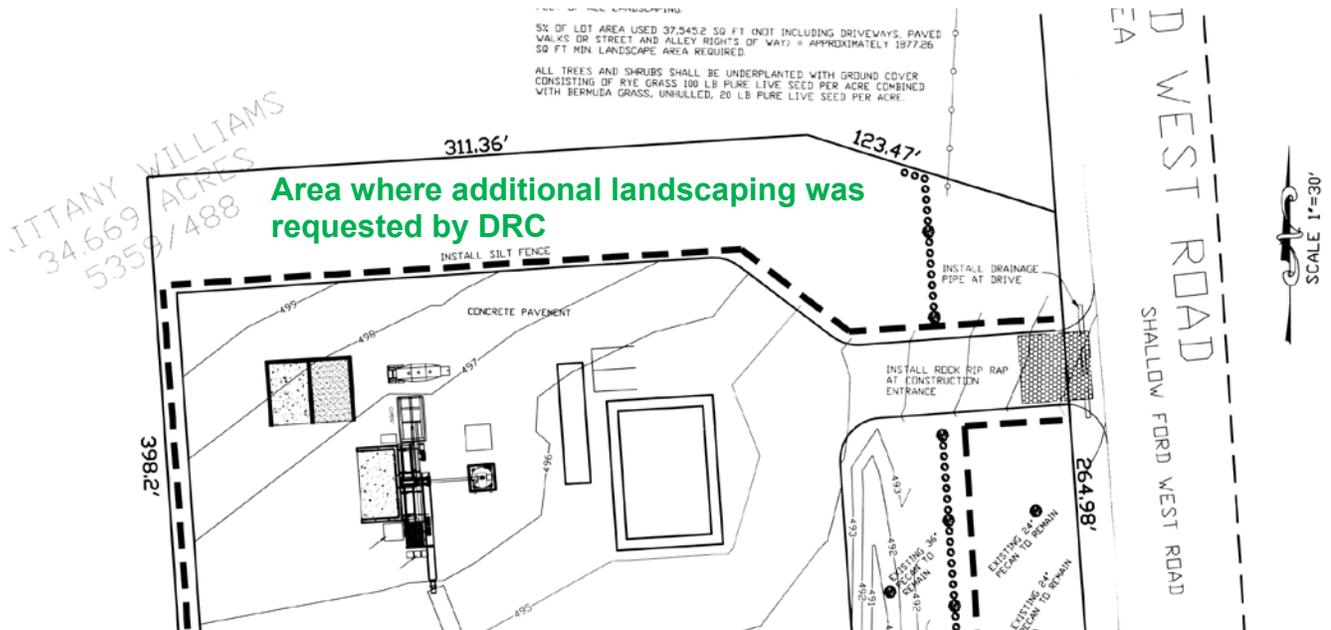




Photo was taken from the edge of the property with the site in question in the distance. The view of the batch plant will not be screened from the right of way with only plantings proposed on the street frontage.

The Staff recommendation includes an option for recommendation that the applicant submit a bond for the amount of money to clean the site up, should the CUP be approved and the batch plant subsequently cease operation. This is to prevent the site from becoming a visual eye sore and brownfield site if the plant closes down and the site is not cleaned up after closing. The City would be able to collect on the bond and pay to have the site cleaned up. Another concrete batch plant along I-35, shown below, ceased operation and remains in the state it was in while it was operating, thus making it more difficult to market or use the site for any other permitted use.



View of the abandoned permanent batch plant location, east of I-35 and north of Avenue H.

PUBLIC NOTICE: Five notices of the Planning and Zoning Commission public hearing were sent to surrounding property owners. As of Wednesday, September 28, at 5 PM, no notice was returned in favor of and one notice was returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on September 16, 2011 in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends denial of the requested CUP for a Permanent Concrete Batch Plant as shown on the PD exhibits.

Staff recommends denial because:

1. The request does not comply with the Future Land Use and Character Map, which shows Estate Residential.
2. While the request complies with the Thoroughfare Plan, the street section built along Shallow Ford Road is not built for heavy load transportation.
3. Public facilities do not serve the property and fire coverage does not currently exist.
4. The DRC recommended additional landscaped screening from Shallow Ford West ROW, which the applicant is not providing on the submitted CUP site plan.

If the Planning and Zoning Commission decides to recommend approval this CUP, staff requests that the recommendation is made with the following conditions:

- a. This CUP be allowed for 12 months only and be able to be reissued for consecutive 12 month periods with administrative approval if no road degradation is noted. If degradation is noted, the owner shall reapply for the CUP with plans to repair and improve the Shallow Ford West Road. Should the permit expire, the business must cease operation, and formal CUP approvals again must be sought from the City.
- b. A bond for the amount of money necessary to clean the site to pre-industrial standards will be presented and reissued before each 12 month request for reissuance of CUP permit. An itemized estimate of the total cleanup costs shall be performed, presented and approved before issuance of the CUP.
- c. All work shall be properly permitted and built to current standards adopted by the City of Temple, including any remedial work that needs to be done to bring that work already performed on site to city standards.
- d. A complying public water line and hydrant should be installed in conformity with the City of Temple fire protection ordinance.

- e. The area as a whole shall be landscaped to screen the use from public view along the Shallow Ford West Road right-of-way with shrubs planted on 36-inch centers of a size and species capable of reaching 6-feet within 1 year. The site plan shall show shrubs and trees extending to the same point on the northern site boundary as the back of the batch plant. There shall be a tree planted per each 40 feet of the screened shrub border as shown on the site plan and extended to the end of the shrub screening.
- f. The entire landscape area shall be underplanted with turf or another ground cover and irrigated to approved City of Temple Unified Development Code standards.
- g. Septic service shall be permitted and built as approved through the Bell County Sanitarian's Office.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Aerial](#)
[Land Use and Character Map](#)
[Zoning Map](#)
[Thoroughfare Map](#)
[Utility Map](#)
[Notice Map](#)

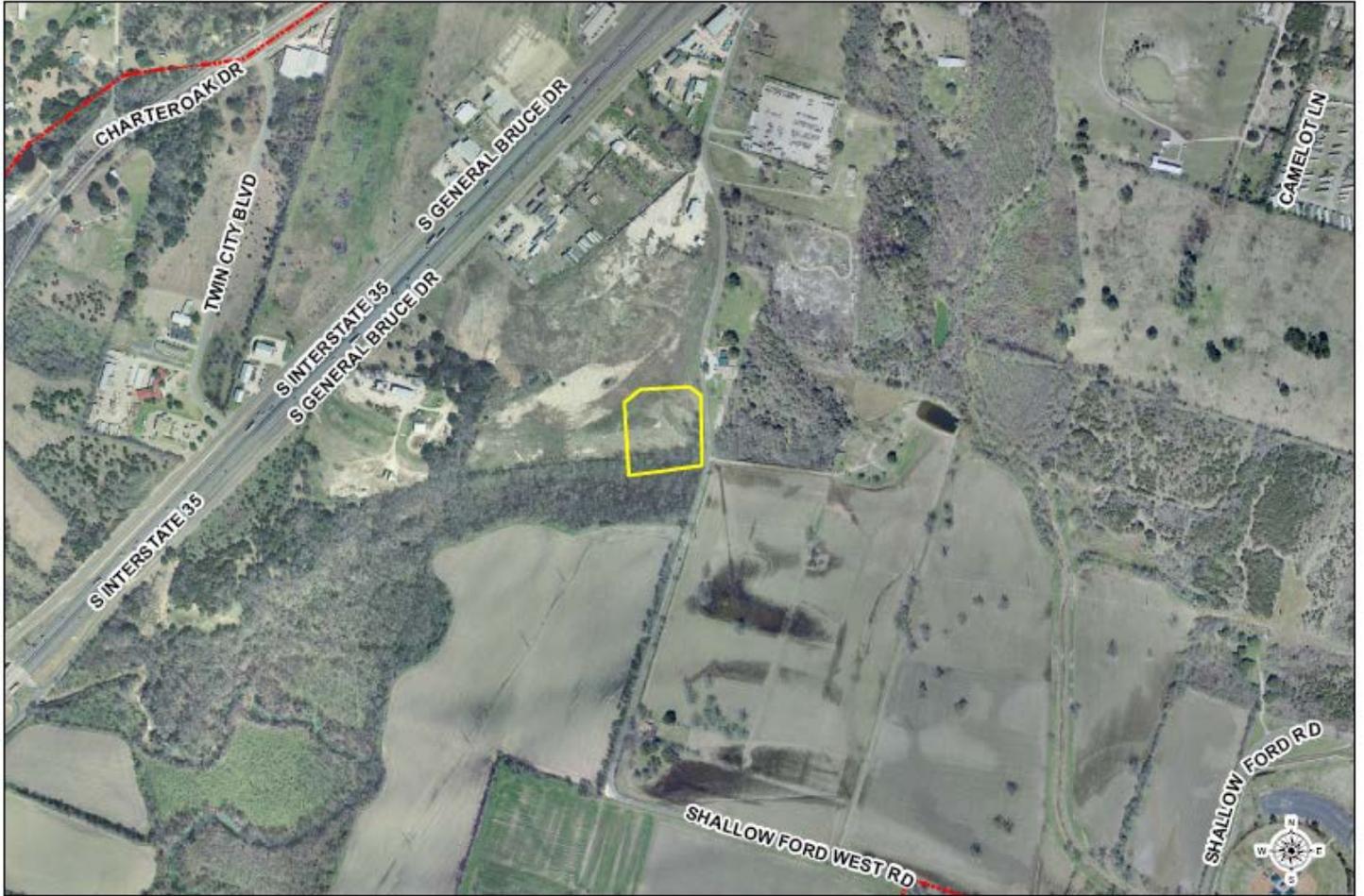
[Responses](#)
[Applicant's Narrative](#)
[Applicant's Site Plan](#)
[Applicant's Site Plan with Topo and Drainage Area](#)
[Applicant's Site Plan with Landscaping](#)



Z-FY-11-49

3.787 Acre Portion of the Nancy Chance Survey #5

4158 Shallow Ford West Road



2008 Bell County Aerial

ZFY 11-49

Temple City Limits

Feet 0 1,000 2,000 3,000

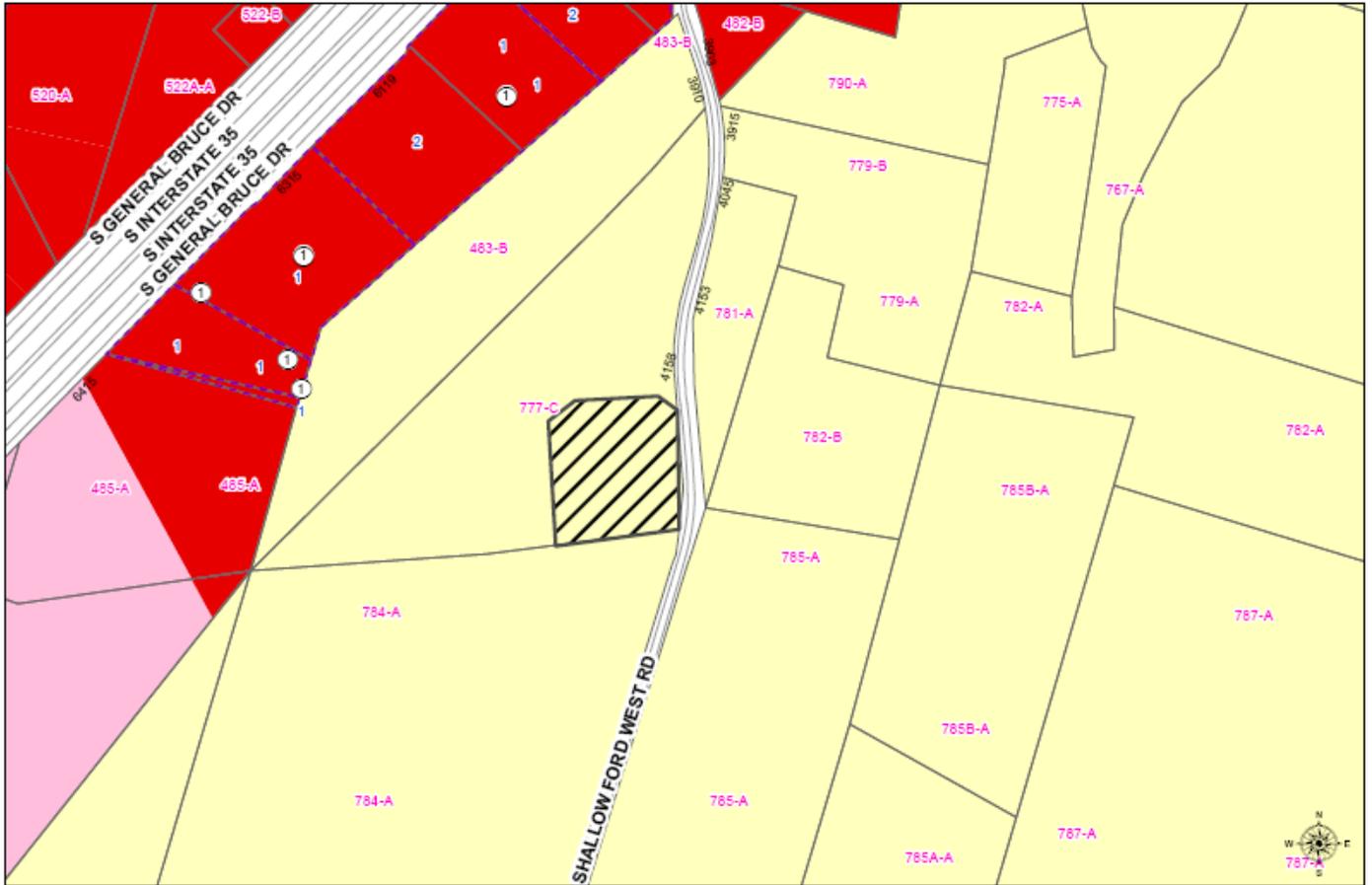
LMatlock Planning 9.15.11



Z-FY-11-49

3.787 Acre Portion of the Nancy Chance Survey #5

4158 Shallow Ford West Road



- | | | | | | |
|-----------------------|-------------------------|--------------------|---------------------------|-----------------------------------|--------------|
| ZFY 11-49 | Auto-Urban Mixed Use | Business Park | Neighborhood Conservation | Suburban Commercial | Urban Center |
| Agricultural/Rural | Auto-Urban Multi-Family | Estate Residential | Parks & Open Space | Suburban Residential | |
| Auto-Urban Commercial | Auto-Urban Residential | Industrial | Public Institutional | Temple Medical Education District | |

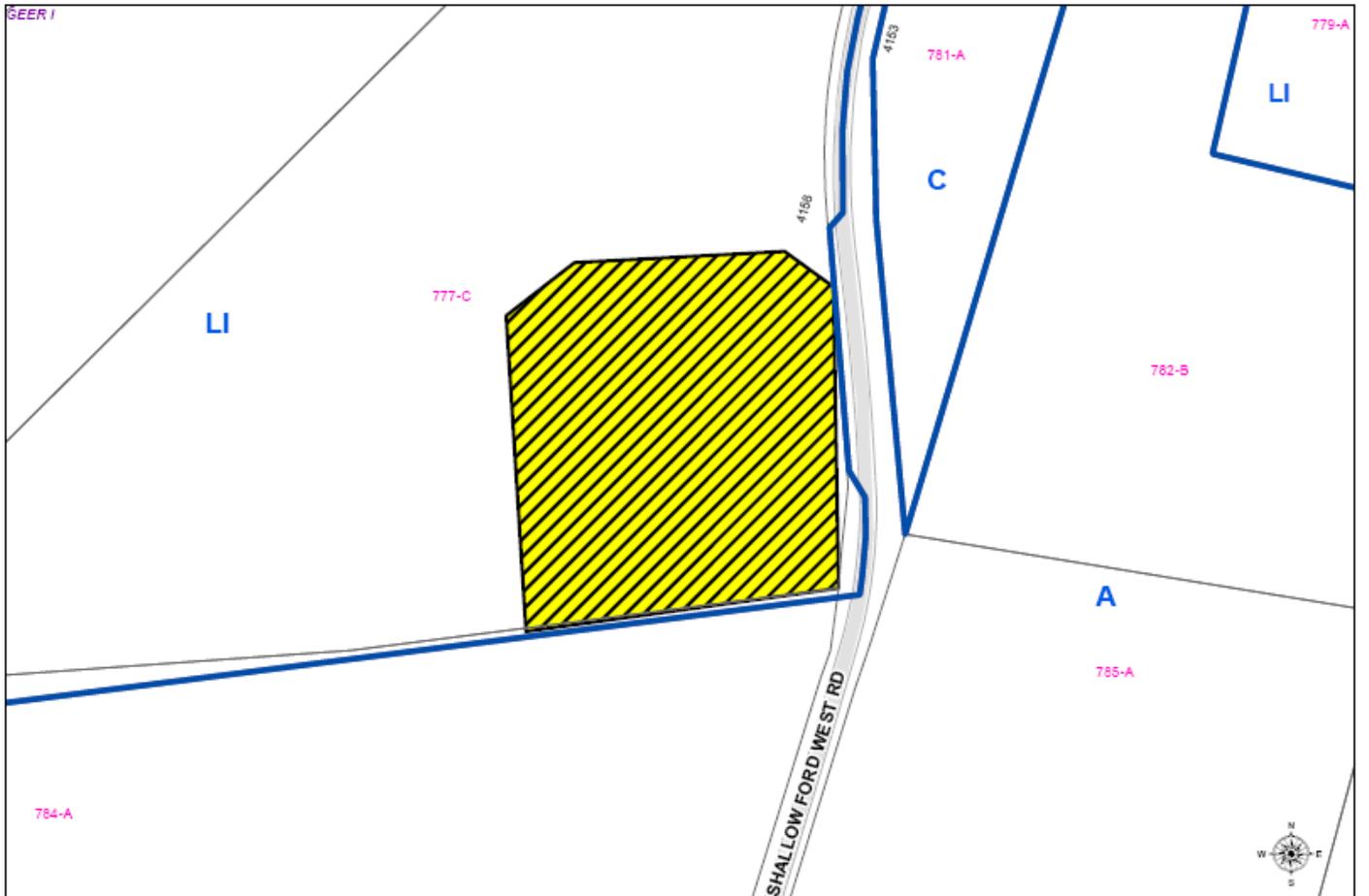
1 inch = 430 feet
 LMatlock Planning 9.15.11



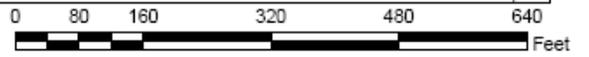
Z-FY-11-49

3.787 Acre Portion of the Nancy Chance Survey #5

4158 Shallow Ford West Road



-  ZFY 11-49 2211 Address
-  Parcels 229-Z Outblocks



LMatlock Planning 9.15.11



Z-FY-11-49

3.787 Acre Portion of the
Nancy Chance Survey #5

4158 Shallow Ford West Road



 ZFY 11-49

Collector Class Street 
Local Class Street 

0 80 160 320 480 640 Feet

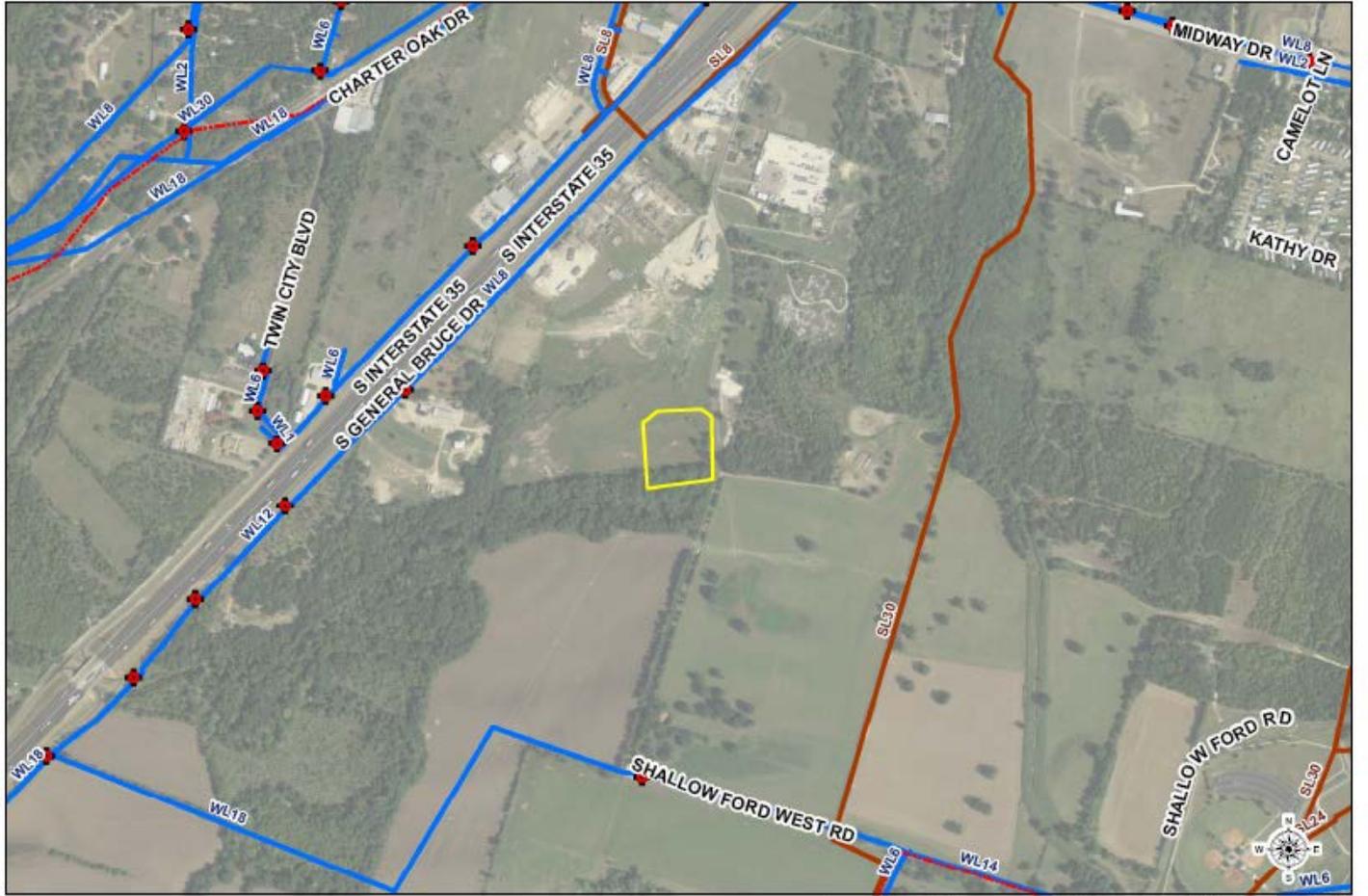
LMatlock Planning 9.15.11



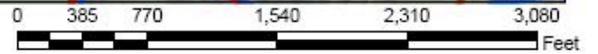
Z-FY-11-49

3.787 Acre Portion of the Nancy Chance Survey #5

4158 Shallow Ford West Road



 ZFY 11-49  Sanitary Sewer Lines

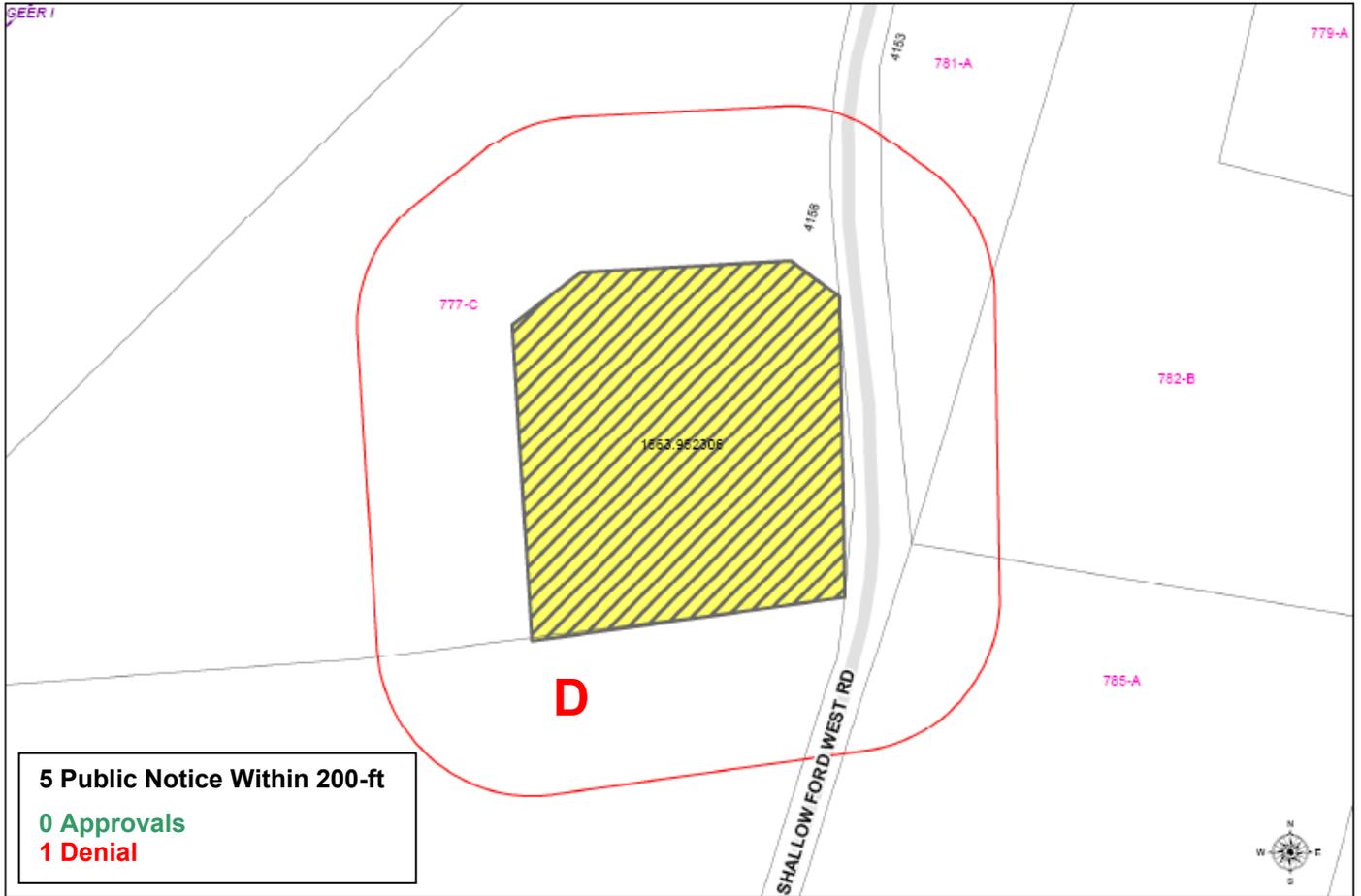




Z-FY-11-49

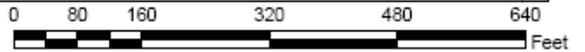
3.787 Acre Portion of the Nancy Chance Survey #5

4158 Shallow Ford West Road



5 Public Notice Within 200-ft
0 Approvals
1 Denial

- ZFY 11-49
- Subdivisions
- zfy 1149 - 200-ft Notification Buffer
- 2211** Address
- 229-Z** Outblocks



LMatlock Planning 9.9.11



**RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT REQUEST
CITY OF TEMPLE**

Protex Family Limited Partners
Attn: Dr. Richard Tay
5508 Summerhill Lane
Temple, Texas 76502

Zoning Application Number: Z-FY-11-49 **Project Manager:** Leslie Matlock

Location: 4158 Shallow ford West Road, west from the Barking Oaks Pet Resort

The proposed conditional use permit 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 recommend () approval (X) denial of this request.

Comments:

The requested use will negatively impact the appearance and lower property value in the area.

Richard Tay
Signature

RICHARD TAY for PROTEx, FLP
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than October 3, 2011

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED
SEP 28 2011
City of Temple
Planning & Development

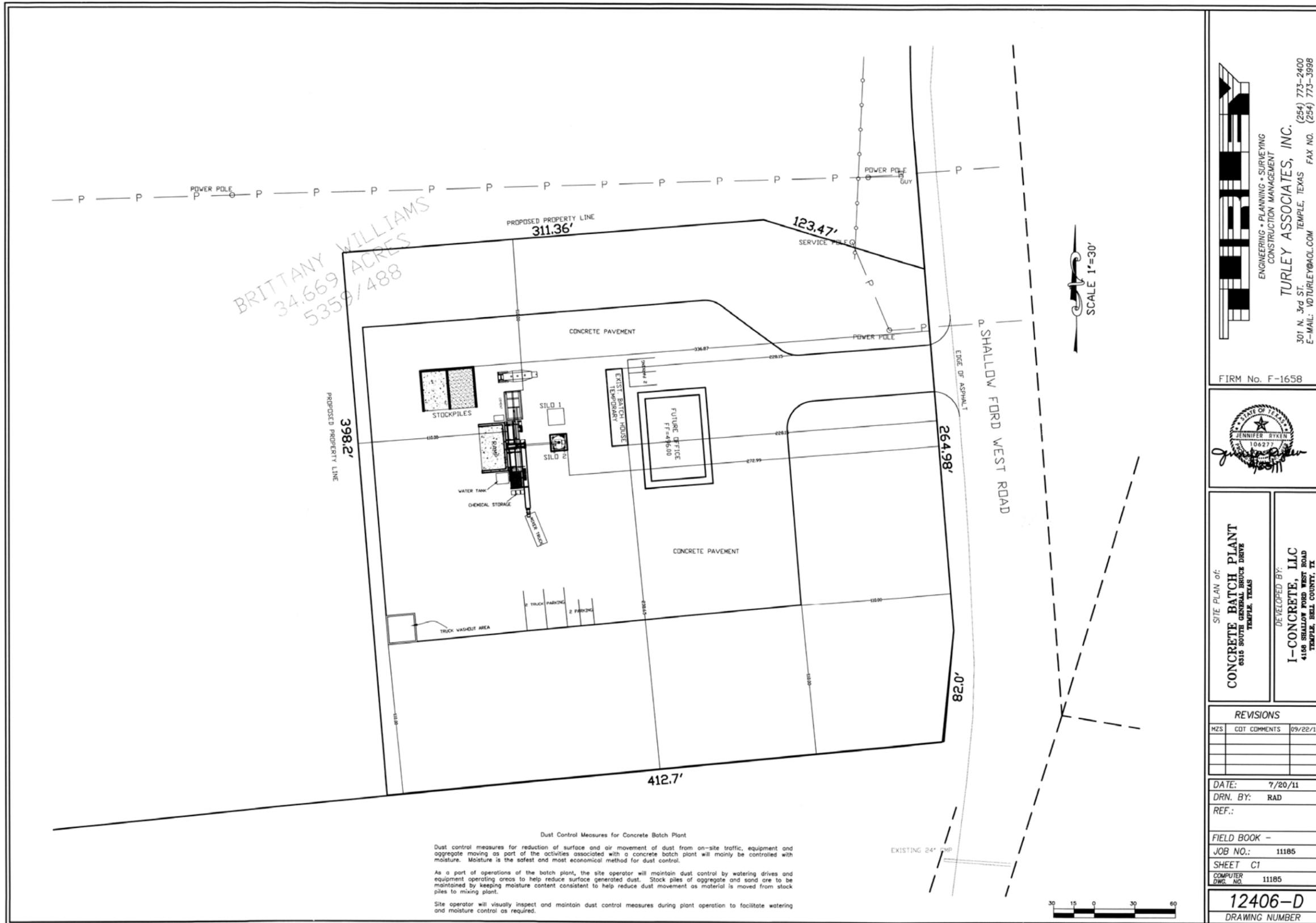
Number of Notices Mailed: 4

Date Mailed: September 22, 2011

Applicant's Narrative

The process includes delivery of aggregates (rock and sand) put in stock piles. Cement and fly ash materials are delivered and transferred into silos.

The operations include the aggregates being loaded into cement machine to be sifted together. The cement machine is computer operated from a batch house where all the operations of the system is controlled. While the cement machine is operational it mixes the aggregates (rock and sand) with the powders (cement and fly ash) to make a dry mixture that is loaded into a concrete truck. Wet products are in the cement truck which is provider from the system to finalize the concrete mixture.



BRITTANY WILLIAMS
34.669 ACRES
5359/488

Dust Control Measures for Concrete Batch Plant

Dust control measures for reduction of surface and air movement of dust from on-site traffic, equipment and aggregate moving as part of the activities associated with a concrete batch plant will mainly be controlled with moisture. Moisture is the safest and most economical method for dust control.

As a part of operations of the batch plant, the site operator will maintain dust control by watering drives and equipment operating areas to help reduce surface generated dust. Stock piles of aggregate and sand are to be maintained by keeping moisture content consistent to help reduce dust movement as material is moved from stock piles to mixing plant.

Site operator will visually inspect and maintain dust control measures during plant operation to facilitate watering and moisture control as required.



ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT
TURLEY ASSOCIATES, INC.
301 N. 3rd ST. TEMPLE, TEXAS (254) 773-2400
E-MAIL: VDTURLEY@AOL.COM FAX NO. (254) 773-3998

FIRM No. F-1658



SITE PLAN OF:
CONCRETE BATCH PLANT
6816 SOUTH GENERAL BRUCE DRIVE
TEMPLE, TEXAS

DEVELOPED BY:
I-CONCRETE, LLC
4148 SHALLOW FORD WEST ROAD
TEMPLE, BELL COUNTY, TX

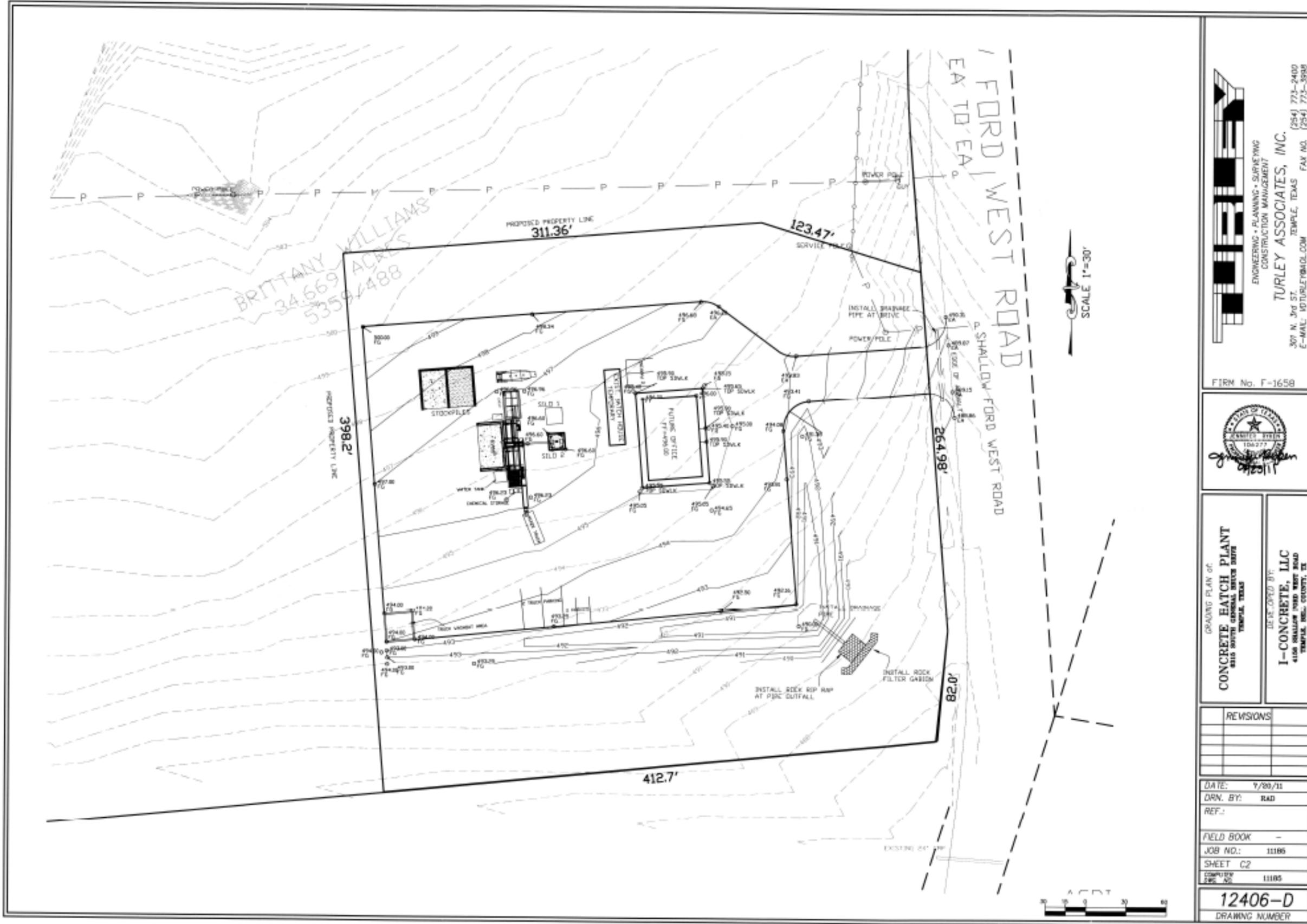
REVISIONS		
HZS	CDT COMMENTS	09/22/11

DATE: 7/20/11
DRN. BY: RAD
REF.:

FIELD BOOK -
JOB NO.: 11185
SHEET C1
COMPUTER DWG. NO. 11185

12406-D

DRAWING NUMBER



ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT

TURLEY ASSOCIATES, INC.
307 N. 3rd ST. TEMPLE, TEXAS
E-MAIL: RT@TURLEYBAGL.COM FAX NO. (254) 773-3988

FIRM No. F-1658



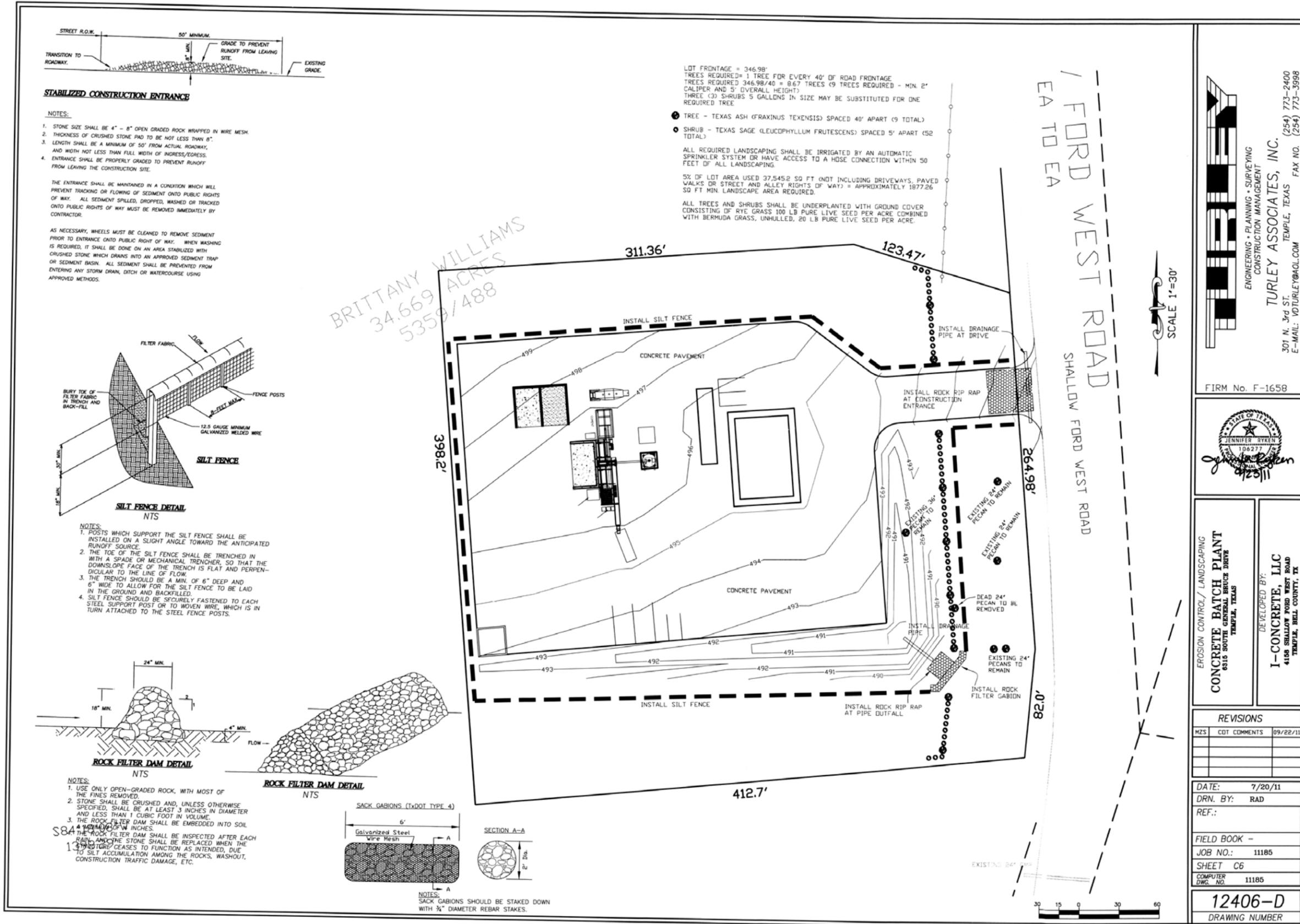
GRADING PLAN OF
CONCRETE BATCH PLANT
4106 SHALLOW FORD WEST ROAD
TEMPLE, TEXAS

DEVELOPED BY:
I-CONCRETE, LLC
4106 SHALLOW FORD WEST ROAD
TEMPLE, TEXAS

REVISIONS	

DATE: 9/20/11
DRN. BY: RAD
REF.:
FIELD BOOK: -
JOB NO.: 11105
SHEET C2
COMPUTED BY: 11105

12406-D
DRAWING NUMBER



APPLICANT: Ryan Leshikar of O'Brien's Pub, on behalf of Howard Leshikar, Owner

CASE MANAGER: Leslie Matlock, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-11-52 Hold a public hearing to discuss and recommend action on a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption with more than 75% revenue from alcohol sales in an existing bar on a portion of Lots 11 and 12, Block 22, Original Town Addition, commonly known as 11 E. Central Avenue.

BACKGROUND: This site is a two-story downtown building. The building is situated at the southwest corner of S. 2nd Street and E. Central Avenue. The bar takes up both floors of the existing building.

This bar has been operating in conformance with State licensing procedures, but was not required to obtain a Conditional Use Permit approval from the Planning and Zoning Commission and the City Council in the past. Because the business is renewing its state license, the Applicant is now required to apply for this permit. If the CUP is not approved, the bar will have to stop selling alcohol at its present level. It will either have to sell beer and wine only with less than 75 percent of its revenue coming from alcohol sales or it may sell beer, wine and mixed drinks with 50 percent or less of its revenue coming from such sales.

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	CA	Commercial Building - location of O'Brien's Irish Pub	
North	CA	Mixed Use Buildings	

Direction	Zoning	Current Land Use	Photo
South	CA	Commercial Building to rear of Subject Property (attached to the building to East, see entrance below)	
East	CA	Commercial Building	
West	CA	Public Alley and Commercial Building	<div style="display: flex; flex-direction: column; align-items: center;"> <div style="margin-bottom: 10px;"> O'Brien's  </div> <div style="margin-bottom: 10px;">  </div> <div>  </div> </div>

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

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character	Y*
	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Y*
	Map 5.2 - Thoroughfare Plan	Y*
STP	NA	NA

* = See Comments Below CP = Comprehensive Plan STP = Sidewalk and Trails Plan

Future Land Use and Character (CP Map 3.1)

The request conforms to the Future Land Use and Character Map which designates the property as Auto Urban Commercial. This use is classed as Recreational and Entertainment and is compatible with the Future Land Use and Character Map, but because of its nature, requires discretionary judgment in districts which allow the use.

Thoroughfare Plan (CP Map 5.2)

This request conforms to the Thoroughfare Plan as the subject tract has access to E. Central Avenue which is a Major Arterial. Traffic congestion has not been unreasonably increased by this circa 2007 established use and will not require a change in the infrastructure surrounding this lot.

Availability of Public Facilities (CP Goal 4.1)

An eight-inch domestic water line and a six-inch sanitary sewer line currently serve the site. No additional services are required for this use.

CONDITIONAL USE SITE PLAN REVIEW:

If the City Council approves this CUP request, the bar can remain open as with its mixed drink license, with more than 75% revenue from alcohol. While this is an established business, conditions can be placed on the Applicant.

Parking

In the CA, Central Area District, off-street parking is not required of businesses locating there. This business uses public on-street and public off-street parking. The nearest public off-street parking lot is located to the south of the property and is accessed through the adjacent alley and by S. Main Street. Parking does not seem to be an issue for this area.



Photo shows O'Brien's storefront, alley and proximity to City owned-parking lot. Additional on-street parking surrounds the business on City streets which back into traffic on E. Central Avenue (one way to the east). The photo above shows the storefront in green, before the restoration shown in the current photo on page 1.

Landscaping

This building is built to the property line. Only plantings placed in large planters on the sidewalk could be required without having cement cut for street trees with tree grates. This improvement is within the authority of the Planning and Zoning Commission to ask of the Applicant and landscaping has been required of all alcohol CUP recipients in the recent past under criteria "G" below; however, Staff is not recommending such enhancements. The addition of street furniture is also something that could be requested for the CUP but is not being recommended by Staff.

Building Elevation Improvements

No building improvements have been offered by the Applicant. As part of the CUP approval, Staff requests that the applicant install three security lighting wall packs along the west wall of the building, adjacent to the alley. The wall extends approximately 60 feet. This would add increased general safety for bar patrons walking to and from the City-owned parking lot. This request conforms to the criteria "D" below.



Western wall of pub along alley where Staff recommends security lighting.

CUP Decision Criteria

As a decision guide, the UDC establishes seven general criteria for evaluation of all CUPs. They are listed below for the P&Z's consideration:

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

PUBLIC NOTICE:

Fifteen notices of the Planning and Zoning Commission public hearing were sent to surrounding property owners. As of Wednesday, November 2th at 5 PM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on October 21, 2011, in accordance with state law and local ordinance. Additionally 31 courtesy notices were sent to surrounding business operators within 300-feet of the subject property.

STAFF RECOMMENDATION: Staff recommends approval of the requested CUP with the additional condition that three security lights be installed on the west wall of the subject building a minimum of 30 days after approval of the CUP by the City Council.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Aerial](#)

[Land Use and Character Map](#)

[Zoning Map](#)

[Utility Map](#)

[CUP Site Plan](#)

[Notice Map](#)



Z-FY-11 -52

Portion of Lots 11 and 12,
Block 22, Original Town Addition

CUP for Alcohol Sales
11 E. Central Avenue



2008 Bell County Aerial



Z-FY-11-48

Feet 0 50 100 150

LMatlock Planning 9.29.11



Z-FY-11-52

Portion of Lots 11 and 12
Block 22, Original Town Addition

CUP for Alcohol Sales
11 E. Central Avenue



- | | | | | | |
|-----------------------|-------------------------|--------------------|---------------------------|-----------------------------------|--------------|
| ZFY 1152 | Auto-Urban Mixed Use | Business Park | Neighborhood Conservation | Suburban Commercial | Urban Center |
| Agricultural/Rural | Auto-Urban Multi-Family | Estate Residential | Parks & Open Space | Suburban Residential | |
| Auto-Urban Commercial | Auto-Urban Residential | Industrial | Public Institutional | Temple Medical Education District | |

1 inch = 86 feet

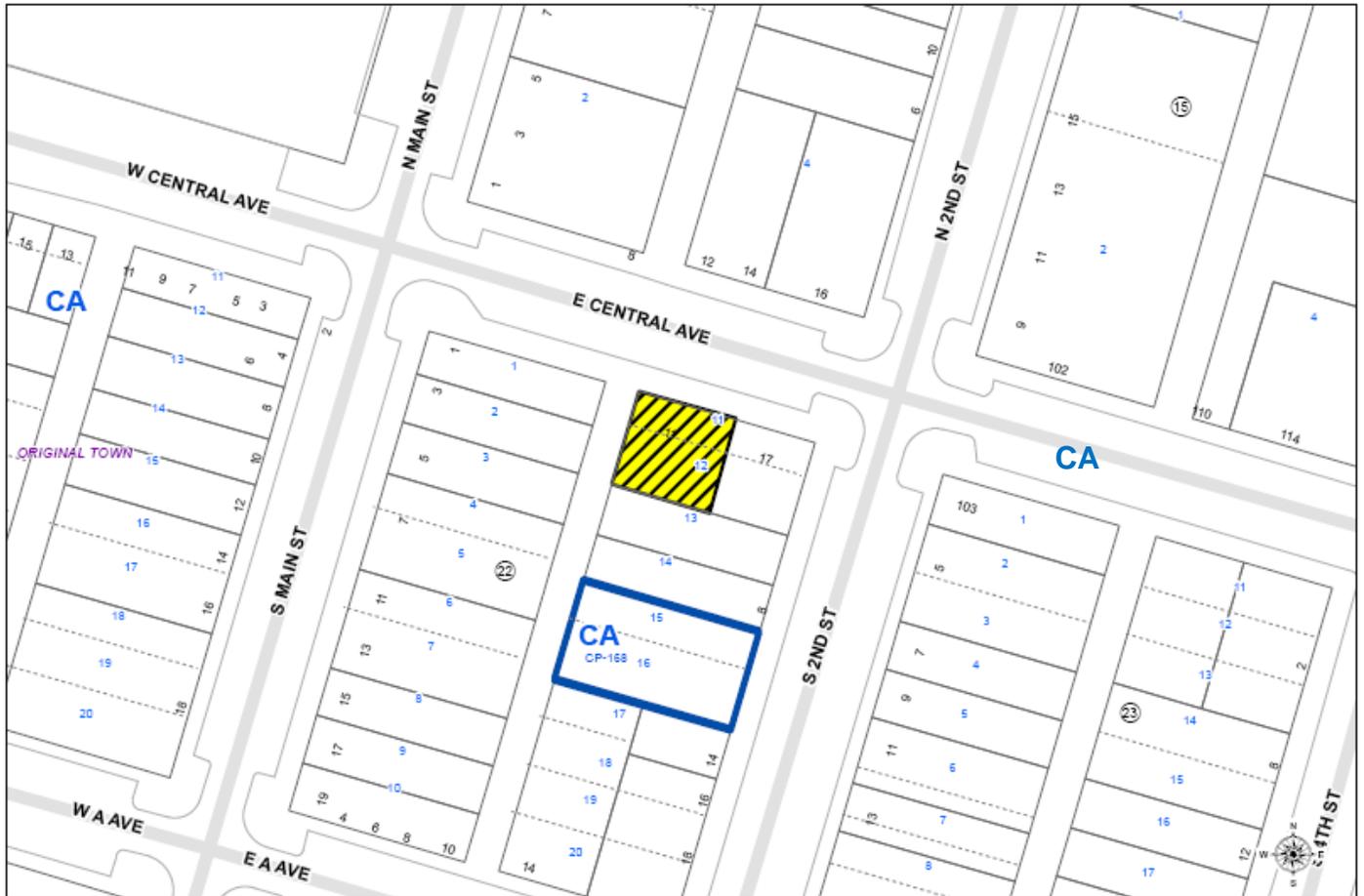
LMatlock Planning 10.21.11



Z-FY-11-52

Portion of Lots 11 and 12,
Block 22, Original Town Addition

CUP for Alcohol Sales
11 E. Central Avenue



- ZFY 1151, CA
- CA Zoning District
- 12345 Addresses
- Parcels
- Subdivisions
- Historic Parcels
- 9 Lots
- 18 Blocks

Feet 0 50 100 150

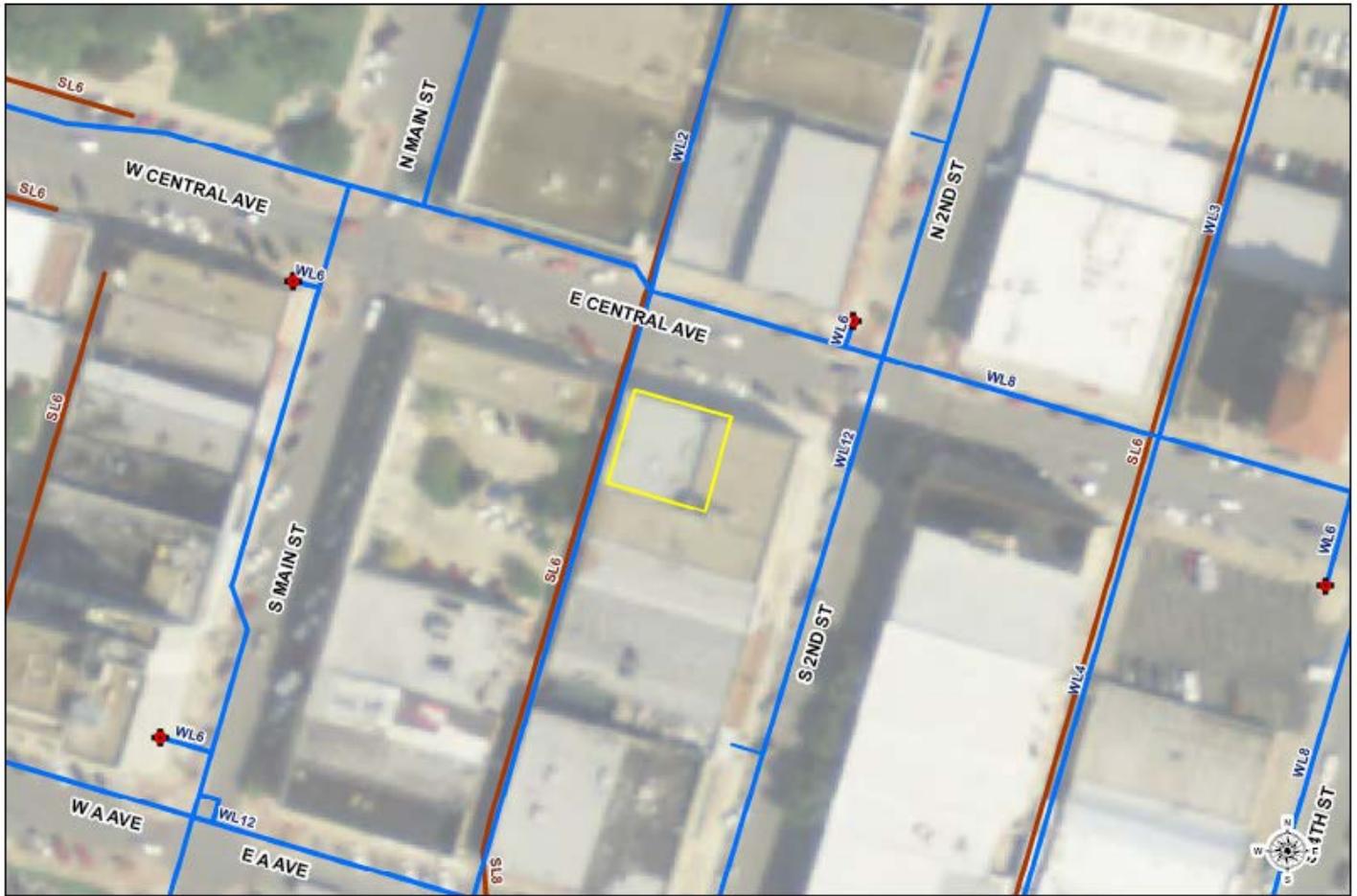
LMatlock Planning 10.21.11



Z-FY-11-52

Portion of Lots 11 and 12,
Block 22, Original Town Addition

CUP for Alcohol Sales
11 E. Central Avenue



- Domestic Water Lines
- Sanitary Sewer Lines
- Fire Hydrants
- Z-FY-11-52

Feet 0 50 100 150

LMatlock Planning 10.21.11



CUP Lighting Site Plan for O'Briens Irish Pub



Example of Appropriate Dark Sky Wall Pack that would focus light down into alley increasing pedestrian safety.



2010 Bell County Aerial

3 Commercial Wall Pack Light Locations

Door or Blocked Window

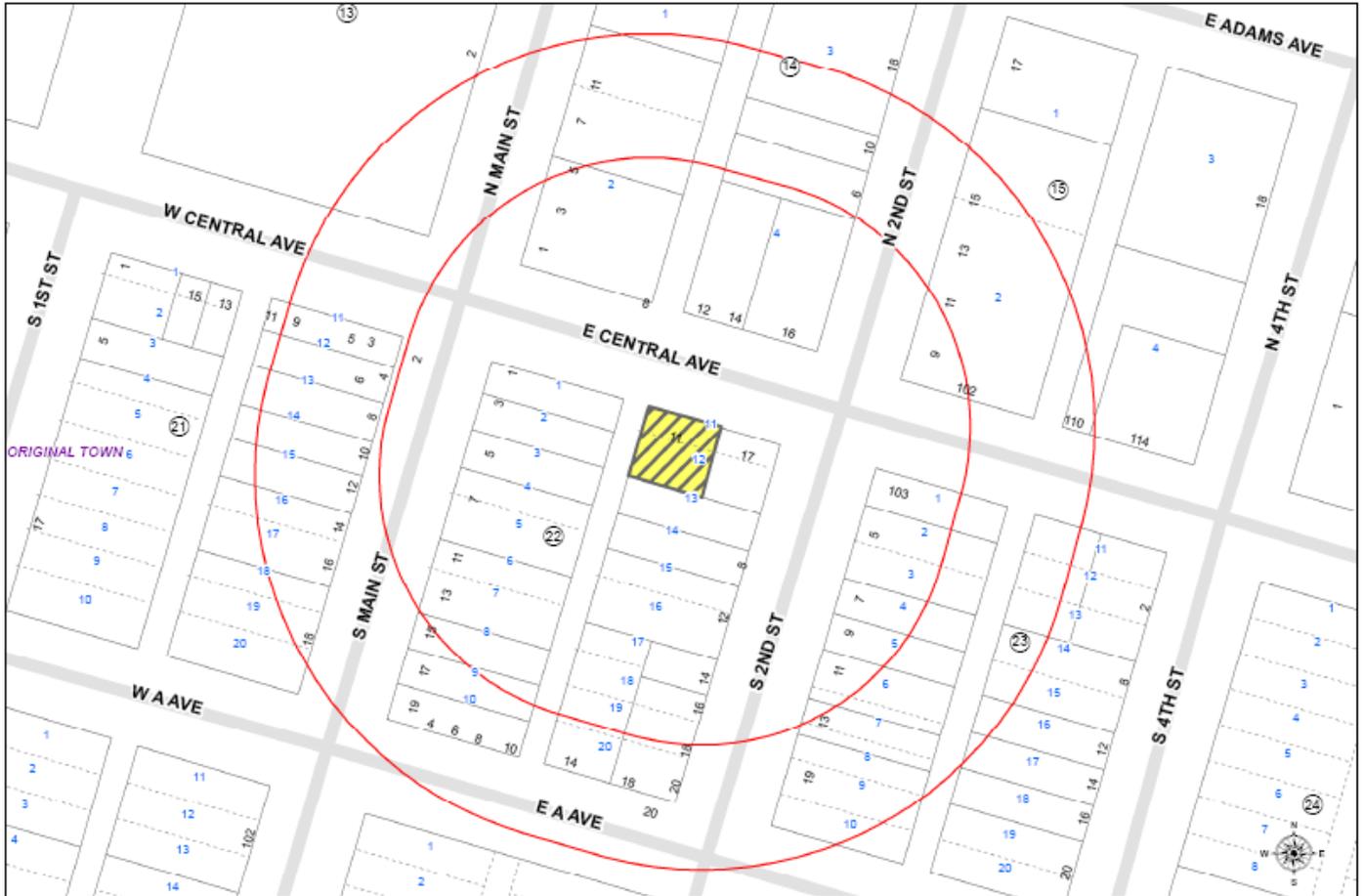




Z-FY-11-51

Portion of Lots 11 and 12,
Block 22, Original Town Addition

CUP for Alcohol Sales
11 E. Central Avenue



-  ZFY 1151, CA
-  Subdivisions
-  200-ft notification buffer and 300-ft business complementary notification

Feet 0 50 100 150

LMatlock Planning 9.29.11

16 Notices Mailed
0 Agree (A)
0 Disagree (D)
0 Returned Mail (R)



PLANNING AND ZONING COMMISSION AGENDA ITEM

11/07/11
Item #6
Regular Agenda
Page 1 of 2

APPLICANT: Planning & Zoning Commission

CASE MANAGER: Brian Mabry, Planning Director

ITEM DESCRIPTION: Receive and discuss the Planning Director's Report containing items for future meetings regarding subdivision plats, zoning cases, conditional use permits, annexations, and proposed text amendments to the Unified Development Code (UDC).

BACKGROUND: The Planning & Zoning Commission will consider several items at future meetings which may also require City Council review for a final decision, shown on the following table.

Future Commission Projects	Status	Comments
P-FY-12-03 - Final plat of Westfield Development Phase VIII Subdivision, a 72-lot residential and a 2.25± acre non-residential tract (Applicant: Kiella Development)	DRC 10/26/11 P&Z TBD	Continuation of Westfield Development. 870' of frontage along N. Pear Ridge Road, which is an arterial on the Thoroughfare Plan and is not up to arterial specifications in this area. Perimeter Street Fees are required. 12.5' of ROW dedicated along Kegley. Update: Applicant requests Thoroughfare Plan amendment for status of Pea Ridge and rezoning from SF-2 to SF-3.
P-FY-12-05 - Final plat of Lake Pointe Phase II, 132.97± acres, 341 residential lots (Applicant: WBW Land Investments, L.P.)	DRC 11/09/11 P&Z TBD	"Back end" of large subdivision related to perimeter street fee disagreement.

Future Commission Projects	Status	Comments
<p>P-FY-12-06 - Final Plat of West Ridge Village, a 3.38 acre± 13-lot residential subdivision (Applicant: All County Surveying for Temple Real Estate Investments)</p>	<p>DRC 11/09/11 P&Z TBD</p>	<p>Plat for recently approved PD-2F for duplexes with landscaped entry feature and enhanced screening fence along 205 Loop and East Ridge Blvd.</p>
<p>Z-FY-12-05 – Discuss and recommend action on amendments to Sections 3.5.3, 5.1.3, 6.3.11.D, 6.7.5.E, 6.7.5.G and Article 11 of the Unified Development Code to: allow the City Council to add a time limit to the approval of a Conditional Use Permit; add “Recreational Vehicle Park” and “Transitional Shelter” as Conditional Uses in the use table; increase the setbacks for street trees in the TMED zoning district; amend sidewalk and sign requirements in the Interstate 35 Corridor Overlay zoning district; and to establish definitions related to such standards.</p>	<p>DRC 11/07/11 P&Z 11/21/11</p>	<p>UDC Clean Up.</p> <ul style="list-style-type: none"> • Allow City Council to approve a CUP with a time limit attached to the permit, at which point the applicant would have to apply for renewal. • Add two new uses to Use Table, RV Parks and Transitional Shelter (e.g. for homeless, domestic abuse, etc.). CUP required. • Minor adjustment to placement of street trees in TMED • Remove I-35 overlay sidewalk requirements except where Trails Plan calls for a sidewalk and amend I-35 sign standards to allow for taller signs so that a PD is not needed • Definitions may needed to be added related to the needed for these amendments
<p>Z-FY-12-08 – Discuss and recommendation action on an amendment to the Thoroughfare Plan to designate the existing and future Westfield Boulevard from West Adams Avenue to State Highway 36 as an arterial road and to reclassify N. Pea Ridge Road from West Adams Avenue to State Highway 36 from a minor arterial to a collector road.</p>	<p>DRC 11/07/11 P&Z 11/21/11</p>	<p>Proposal to reclassify N. Pea Ridge Rd. from Adams to SH 36 as a Collector road and to designate existing and future Westfield Boulevard from Adams to SH 36 as a Minor Arterial road. Addresses S-curve issue. Fewer property owners to deal with for street extension. Connects with SH 36 at a midpoint between two other arterials.</p>

City Council Final Decisions	Status
<p>Z-FY-11-44 - Consider adopting an ordinance authorizing a rezoning from Commercial District (C) to Planned Development – Two-Family District (PD-2F) on Lot 1, Block 1, West Ridge Commercial Addition, Phase 1, being 3.384 - acres located on the southwest corner of 205 Loop and East Ridge Boulevard.</p>	<p>APPROVED on 2nd and Final Reading</p>
<p>Z-FY-11-45 - Consider adopting an ordinance authorizing a rezoning from Agricultural District (AG) to Commercial District (C) on 10.143 ± acres of land, located at the northeast corner of Martin Luther King, Jr. Drive and State Highway 36.</p>	<p>APPROVED on 2nd and Final Reading</p>
<p>Z-FY-11-47 – Consider adopting an ordinance authorizing a rezoning from Commercial District (C) to Planned Development – Commercial (PD-C) for placement of a sign on 0.543 ± acres, more commonly known as 5508 South General Bruce Drive.</p>	<p>APPROVED on 1st Reading</p>
<p>P-FY-11-45 – Consider adopting a resolution authorizing the Final Plat of Saddle Brook Subdivision, a 10.91± acre, 32-lot residential subdivision, with developer’s requested exception to Section 8.5.1 of the Unified Development Code requiring perimeter street fees, located at the southwest corner of Hogan Road and South Pea Ridge Road.</p>	<p>Approved with exception request on 1st and Final reading</p>



**PLANNING AND ZONING COMMISSION
MEETING EVALUATION**

November 7, 2011

Rating Scale

Excellent Average Poor

- 1. What is your overall rating of the P & ZC's Meeting?
- 2. How would you rate the content of the staff's reports?
- 3. How would you rate the clarity of the meeting agenda?
- 4. How would you rate the staff presentation?

Excellent	Average	Poor

5. In what ways did tonight's meeting meet (or not meet) your expectations?

6. Please provide any comments and suggestions that you feel would be useful for the next meeting (content, speakers, materials, resources, etc.).

P&Z COMMISSION ATTENDANCE

2011														
	Jan 3	Jan 18	Feb 7	Feb 22	Mar 7	Mar 21	Apr 4	Apr 18	May 2	May 16	June 6	June 20	P	A
Jack Barton	A													1
Ashley Williams	P	P	A	A	A								2	3
James Staats	P	P	P	P	A	P	P	P	P	P	P	P	11	1
Mike Pilkington	P	P	P	P	P	P	P	P	P	P	P	P	12	
Bert Pope	P	P	P	P	P	P	P	A	P	P	P	A	10	2
Allan Talley	P	P	P	P	P	P	P	P	P	P	P	P	12	
Derek Martin	A	P	A	P	P	P	P	P	A	P	A	P	8	4
Marvin Hurd	A	A												2
Will Sears	P	P	P	P	P	P	P	P	P	P	P	P	12	
Barbara Brown			P	P	P	P	P	P	P	P	A	P	9	1
Greg Rhoads				P	P	P	P	P	P	P	P	P	9	
David Jones									P	P	P	P	4	

	July 5	July 18	Aug 1	Aug 15	Sept 6	Sept 19	Oct 3	Oct 17	Nov 7	Nov 21	Dec 5	Dec 19	P	A
James Staats	P	P	No Meeting	P	P	P	P	P					17	1
Mike Pilkington	P	P		P	P	P	P	P					18	
Bert Pope	A	P		P	A	A	A						12	6
Allan Talley	P	P		P	P	P	P	P					18	
Derek Martin	P	P		P	P	P	P	P					14	4
Will Sears	P	A		P	P	P	P	P					17	1
Barbara Brown	P	P		P	P	P	P	A					14	2
Greg Rhoads	P	A		P	P	P	P	P					14	1
David Jones	P	P		P	P	P	P	P					10	

not a Board member