

**NOTICE OF MEETING
PLANNING AND ZONING COMMISSION
CITY MUNICIPAL BUILDING, 2 NORTH MAIN STREET
STAFF CONFERENCE ROOM, 1ST FLOOR
NOVEMBER 21, 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 21, 2011.
2. Receive and discuss a presentation on the I-35 Overlay zoning district
3. 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 21, 2011, 6:00 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.

- Item 1:** [Approval of Minutes](#): Work session and the regular meeting of November 7, 2011.
- Item 2:** [P-FY-11-39](#) Consider and take action on the Final Plat for Lago Terra Subdivision, a 47.36± acre, 78-lot residential subdivision, located on the west side of Morgan's Point Road, south of Bonnie Lane. Zoned PD-SF1 (Applicant: Victor Turley for McLean Commercial, LTD)
- Item 3:** [P-FY-12-06](#) Consider and take action on the Final Plat of West Ridge Village Addition, a 11.503 ± acre, 13-lot duplex residential subdivision located at the southeast corner of East Ridge Blvd. and 205 Loop. Zoned PD- 2F (Applicant: All County Surveying for Grady Rosier of Temple Real Estate Investments, Inc)

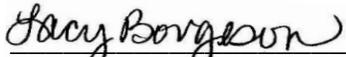
B. ACTION ITEMS:

- 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. (Applicant: Turley Associates and Yong Mullins of Americrete Concrete for Brittney Williams, property owner)
- Item 5:** [Z-FY-12-06](#) Hold a public hearing to discuss and recommend action on a rezoning from Agricultural (AG) to Urban Estates (UE) on 11.759 acres in the George W. Lindsey survey, Abstract No. 513, Bell County, TX, located North of FM 2305 and North of Inverness Drive. (Applicant: Turley Associates for Kiella Land Development)
- Item 6:** [Z-FY-12-07](#) Hold a public hearing to discuss and recommend action on a rezoning from Agriculture (AG) to Single Family One (SF1) on 19.065 acres in Abstract 513, located on the southeast corner of Morgan's Point Road and Bonnie Lane. (Applicant: Jason Carothers of Carothers Executive Homes)
- Item 7:** [Z-FY-12-01](#) Hold a public hearing to discuss and recommend action on an amendment to Ordinance 2008-4230, Temple Comprehensive Plan, Section 3: Future Land Use and Character Plan Map, Figure 3.1. (Applicant: City of Temple)
- Item 8:** [Z-FY-12-08](#) Hold a public hearing to consider 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. (Applicant: Turley Associates for Kiella Land Development)
- Item 9:** [Z-FY-12-05](#) Hold a public hearing to consider and recommend action on amendments to Articles 3, 5, 6 and 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. (Applicant: City of Temple)

C. REPORTS

- Item 10:** 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 8:15 AM, on November 17, 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
NOVEMBER 7, 2011
5:30 P.M.**

PLANNING AND ZONING MEMBERS PRESENT

Chair Derek Martin

COMMISSIONERS:

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

Greg Rhoads
Mike Pilkington

PLANNING AND ZONING MEMBERS ABSENT:

Barbara Brown H. Allan Talley

STAFF PRESENT:

Brian Mabry, Planning Director
Trudi Dill, Deputy City Attorney
Autumn Speer, Dir. of Community Services
Leslie Matlock, Senior Planner
Tammy Lyerly, Planner
Mary Maxfield, Planning Technician
Leslie Evans, Administrative Assistant
Jacob Calhoun, Planning Intern

The agenda for this meeting was posted on the bulletin board at the Municipal Building, November 2, 2011 at 4:45 p.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 5:35 P.M.

Invocation by Chair Martin; Pledge of Allegiance by Commissioner Rhoads.

A. CONSENT ITEMS

Item 1: Approval of Minutes: Work session and the regular meeting of October 17, 2011.

Chair Martin stated Item 2 would be pulled in order for Vice-Chair Staats to recuse himself.

Minutes approved by general consent.

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)

Commissioner Sears made a motion to approve **Item 2, P-FY-12-01**, and Commissioner Pilkington made a second.

Motion passed: (5:0)

Commissioners Talley and Brown absent; Vice-Chair Staats abstained

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)

Ms. Tammy Lyerly, Planner, stated the developer has asked for exceptions to the Unified Development Code (UDC), and City Council would be the final authority for the plat.

Both sides of the subject property have already been platted and built on. The developer had previously requested the same exceptions on those areas and City Council approved the request. There have been some reconfigurations in areas on the current development so the plat needs to go through the process again. In the original plat, Section III of the development was included, but since that approval, Section III has already been developed. This Second Amended Preliminary Plat is minus Section III of the development. Phase III is to the east of the plat and Section two of Heritage Place borders on the west side.

DRC deemed this plat administratively complete on October 31, 2011. The property is zoned Single Family Three (SF3) which allows single family homes. The developer is requesting exceptions to the following sections of the UDC:

Section 8.2.1.C – Right-of-Way and Pavement Dimensional Standards

Section 8.2.1.K – Curbs and Gutters

Section 8.3 – Park Land Dedication

These exceptions relate to reduced street width, use of mountable curbs, and reduced park land dedication. The developer also requested a sidewalk waiver for the six foot wide sidewalk required along the minor arterial, West Nugent Avenue.

Temple requires stand up curbs with a curb cut for a driveway. Mountable curbs were used for the other sections of the development to the east and west. The developer would like to retain consistency with all phases of the development.

Reduced park land is the same park plan previously approved. Instead of paying park fees in the amount of \$47,700, the developer proposes to build a 1.763± acre park and nature trail in a common area of the plat, along the creek area. Staff is asking for trail improvements for Phases III and VI to be installed prior to recordation of the final plat of Phase VI. The Trails Master Plan classifies the area of trail as a Community Wide Connector which requires a minimum trail width of eight feet.

Staff supports the requested exceptions because the exceptions have already been approved with the previous version of the preliminary plat in 2008, and the final plats of the previous three phases have all been approved and built with the same exceptions being requested tonight. The exceptions would allow for consistency throughout the entire Heritage Place development. 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.

Vice-Chair Staats asked about mountable curbs and Ms. Lyerly stated stand up curbs were the required standard in Temple and mountable curbs would require City Council approval.

Commissioner Sears made a motion to approve Item 3, **P-FY-12-04**, with the requested exceptions to Unified Development Code Sections 8.2.1.C, 8.2.1.K and 8.3 and Vice-Chair Staats made a second.

Motion passed: (6:0)

Commissioners Talley and Brown absent

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)

Chair Martin stated the public hearing for this matter was already opened and would remain so.

Ms. Leslie Matlock, Senior Planner stated the applicant has requested this item to be table until the next meeting.

Commissioner Sears made a motion to table Item 4, **Z-FY-11-49** until the next scheduled meeting and Commissioner Rhoads made a second.

Motion passed: (6:0)

Commissioners Talley and Brown absent

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)

Ms. Matlock stated this was a CUP for the existing O'Brien's Irish Pub located at 11 E. Central Avenue. This case will go forward to City Council for the December 1st and 15th meetings for first and second readings.

The subject and surrounding properties are zoned Central Area District (CA). Off-street parking is not required in CA district and there is on- and off-street parking located nearby. The bar has been operating since 2007 and not previously required to have a CUP. Since the business is renewing their state license they are required to apply for a CUP. If the CUP is denied, the business will have to stop selling alcohol at its present level.

Surrounding uses include retail, office, and mixed uses. The alley passageway, which leads to the parking area, is used by the business's clients during the evening hours.

As part of the CUP requirements, Staff has requested the applicant to place lights on the side of the building to make the passage safer for pedestrians and cars. The lights chosen need to be focused to the ground and not the upper windows of adjacent buildings.

The UDC criteria for a CUP include:

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; and
5. Directional lighting is provided so as not to disturb or adversely neighboring properties.

Fifteen notices were mailed and zero was returned in opposition, two were returned in favor.

Staff recommends approval of this CUP for a business receiving more than 75% revenue from alcohol sales, with the addition of three dark sky lighting fixtures along the west side of the building within three months of City Council approval.

Chair Martin asked if the applicant had any concerns about the additional lighting and Ms. Matlock stated the applicant thought it should be publicly provided. Commissioner Rhoads asked if Staff considered having the lighting publicly provided and Ms. Matlock stated that as a required condition of the CUP, the applicant would be need to install additional lighting.

Discussion about the alley and lighting conditions if used as a passageway at night and who would bear responsibility for the additional lighting.

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

Vice-Chair Staats made a motion to approve Item 5, Z-FY-11-52, with the addition of the lighting per Staff's recommendation and Commissioner Pilkington made a second.

Motion passed: (6:0)

Commissioners Talley and Brown absent

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)***

Mr. Mabry gave an overview of the upcoming projects:

Final plat of Westfield Development Phase VIII, 72 single family lots on 2.25± acres with approximately 870 feet of frontage along Pea Ridge. Pea Ridge is designated as an arterial on the Thoroughfare Plan but has less than arterial width as far as paved surface for the development. Staff would be looking at perimeter street fees for this development as well as a 12.5 foot right-of-way dedication which is already proposed along Kegley.

The applicant has requested a Thoroughfare Plan amendment to change the status of Pea Ridge from an arterial down to a collector and designate Westfield Boulevard as an arterial instead. The applicant is also requesting a rezoning from SF2 to SF3. SF2 was approved for this property in the summer of 2011 but the applicant would like a 20 foot front yard setback for the proposed houses which is not allowed in SF2.

Final plat of Lake Pointe Phase II, 132± acres, 341 residential lots surrounded by State Highway 317, Prairie View and Pea Ridge Road. Staff has been in discussions with the applicant regarding the validity of the perimeter street fee provisions. There may be more DRC sessions before coming before P&Z.

Final plat of West Ridge Village, 3.3± acre, 13 lot residential subdivision which will have 26 duplexes. This was previously approved as a Planned Development (PD) by P&Z and City Council late summer 2011. The property is located along 205 Loop and East Ridge Boulevard.

Several amendments to the UDC which are basically housekeeping items. These items will be coming forward to P&Z on November 21st for recommendation.

1. Allow City Council to approve a CUP with a time limit attached to the permit.

This would allow City Council to approve a CUP and after a year when the CUP would come up for reconsideration, review could be made to see if the CUP should be renewed or revoked.

It would allow the City Council to have the authority to do this. This would not apply to all CUPs

2. Add two new uses to the use table: RV parks and transitional shelters.

Discussion is ongoing regarding which zoning districts these would be allowed in. A CUP would be required for these uses.

Some of the standards to be looked at would be the site plan complying with separation requirements.

3. Street trees in TMED.

TxDOT does not agree with the seven and a half foot distance from back of curb for street trees and would like eight and a half instead.

4. Remove I35 Overlay sidewalk requirements

Except where the Trails Plan calls for an enhanced sidewalk (or trail) either along the interstate or intersecting with the interstate.

5. Change the I35 standards to allow taller signs so an applicant does not have to request a PD.
6. Add any definitions needed related to these standards.

In reference to the proposal for the Thoroughfare Plan request and Westfield Development Phase VIII (mentioned above), it was suggested to reclassify Pea Ridge Road from a minor arterial to a collector status which would negate the need for the "S" curve discussed earlier this year and eventually withdrawn. ("S" curve discussion was shifting the curve from south of Pea Ridge to north of Pea Ridge). Also proposed was reclassifying Westfield Boulevard from an undesignated local street to a minor arterial. Westfield is already constructed to be a minor arterial. An unnamed conceptual collector road would go away entirely because Westfield would connect Prairie View to State Highway 36.

Mr. Mabry gave the City Council Decisions since last meeting

There being no further business, Chair Martin adjourned the meeting at 6:18 p.m.

Respectfully submitted,
Leslie Evans

**PLANNING AND ZONING COMMISSION
NOVEMBER 7, 2011
5:00 P.M.
WORK SESSION**

PLANNING AND ZONING MEMBERS PRESENT

Chair Derek Martin

COMMISSIONERS:

Will Sears
Mike Pilkington
David Jones

Greg Rhoads
James Staats

PLANNING AND ZONING MEMBERS ABSENT:

Barbara Brown

H. Allan Talley

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
Tammy Lyerly, Planner
Mary Maxfield, Planning Technician
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 5:02 p.m. and asked Mr. Brian Mabry, Planning Director, to proceed.

Mr. Mabry stated there were two Consent Items on the agenda: approval of minutes from the October 17, 2011 meeting and the final plat for Friendship Plaza Subdivision, 11.5± acre, 5 lots, non-residential located at 205 Loop and W. Adams Avenue. A bowling alley and mini storage warehouse are proposed for the area. No exceptions have been requested.

Item 3 is the Second Amended Preliminary Plat of Heritage Place and Heritage Place Village, 37.868± acres, 212-lot residential single family lots on the south half of W.

Nugent Avenue. Some exceptions have been requested that were already approved for a previous version of this plat in 2008. They are for reducing the street width to 28 feet, to have mountable curbs instead of standard, and reduce the park land dedication to do some trail construction/improvements in lieu of park fees. Staff supports these requested exceptions.

Item 4 is a CUP for the permanent concrete batch plant on Shallow Ford West. Mr. C.W. Wharton requested this item be tabled. Staff will be meeting with Mr. Wharton on November 16th.

Item 5 is a CUP for O'Brien's Irish Pub. Staff supports the CUP request and requested the applicant to install additional security lights along the alley area for the parking lot customers.

Commissioner Jones asked about any additional landscaping and Mr. Mabry stated the building was located in downtown, was already in good shape with a nice façade, there was good articulation on the front, and the overall aesthetics were nicely done so Staff did not feel the need to request additional landscaping.

Discussion about requirements in the various districts. Mr. Mabry stated a presentation could be given regarding this issue.

Mr. Mabry gave a presentation of the widening of I-35 right-of-way using the boundaries of north HK Dodgen Loop intersection down to the south HK Dodgen Loop intersection. Public right-of-way has to be acquired by TxDOT (or any governmental agency) when expanding a road if not wide enough. TxDOT will start on the north end working their way down south.

Several slides of aerials are shown to indicate local landmarks affected by the widening and those landmarks have been indicated with the following color codes: green (no / minimal impact), yellow (some rebuilding necessary) and red (total relocation).

Firestone will need to reconfigure and reapply for a CUP even though the situation is beyond their control.

As properties are forced to rebuild, I-35 standards could be triggered and businesses may need exceptions or appeals.

Mr. Mabry stated a presentation would be given by Keep Temple Beautiful regarding their take on the I-35 Overlay and the work they did to get the Overlay adopted. This presentation was to take place on November 21st during the workshop and having the regular P&Z meeting begin at 6:00 p.m. instead of 5:30 p.m. As it turns out, KTB (Zoe Rascoe) will need to do the presentation on December 6th.

Commissioner Sears asked about the signs adjustment in the I-35 Overlay. Mr. Mabry stated this item would be included in a set of several UDC amendments coming forward very soon. This adjustment would allow for taller signs than what is currently allowed in the I-35 Overlay.

There being no further discussion, Chair Martin adjourned the meeting at 5:31 P.M.



PLANNING AND ZONING COMMISSION AGENDA ITEM

11/21/11
Item #2
Consent Agenda
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APPLICANT / DEVELOPMENT: Victor Turley for McLean Commercial, LTD

CASE MANAGER: Tammy Lyerly, Planner

ITEM DESCRIPTION: P-FY-11-39 Consider and take action on the Final Plat for Lago Terra Subdivision, a 47.36± acre, 78-lot residential subdivision, located on the west side of Morgan's Point Road, south of Bonnie Lane. Zoned PD-SF1 (Applicant: Victor Turley for McLean Commercial, LTD)

STAFF RECOMMENDATION: Staff recommends approval of the Final Plat of Lago Terra, P-FY-11-39, with the following conditions established with the Preliminary Plat and approved with the original Final Plat of Lago Terra (P-FY-11-08):

1. Signs being placed in the subdivision prohibiting parking within the street ROW;
2. Striping of the streets as fire lanes; and
3. HOA maintenance of signs and striping and enforcement of no parking provisions.

BACKGROUND: This Final Plat of Lago Terra is a revision to the Final Plat of Lago Terra (P-FY-11-08), approved by the Planning and Zoning Commission on February 7, 2011. This revised Final Plat has one less residential lot than the original Final Plat of Lago Terra because the developer's engineer reconfigured the residential lot for drainage purposes.

The Design Review Committee reviewed the revised Final Plat on August 3, 2011 and deemed it administratively complete on November 7, 2011 with the submittal of a general warranty deed conveying the lift station tract and easement to the City of Temple for access.

The proposed development, with a density less than two dwelling units per acre, warrants the use of rural street standards with 12-inch ribbon curbing. The Unified Development Code (UDC) allows the use of **rural collector streets** and **rural local streets** for low density development, not to exceed two dwelling units per acre. The proposed development has a density of approximately 1.6 dwelling units per acre. No exceptions to the UDC are required.

The developer will construct a 4-foot wide sidewalk along the north side of proposed Lago Terra Boulevard and a required 6-foot wide sidewalk along the west side of Morgan's Point Road, a minor arterial on the City's Thoroughfare Plan.

The subdivision proposes water service from 8-inch and 6-inch water lines. Sewer service will be through 8-inch sewer lines, with a force-main and off-site lift station.

Park fees in the sum of \$17,550 (\$225 per single-family dwelling) are required for this proposed subdivision.

ATTACHMENTS: Plat



PLANNING AND ZONING COMMISSION AGENDA ITEM

11/21/11
Item #3
Consent Agenda
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APPLICANT / DEVELOPMENT: All County Surveying for Grady Rosier of Temple Real Estate Investments, Inc, Owner

CASE MANAGER: Leslie Matlock, AICP, Senior Planner

ITEM DESCRIPTION: P-FY-12-06 Consider and take action on the Final Plat of West Ridge Village Addition, a 11.503 ± acre, 13-lot duplex residential subdivision located at the southeast corner of East Ridge Blvd. and 205 Loop. (Zoned: PD- 2F)

STAFF RECOMMENDATION: Staff recommends approval of the Final Plat of West Ridge Village Addition.

BACKGROUND: This Final Plat proposes 13 duplex lots on 3.38 acres. The proposed subdivision will have a single internal road that intersects with 205 Loop. The Development Review Committee reviewed the Final Plat on November 9, 2011 and deemed it administratively complete on November 15, 2011. There are no subdivision exceptions requested and so Planning and Zoning will make the final approval decision.

Park dedication fees for this 26 unit duplex subdivision in the amount of \$5,850.00 will be required for this addition. (\$225 per unit)

ATTACHMENTS:
Plat



PLANNING AND ZONING COMMISSION AGENDA ITEM

11/21/11

Item #_

Regular Agenda

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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.

On November 4th, the applicants engineer requested that the case again be tabled to the November 21st meeting. 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.

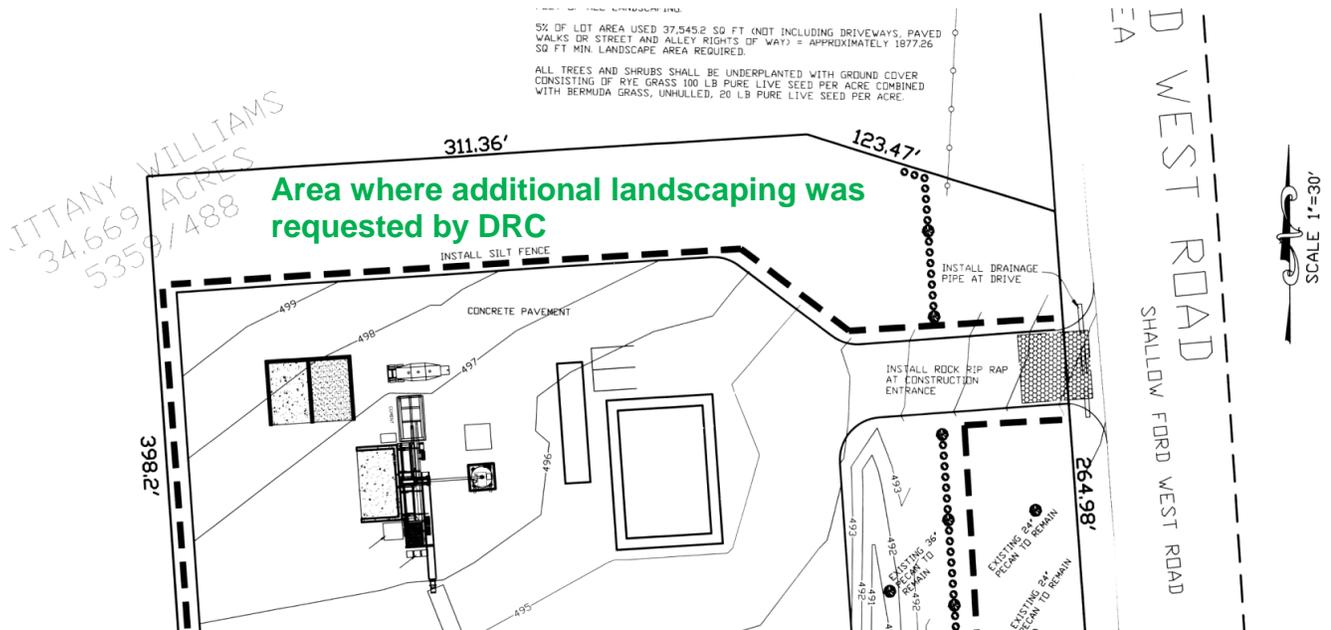




Photo was taken from the edge of the property with the site in question in the distance. The view of the batch plant will not be screened from the right of way with only plantings proposed on the street frontage.

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](#)

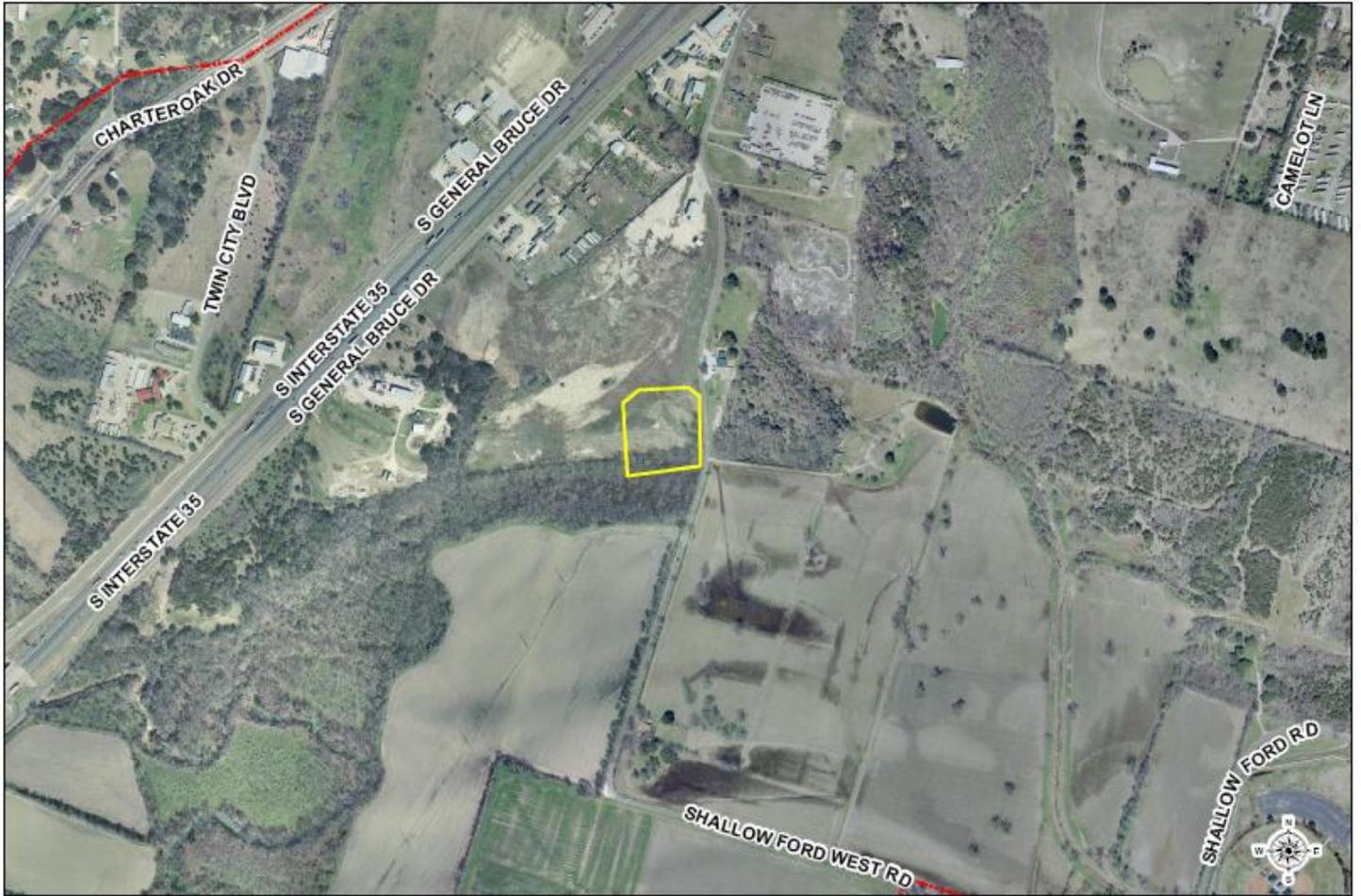
[Responses](#)
[Applicant's Narrative](#)
[Applicant's Site Plan](#)
[Applicant's Site Plan with Topo and Drainage Area](#)
[Applicant's Site Plan with Landscaping](#)



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

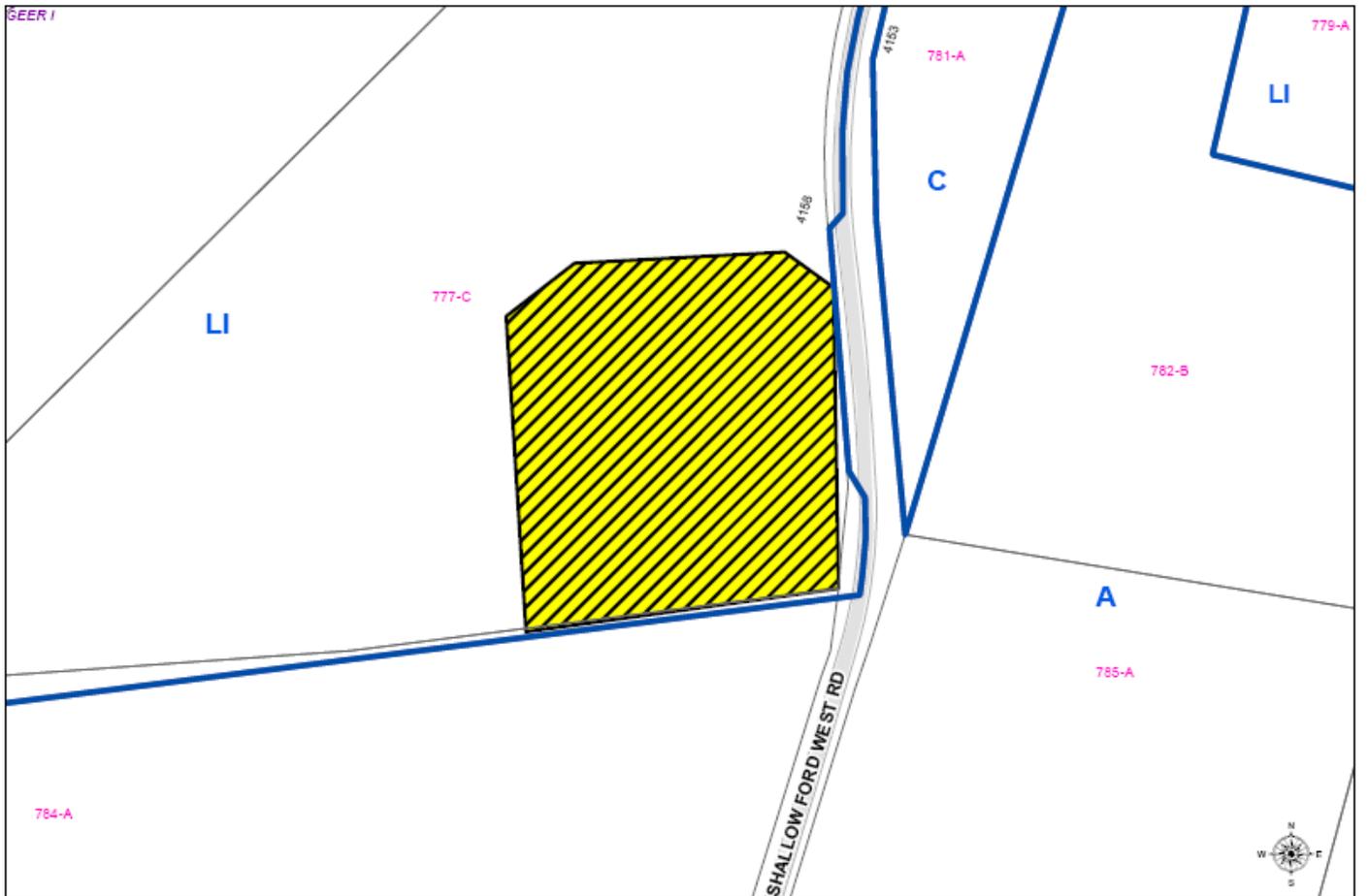
LMatlock Planning 9.15.11



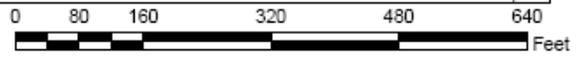
Z-FY-11-49

3.787 Acre Portion of the
Nancy Chance Survey #5

4158 Shallow Ford West Road



-  ZFY 11-49 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

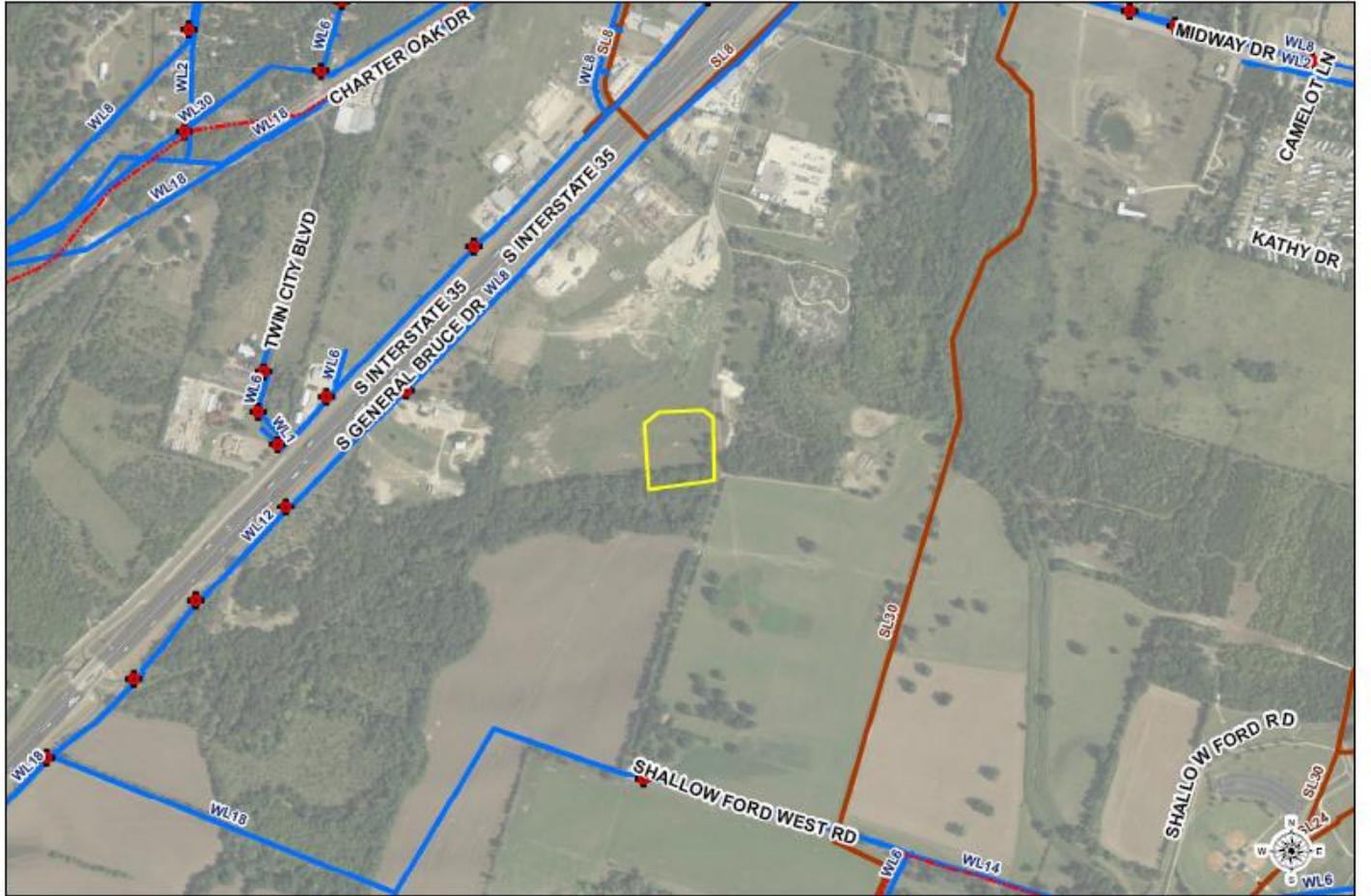
LMatlock Planning 9.15.11



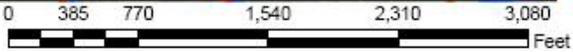
Z-FY-11-49

3.787 Acre Portion of the Nancy Chance Survey #5

4158 Shallow Ford West Road



ZFY 11-49
 Sanitary Sewer Lines

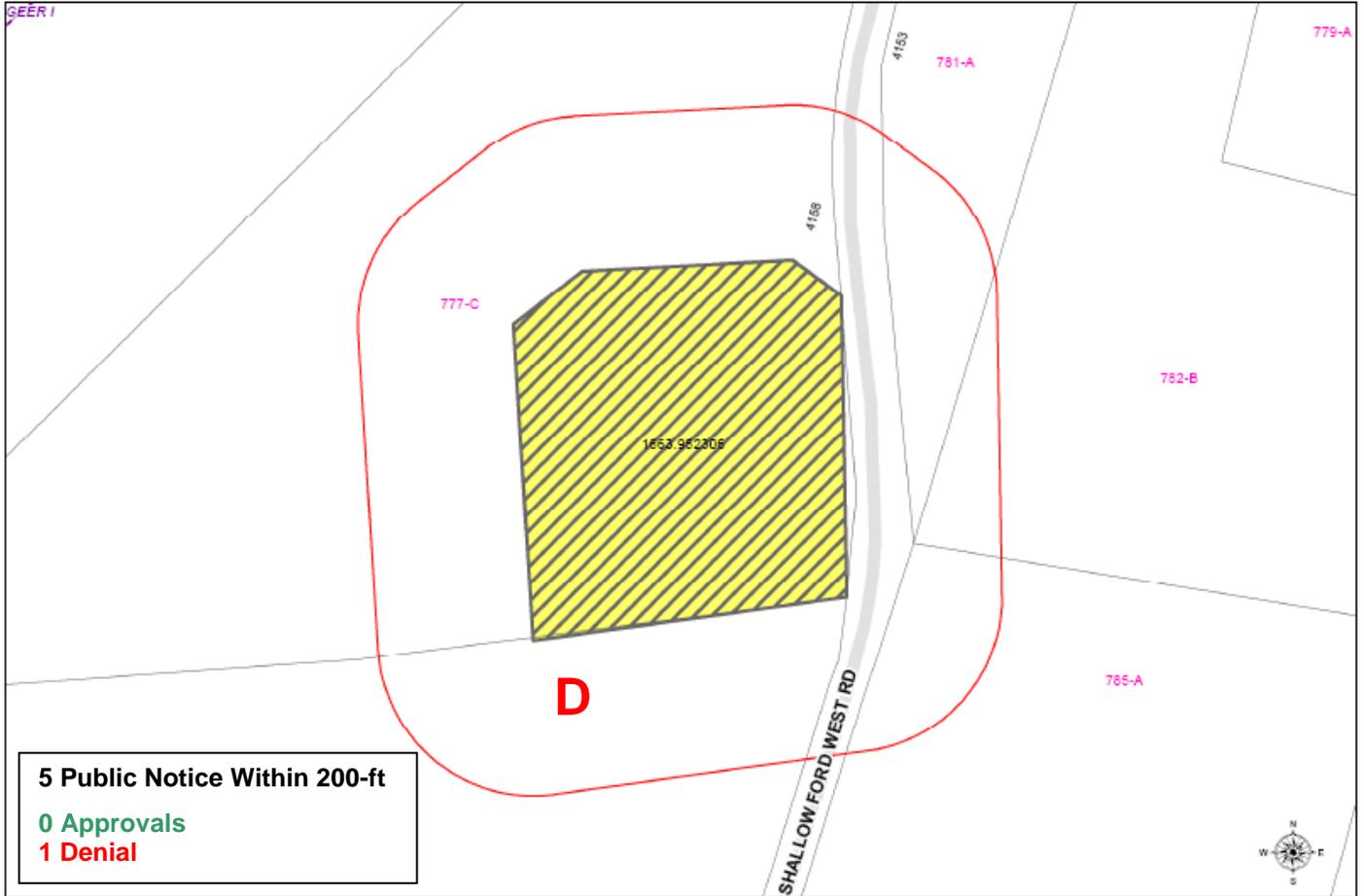




Z-FY-11-49

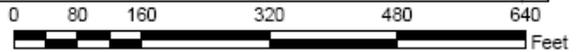
3.787 Acre Portion of the Nancy Chance Survey #5

4158 Shallow Ford West Road



5 Public Notice Within 200-ft
0 Approvals
1 Denial

- ZFY 11-49
- Subdivisions
- 2211 Address
- zfy 1149 - 200-ft Notification Buffer
- 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

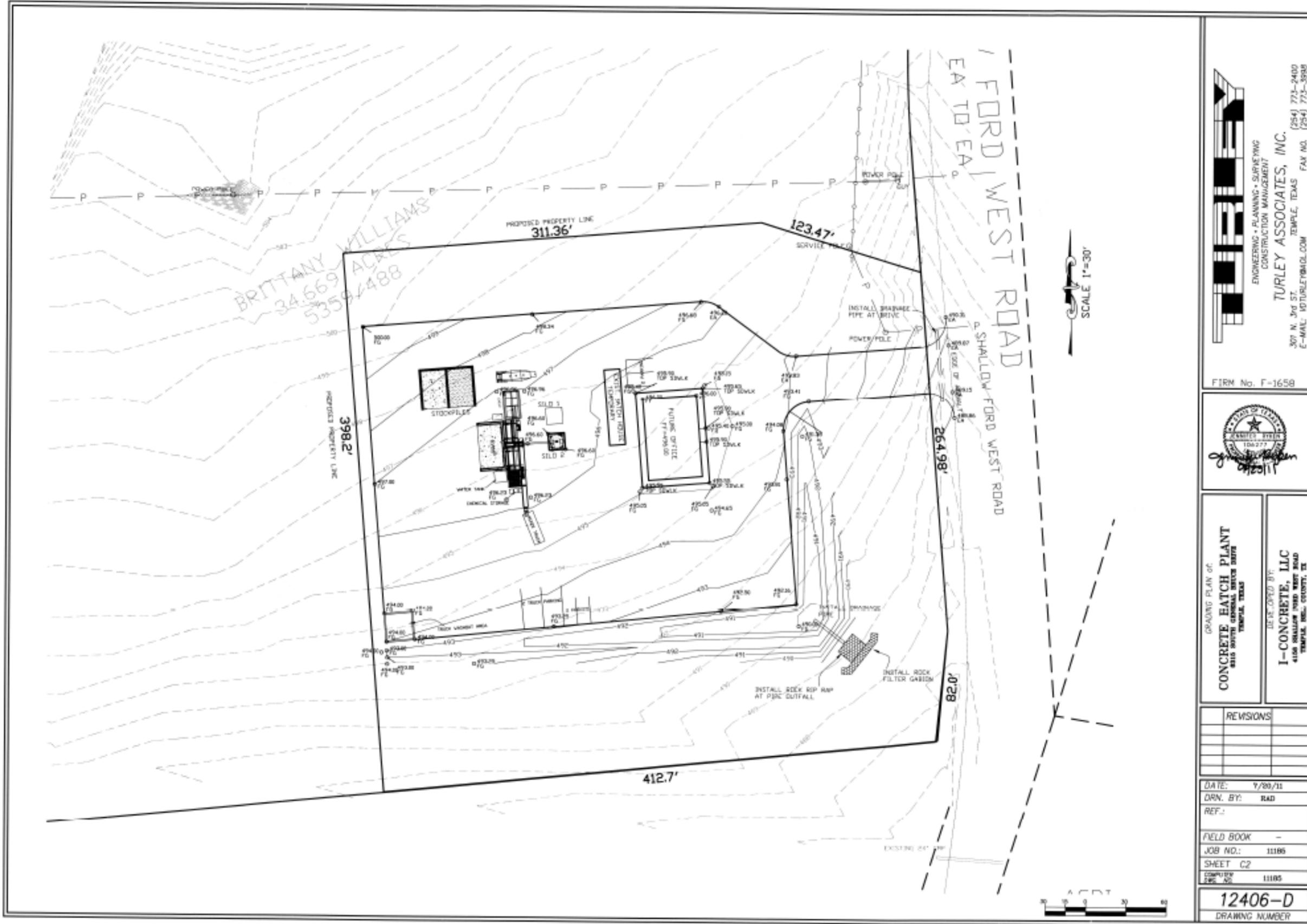
Number of Notices Mailed: 4

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
53594488

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

FIRM No. F-1658



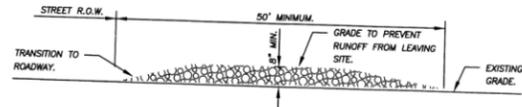
GRADING PLAN OF
CONCRETE BATCH PLANT
4106 SHALLOW FORD WEST ROAD
TEMPLE, TEXAS

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

NO.	REVISIONS

DATE: 9/29/11
DRN. BY: RAD
REF.:
FIELD BOOK: -
JOB NO.: 11185
SHEET C2
COMPUTED BY: 11185

12406-D
DRAWING NUMBER



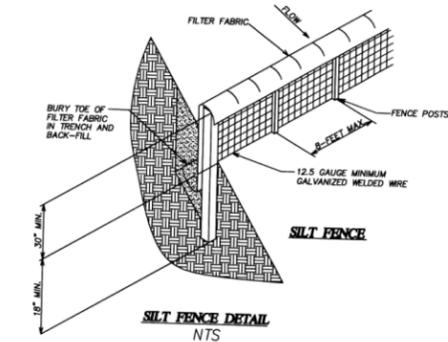
STABILIZED CONSTRUCTION ENTRANCE

NOTES:

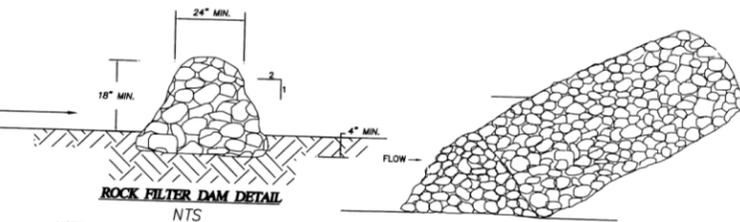
1. STONE SIZE SHALL BE 4" - 8" OPEN GRADED ROCK WRAPPED IN WIRE MESH.
2. THICKNESS OF CRUSHED STONE PAD TO BE NOT LESS THAN 8".
3. LENGTH SHALL BE A MINIMUM OF 50' FROM ACTUAL ROADWAY, AND WIDTH NOT LESS THAN FULL WIDTH OF INGRESS/EGRESS.
4. ENTRANCE SHALL BE PROPERLY GRADED TO PREVENT RUNOFF FROM LEAVING THE CONSTRUCTION SITE.

THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS OF WAY. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS OF WAY MUST BE REMOVED IMMEDIATELY BY CONTRACTOR.

AS NECESSARY, WHEELS MUST BE CLEANED TO REMOVE SEDIMENT PRIOR TO ENTRANCE ONTO PUBLIC RIGHT OF WAY. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH CRUSHED STONE WHICH DRAINS INTO AN APPROVED SEDIMENT TRAP OR SEDIMENT BASIN. ALL SEDIMENT SHALL BE PREVENTED FROM ENTERING ANY STORM DRAIN, DITCH OR WATERCOURSE USING APPROVED METHODS.



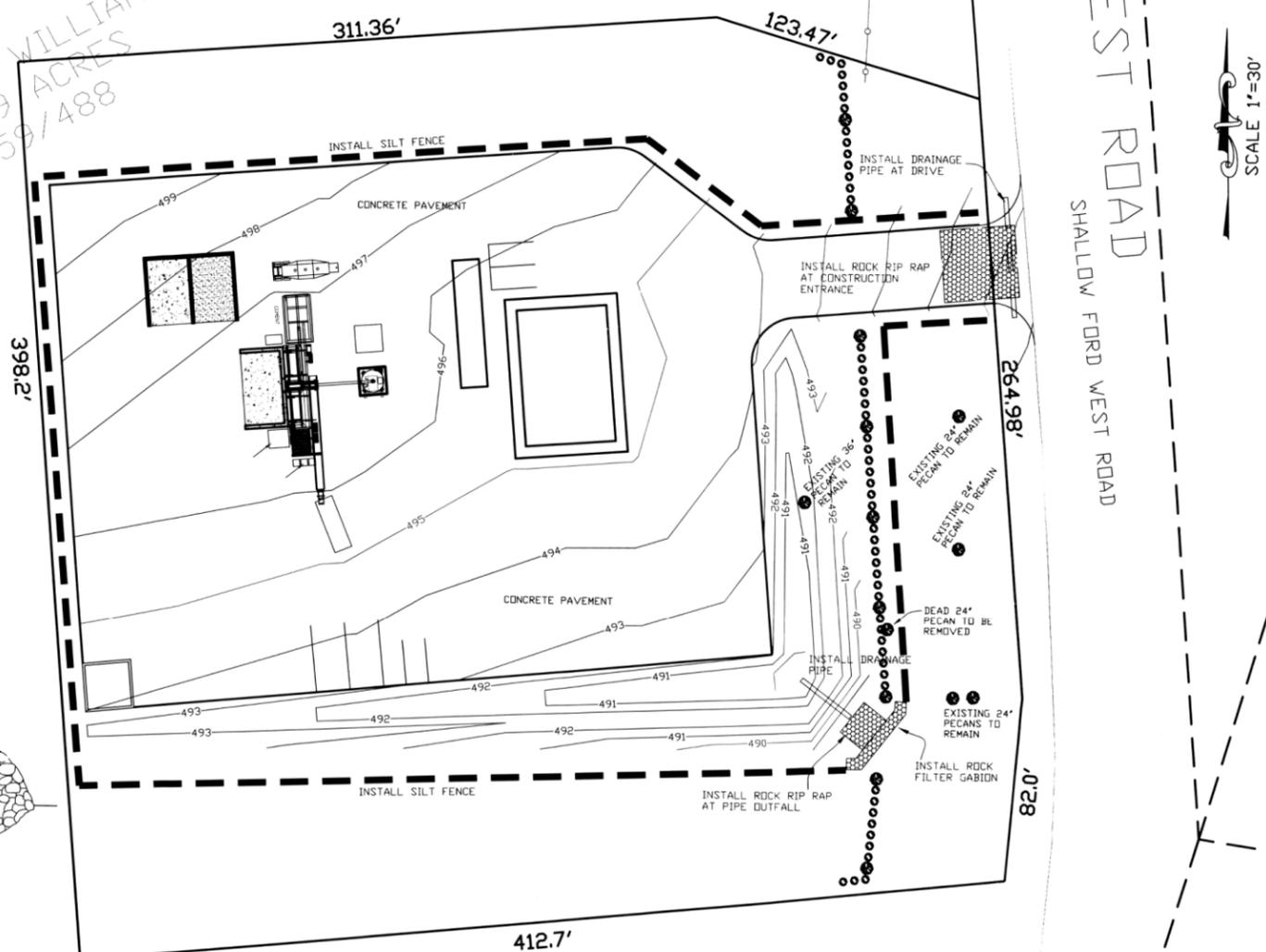
- SILT FENCE DETAIL NTS**
1. POSTS WHICH SUPPORT THE SILT FENCE SHALL BE INSTALLED ON A SLIGHT ANGLE TOWARD THE ANTICIPATED RUNOFF SOURCE.
 2. THE TOE OF THE SILT FENCE SHALL BE TRENCHED IN WITH A SPADE OR MECHANICAL TRENCHER, SO THAT THE DOWNSLOPE FACE OF THE TRENCH IS FLAT AND PERPENDICULAR TO THE LINE OF FLOW.
 3. THE TRENCH SHOULD BE A MIN. OF 6" DEEP AND 6" WIDE TO ALLOW FOR THE SILT FENCE TO BE LAID IN THE GROUND AND BACKFILLED.
 4. SILT FENCE SHOULD BE SECURELY FASTENED TO EACH STEEL SUPPORT POST OR TO WOVEN WIRE, WHICH IS IN TURN ATTACHED TO THE STEEL FENCE POSTS.



- ROCK FILTER DAM DETAIL NTS**
1. USE ONLY OPEN-GRADED ROCK, WITH MOST OF THE FINES REMOVED.
 2. STONE SHALL BE CRUSHED AND, UNLESS OTHERWISE SPECIFIED, SHALL BE AT LEAST 3 INCHES IN DIAMETER AND LESS THAN 1 CUBIC FOOT IN VOLUME.
 3. THE ROCK FILTER DAM SHALL BE EMBEDDED INTO SOIL A MINIMUM OF 12 INCHES.
 4. THE ROCK FILTER DAM SHALL BE INSPECTED AFTER EACH RAIN, AND THE STONE SHALL BE REPLACED WHEN THE STRUCTURE CEASES TO FUNCTION AS INTENDED, DUE TO SILT ACCUMULATION AMONG THE ROCKS, WASHOUT, CONSTRUCTION TRAFFIC DAMAGE, ETC.

BRITTANY WILLIAMS
34.669 ACRES
5359/488

- LOT FRONTAGE = 346.98'
TREES REQUIRED = 1 TREE FOR EVERY 40' OF ROAD FRONTAGE
TREES REQUIRED 346.98/40 = 8.67 TREES (9 TREES REQUIRED - MIN. 2" CALIPER AND 5' OVERALL HEIGHT)
THREE (3) SHRUBS 5 GALLONS IN SIZE MAY BE SUBSTITUTED FOR ONE REQUIRED TREE
- TREE - TEXAS ASH (FRAXINUS TEXENSIS) SPACED 40' APART (9 TOTAL)
 - SHRUB - TEXAS SAGE (LEUCOPHYLLUM FRUTESCENS) SPACED 5' APART (52 TOTAL)
- ALL REQUIRED LANDSCAPING SHALL BE IRRIGATED BY AN AUTOMATIC SPRINKLER SYSTEM OR HAVE ACCESS TO A HOSE CONNECTION WITHIN 50 FEET OF ALL LANDSCAPING
- 5% OF LOT AREA USED 37,545.2 SQ FT (NOT INCLUDING DRIVEWAYS, PAVED WALKS OR STREET AND ALLEY RIGHTS OF WAY) = APPROXIMATELY 1877.26 SQ FT MIN. LANDSCAPE AREA REQUIRED.
- ALL TREES AND SHRUBS SHALL BE UNDERPLANTED WITH GROUND COVER CONSISTING OF RYE GRASS 100 LB PURE LIVE SEED PER ACRE COMBINED WITH BERMUDA GRASS, UNHULLED, 20 LB PURE LIVE SEED PER ACRE.



FORD WEST ROAD
SHALLOW FORD WEST ROAD



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

EROSION CONTROL / LANDSCAPING
CONCRETE BATCH PLANT
6315 SOUTH GENERAL BRUCE DRIVE
TEMPLE, TEXAS

DEVELOPED BY:
I-CONCRETE, LLC
4106 SHALLOW FORD WEST ROAD
TEMPLE, BELL COUNTY, TX

REVISIONS

MZS	CDT	COMMENTS	09/22/11

DATE: 7/20/11
DRN. BY: RAD
REF.:
FIELD BOOK -
JOB NO.: 11185
SHEET C6
COMPUTER DWG. NO. 11185

12406-D
DRAWING NUMBER

APPLICANT / DEVELOPMENT: Turley Associates for Kiella Land Development

CASE MANAGER: Jacob Calhoun, Planning Intern

ITEM DESCRIPTION: Z-FY-12-06 Hold a public hearing to discuss and recommend action on a rezoning from Agricultural (AG) to Urban Estates (UE) on 11.759 acres in the George W. Lindsey survey, Abstract No. 513, Bell County, TX, located North of FM 2305 and North of Inverness Drive.

BACKGROUND: The applicant is requesting the rezoning from AG to UE because the property is planned for a residential subdivision. The subdivision is expected to begin use within one year of rezoning completion.

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	Agricultural use	

Direction	Zoning	Current Land Use	Photo
North	AG	Agricultural Outside City Limits	
South	UE	Campus @ Lakewood Ranch V,VI, and VII	
East	AG	Agricultural Temple ETJ	

Direction	Zoning	Current Land Use	Photo
West	AG	Agricultural Outside City Limits	

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	Compliance?
CP	Map 3.1 - Future Land Use and Character	Y*
CP	Map 5.2 - Thoroughfare Plan	Y*
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Y*
STP	Temple Trails Master Plan Map	Y*

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

Future Land Use and Character (CP Map 3.1)

The Future Land Use and Character Map designates the property as Suburban Residential future land use. The property is bordered by Suburban Residential and ETJ with Estate Residential nearby. This request continues the Urban Estate zoning district to the West. The rezoning request complies with the FLUC map.

Thoroughfare Plan (CP Map 5.2)

The main access road is Richland Dr. which is not designated as anything beyond a local road on the Thoroughfare Map and therefore the rezoning request complies with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

The property is served by a 6" water line. The nearest sewer line is approximately 350 ft to the South on Adams. Septic systems are in place in the neighboring divisions of Campuses @ Lakewood Ranch. Adequate public and private facilities are available for this property.

Temple Trails Master Plan Map

The Sidewalk and Trails Plan does not designate any trails in this area. This rezoning will not trigger dedication for the Trails Master Plan.

DEVELOPMENT REGULATIONS:

The Urban Estates zoning district permits single-family detached dwellings with rural characteristics in a suburban environment. Lot sizes are larger than other residential zonings and allow for larger single-family properties to be built. Parkland can also be permitted inside of an Urban Estate zoning district. The following table demonstrates the Residential Dimensional Standards for the Urban Estates zoning:

UE, Urban Estates	
Min. Lot Area (sq. ft.)	22,500
Min. Lot Width (ft.)	80
Min. Lot Depth (ft.)	125
Max. Height (stories)	3
Min. Yard (ft)	
Front	30
Side	15
Side (street)	15
Rear	10

PUBLIC NOTICE:

16 notices to property owners within 200-feet of the subject property were sent regarding the Planning and Zoning Commission public hearing. As of Wednesday, November 16, 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 November 7th, 2011, in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning from AG to UE for case Z-FY-12-06 for the following reasons:

1. The request complies with the Future Land Use and Character Map.
2. The request complies with the Thoroughfare Plan.
3. Public and private facilities will serve the property.

FISCAL IMPACT: Not applicable

ATTACHMENTS:

- [Aerial](#)
- [Future Land Use and Character Map](#)
- [Zoning Map](#)
- [Thoroughfare Plan Map](#)
- [Utility Map](#)
- [Trails Map](#)
- [Notice Map](#)



Z-FY-12-06

AG to UE

North of FM 2305
and North of Inverness Drive



 ZFY 12-06

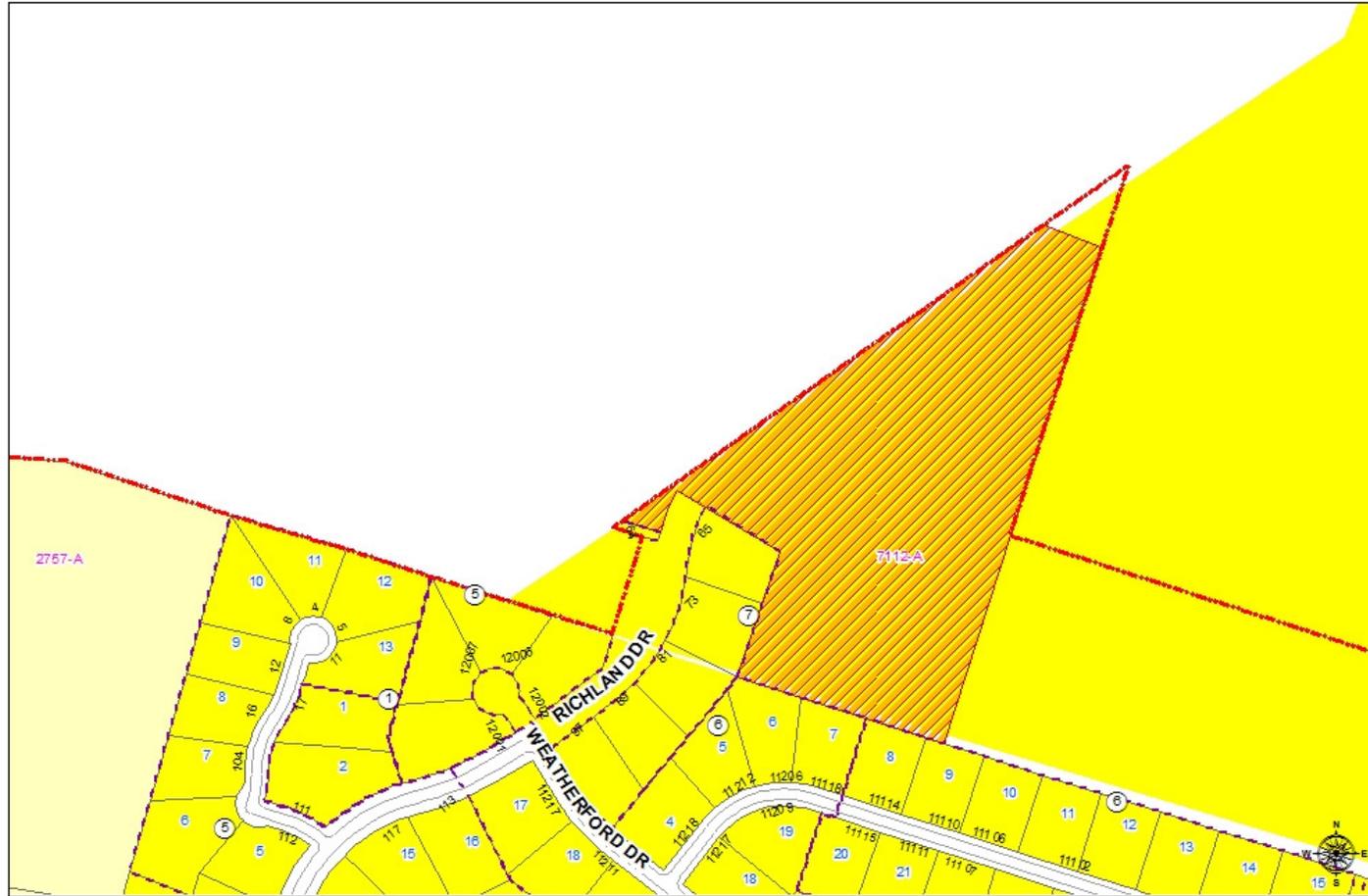
JCalhoun 10.25.2011



Z-FY-12-06

AG to UE

North of FM 2305 and
North of Inverness Drive



- | | | | | | |
|-----------------------|-------------------------|--------------------|---------------------------|-----------------------------------|--------------|
| ZFY 12-06 | 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 | |

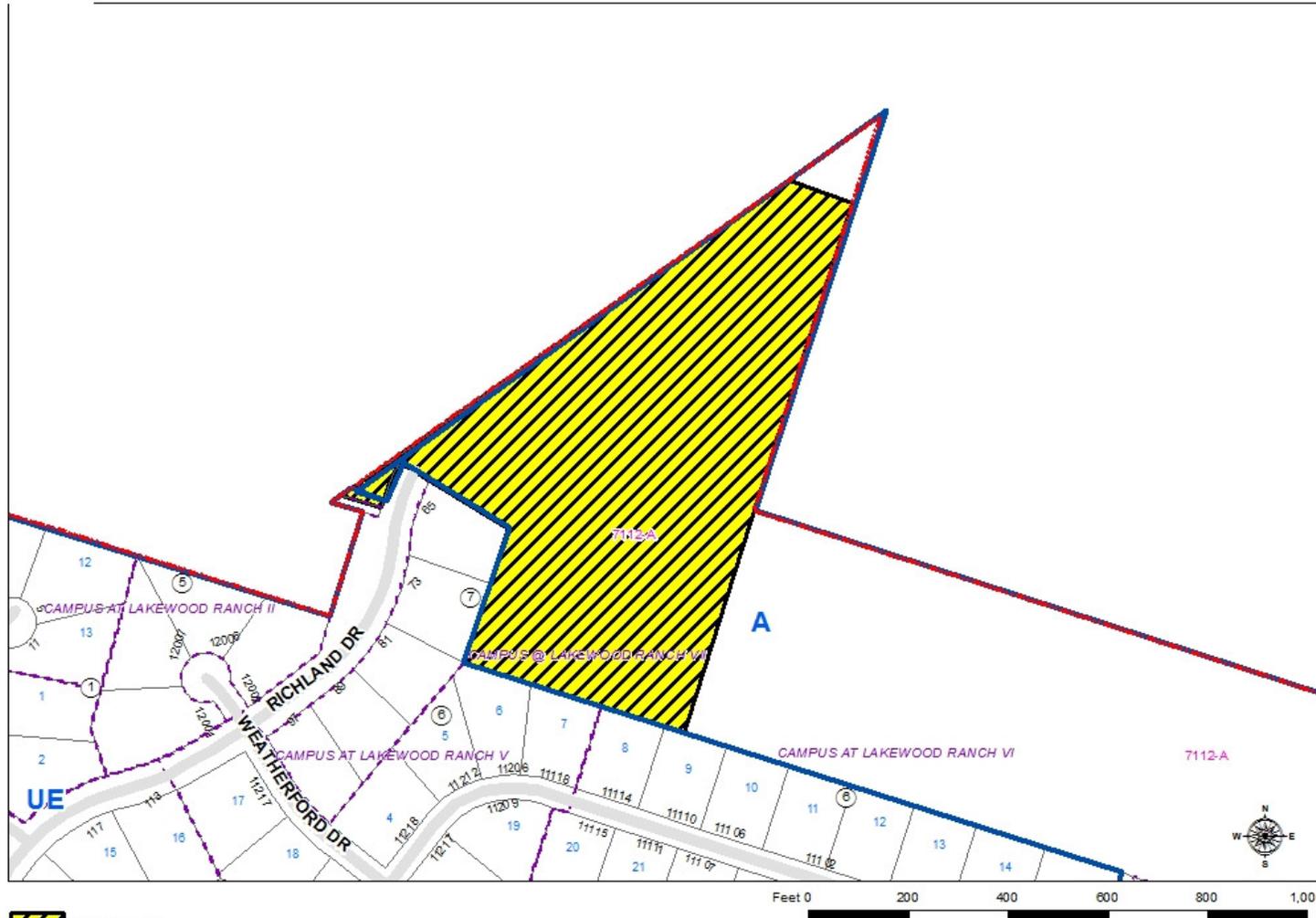
1 inch = 285 feet
JCalhoun Planning 11.14.11



Z-FY-12-06

AG to UE

North of FM 2305
and North of Inverness Drive



 ZFY 12-06

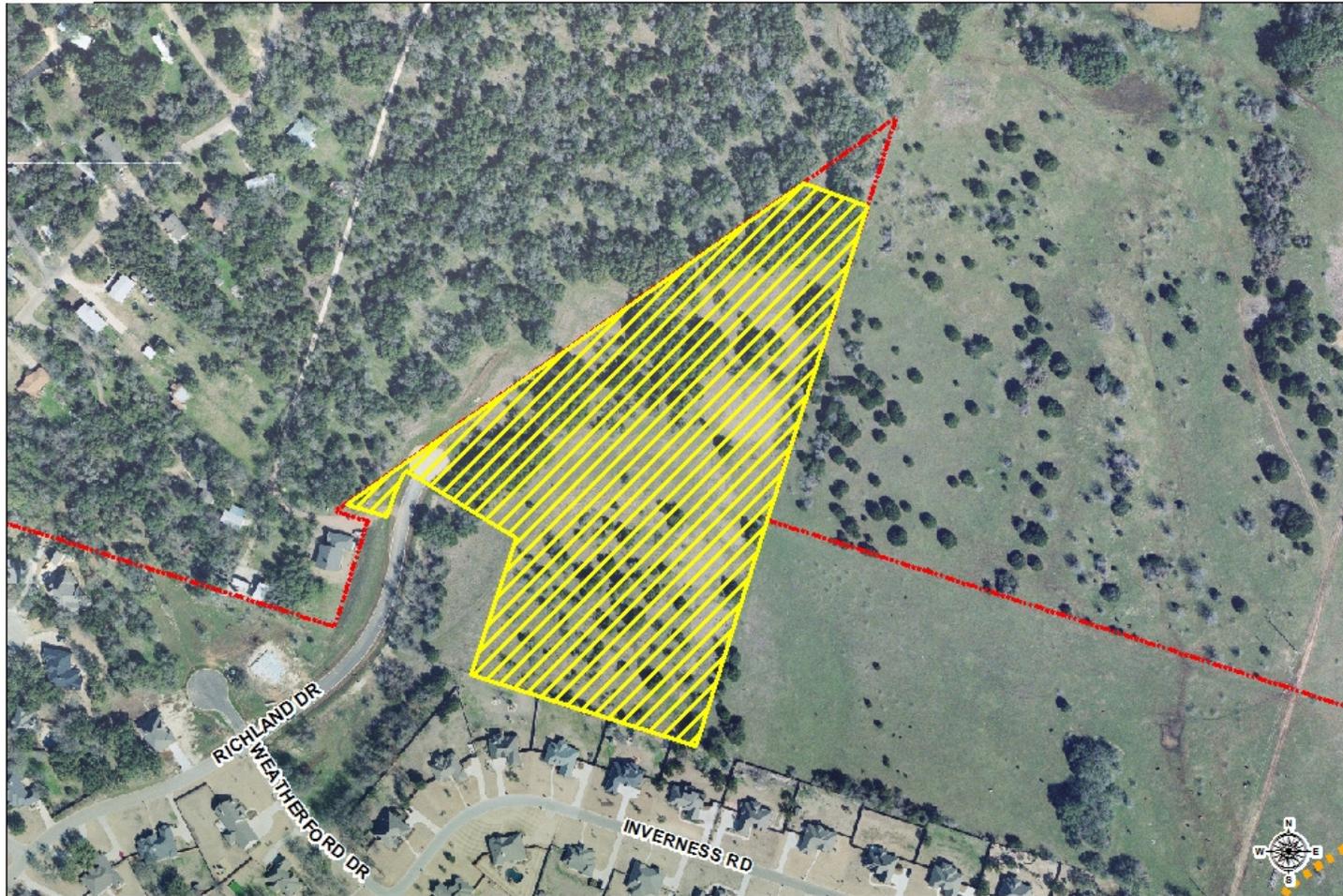
JCalhoun 10.25.2011



Z-FY-12-06

AG to UE

North of FM 2305
and North of Inverness Drive



 ZFY 12-06

Feet 0 200 400 600 800 1,000

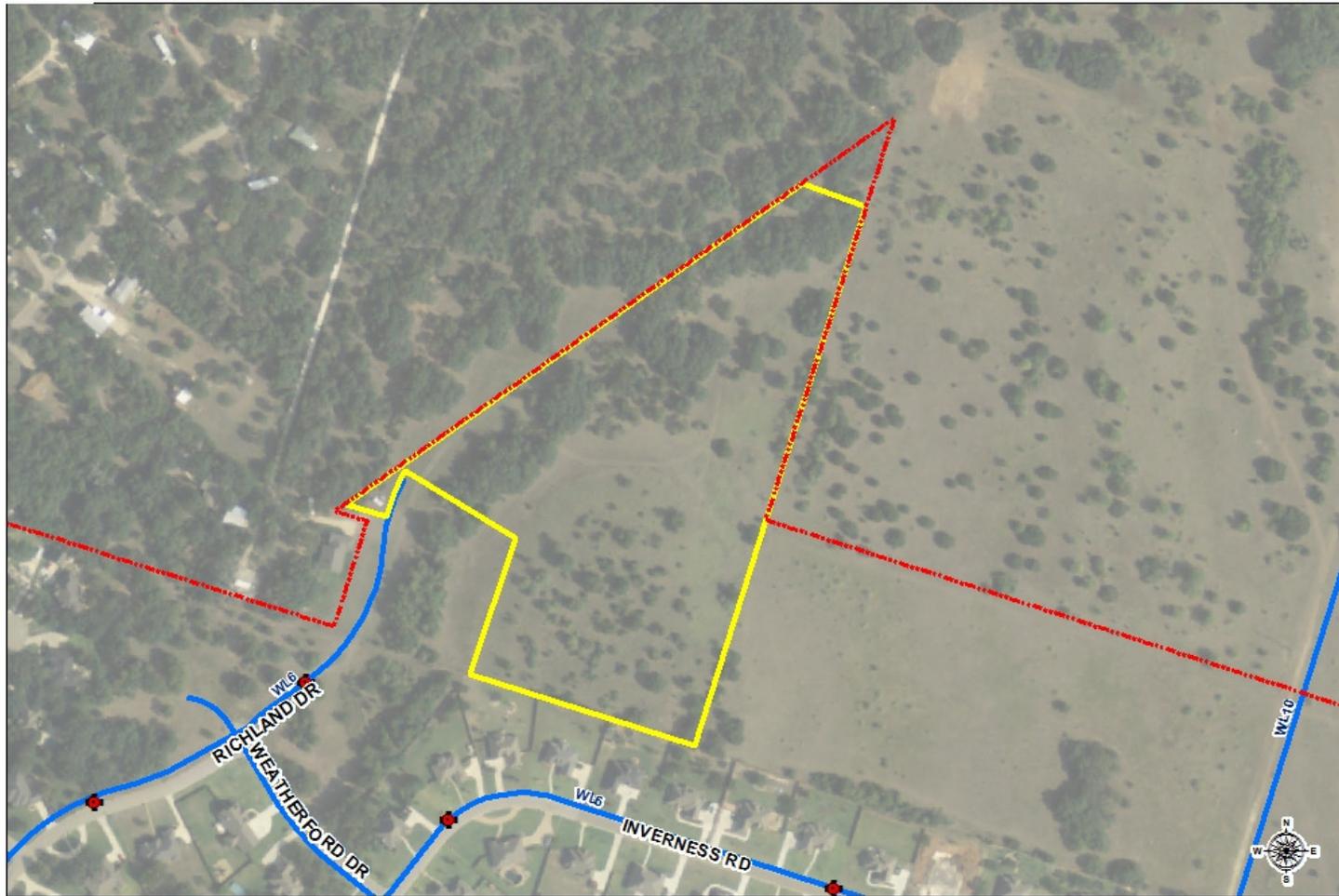
JCalhoun 10.25.2011



Z-FY-12-06

AG to UE

North of FM 2305
and North of Inverness Drive



- ZFY 12-06
- Water Line
- Fire Hydrant
- Sewer Line

Feet 0 200 400 600 800 1,000

JCalhoun 10.25.2011



Z-FY-12-06

AG to UE

North of FM 2305
and North of Inverness Drive



 ZFY 12-06

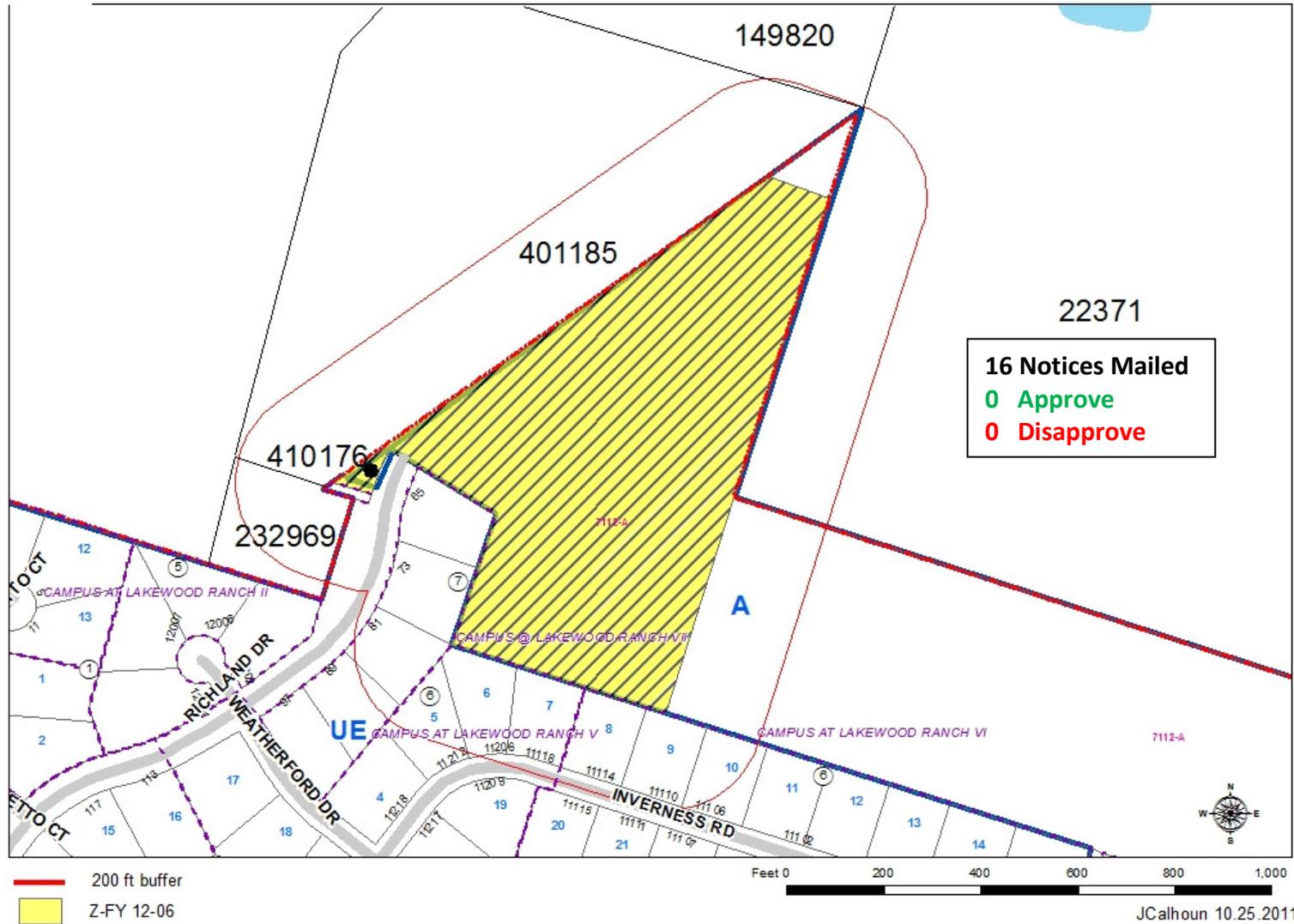
JCalhoun 10.25.2011



Z-FY-12-06

AG to UE 11.759 acres
in the George W. Lindsey Survey

North of FM 2305
and North of Inverness Drive



JCalhoun 10.25.2011



PLANNING AND ZONING COMMISSION AGENDA ITEM

11/21/11
Item #6
Regular Agenda
Page 1 of 4

APPLICANT / DEVELOPMENT: Jason Carothers of Carothers Executive Homes, Owner

CASE MANAGER: Tammy Lyerly, Planner

ITEM DESCRIPTION: Z-FY-12-07 Hold a public hearing to discuss and recommend action on a rezoning from Agriculture (AG) to Single Family One (SF1) on 19.065 acres in Abstract 513, located on the southeast corner of Morgan's Point Road and Bonnie Lane.

BACKGROUND: The applicant requests this rezoning from AG to SF1 to allow the construction of single-family homes on this property. The property is across Morgans Point Road from the Lago Terra Subdivision, item #2 on the P&Z's agenda. If the rezoning is approved, the site is large enough to accommodate approximately 100 single-family dwellings. This amounts to five units per acre. By comparison, the adjacent Campus at Lakewood Ranch, which is zoned Urban Estate, is 1 ½ units per acre. Although Temple does not have a citywide tree preservation requirement, the developer has voluntarily preserved 12" and large diameter oak trees on the site.



Heavily Wooded Subject Property

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 –Agriculture (SF1 proposed)	Undeveloped Land	
North	ETJ- Extra Territorial Jurisdiction	Single Family Homes	
South	SF1 and AG	Single Family Homes	
East	UE – Urban Estate	Single Family Homes on Large Lots	
West	UE, SF1, and AG	Undeveloped Land and Single Family Homes	

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

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

Future Land Use and Character (CP Map 3.1)

The requested rezoning does not fully comply with the Future Land Use and Character Map. The Map recommends the Estate Residential future land use category for the property and some of its surroundings. The Estate Residential future land use category is for large lot rural development generally on the fringes of the City. The zoning district that most complies with Estate Residential is Urban Estate (UE).

Although both are single-family zoning districts, the UE district has a 22,500 square-foot minimum lot area, 80' minimum lot width, 30' minimum front yard setback and 15' side yard setback. The requested SF-1 district has a 7,500 square-foot minimum area, 60' minimum lot width, 25' front yard setback and a side yard setback equal to 10% of the lot width.

Availability of Public Facilities (CP Goal 4.1)

A 6" water line running along Morgan's Point road serves the subject property. The nearest wastewater line is 400' from the property. The applicant intends to tie into a wastewater line running along Adams approximately 570 feet to the south with an off-site easement when platting occurs.

DEVELOPMENT REGULATIONS:

The requested SF1 zoning district is used for single family homes and related uses such as parks, playgrounds, and churches. There are several Conditional Uses that are permitted in this district such as cemeteries, community centers, fire stations, and schools.

The minimum setback is shown on the table below.

SF1, Single-Family One	
Min. Lot Area (sq. ft.)	7,500
Min. Lot Width (ft.)	60
Min. Lot Depth (ft.)	100
Max. Height (stories)	2
Min. Yard (ft)	
Front	25
Side	10% of the width 6-ft min, 7.5 ft max
Side (street)	15
Rear	10

PUBLIC NOTICE:

Eighteen notices were mailed regarding the Planning and Zoning Commission public hearing to property owners within 200-feet of the subject property. Fifteen courtesy notices were mailed to property owners in the Extraterritorial Jurisdiction. As of Tuesday, November 15, 2011, at 5 PM, one notice was 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 November 7, 2011, in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning for case Z-FY-12-07 for the following reasons:

1. The request partially complies with the Future Land Use and Character Map.
2. The request complies with the Thoroughfare Plan.
3. Public facilities are available within the vicinity of the property.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Aerial](#)
[Future Land Use and Character Map](#)
[Zoning Map](#)
[Thoroughfare Plan Map](#)

[Utility Map](#)
[Trails Map](#)
[Notice Map](#)
[Responses \(if applicable\)](#)



Z-FY-12-07

AG to SF1

19.065 Acres, E of Morgan's Point Rd
W of Lakewood Ranch III



Feet 0 300 600 900

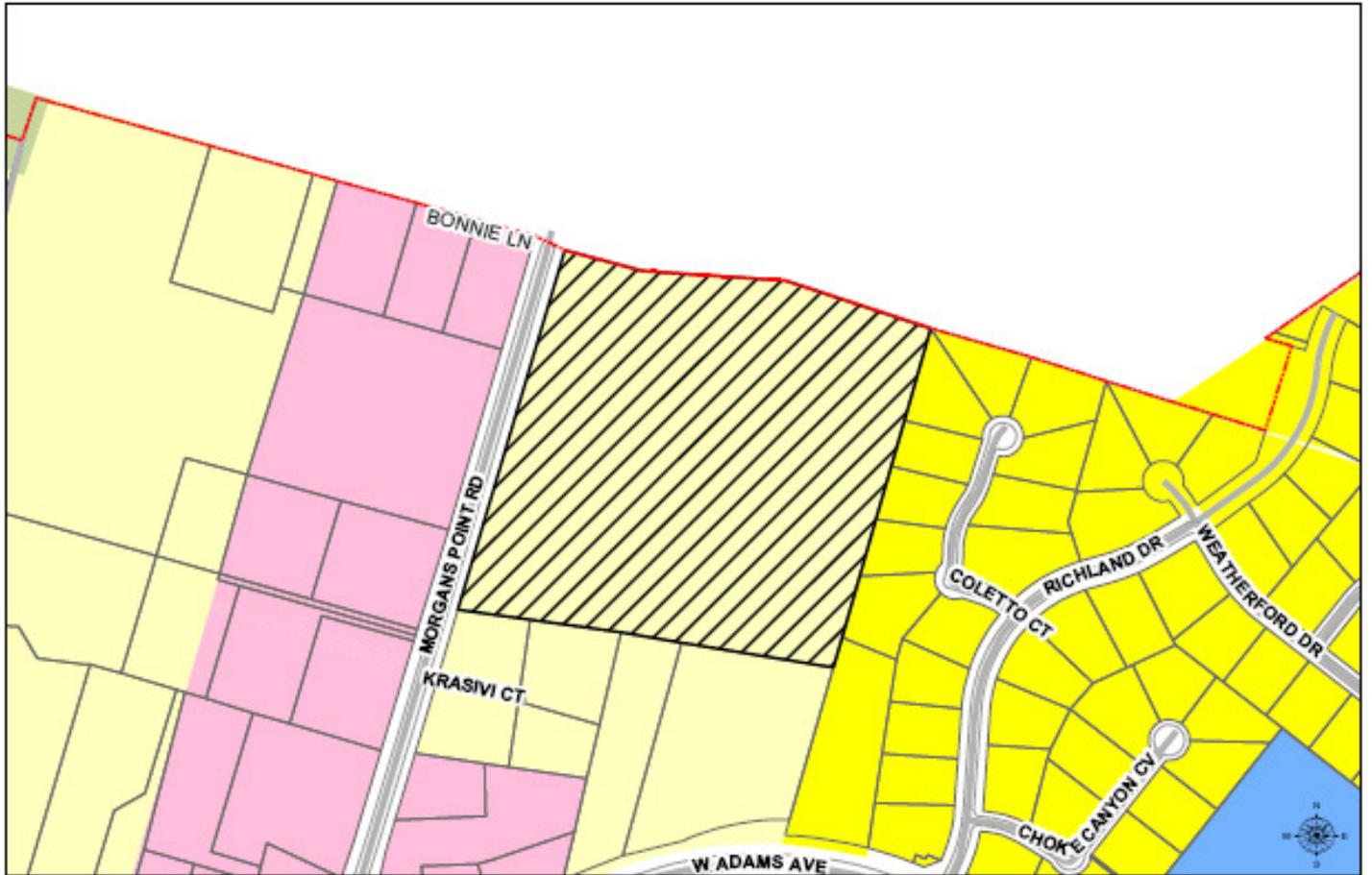
LMatlock 11.10.11



Z-FY-12-07

AG to SF1

19.065 Acres, E of Morgan's Point Rd
W of Lakewood Ranch III



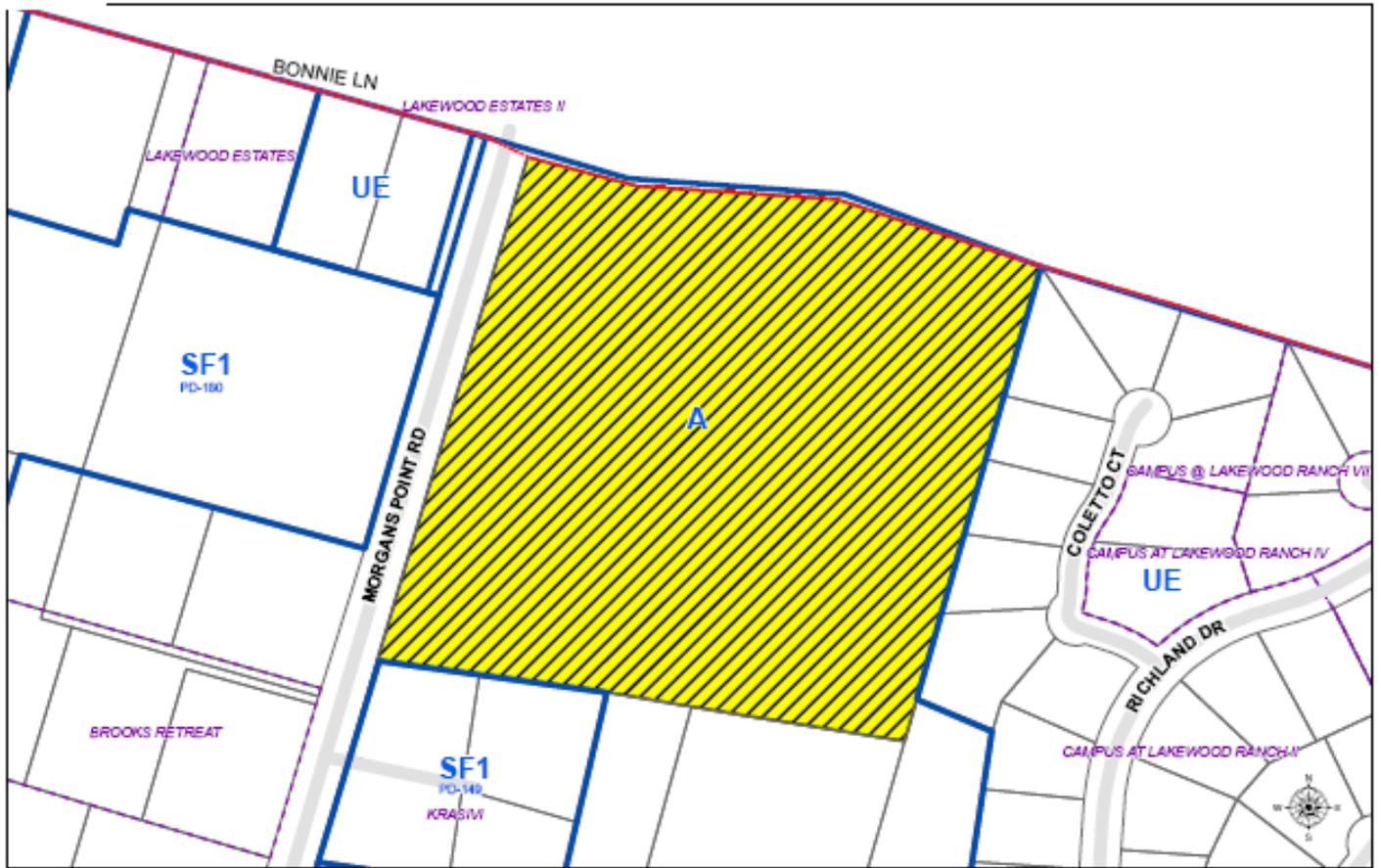
- | | | | | | |
|-----------------------|-------------------------|--------------------|---------------------------|-----------------------------------|--------------|
| ZFY 12-07, (Walk) | Auto-Urban Mixed Use | Business Park | Neighborhood Conservation | Suburban Commercial | Urban Center |
| Agricultural/Rural | 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 = 320 feet
LMatlock Planning 11.10.11



Z-FY-12-07

AG to SF1

19.065 Acres, E of Morgan's Point Rd
W of Lakewood Ranch III





Z-FY-12-07

AG to SF1

19.065 Acres, E of Morgan's Point Rd
W of Lakewood Ranch III



-  ZFY 12-07
-  Minor Arterial
-  Current Temple Boundary

Feet 0 300 600 900

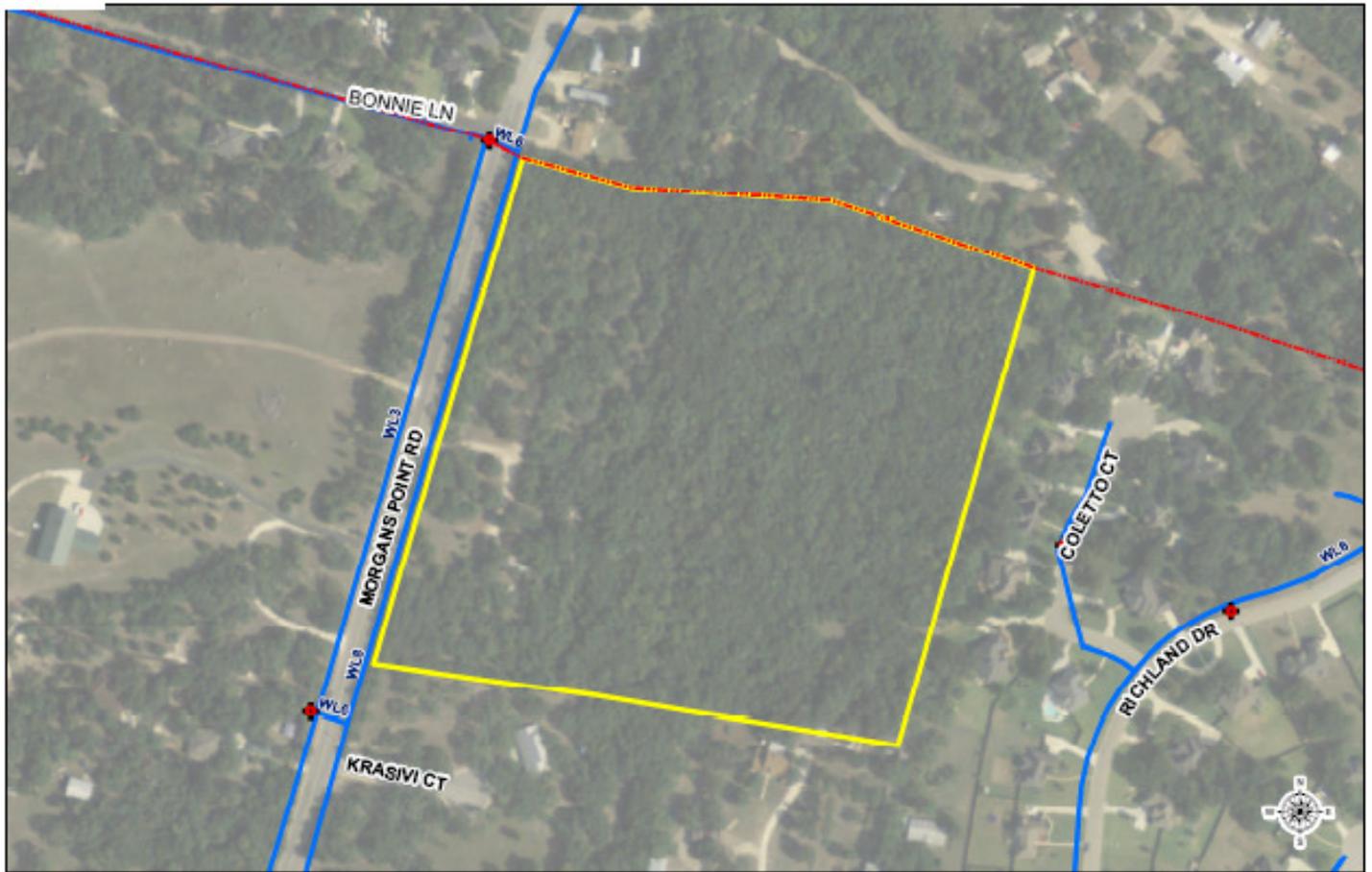
LMatlock 11.10.11



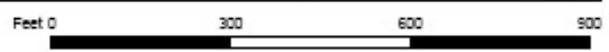
Z-FY-12-07

AG to SF1

19.065 Acres, E of Morgan's Point Rd
W of Lakewood Ranch III



-  ZFY 12-07
-  SEWER LINE
-  FIRE HYDRANT
-  WATER LINE



LMatlock 11.10.11



Z-FY-12-07

AG to SF1

19.065 Acres, E of Morgan's Point Rd
W of Lakewood Ranch III



- ZFY 12-07
- Proposed Local Connector Trail
- Current Temple Boundary

Feet 0 300 600 900

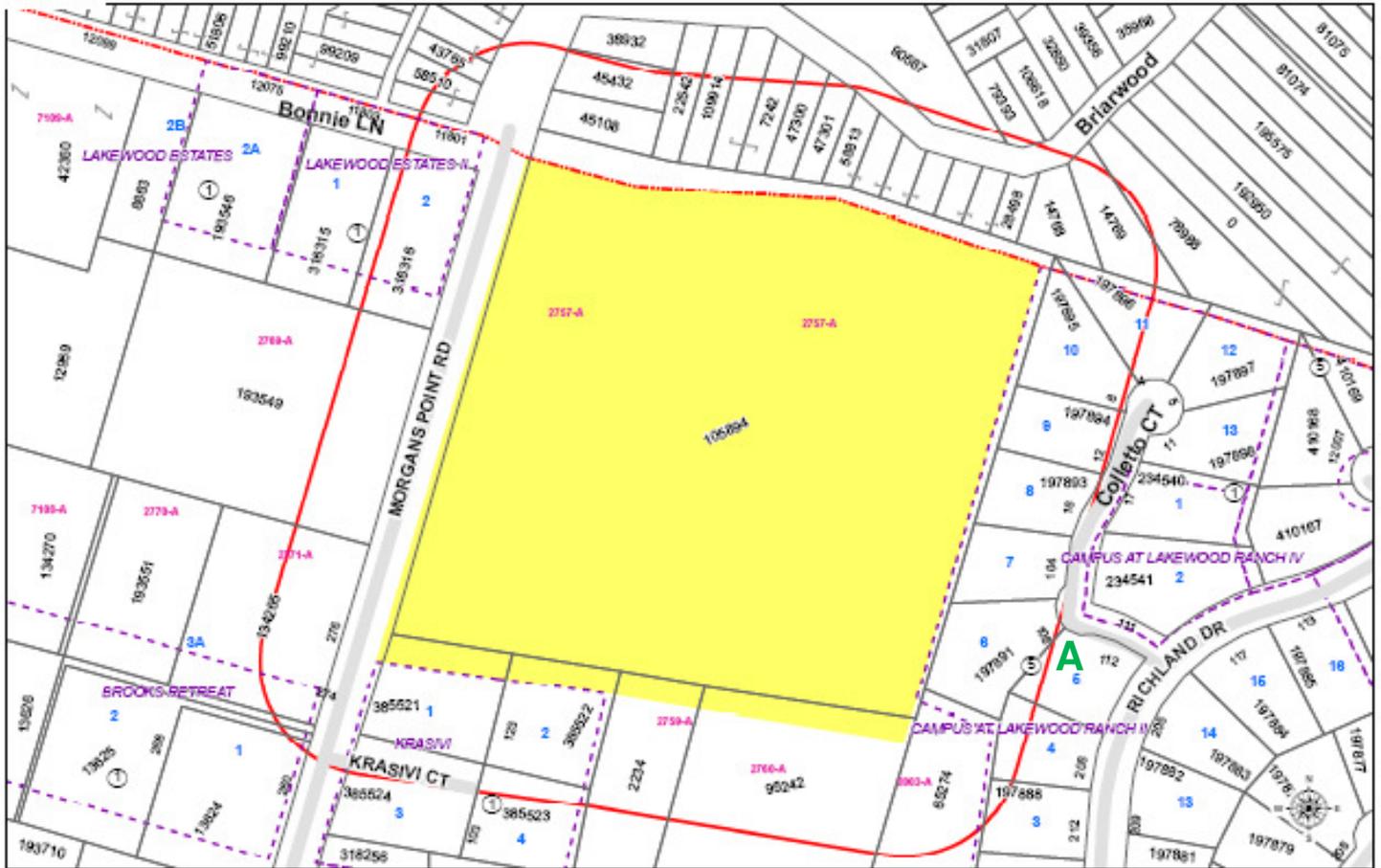
LMatlock 11.10.11



Z-FY-12-07

AG to SF1

19.065 Acres, E of Morgan's Point Rd
W of Lakewood Ranch III



- ZFY 12-07
- ZFY 12-07 200-ft Notification Boundary
- Current Temple Boundary

Feet 0 300 600 900

LMatlock 11.10.11

18 Notices Mailed
1 Approve
0 Disapprove
16 Notices Mailed
were sent to
Citizens in ETJ



PLANNING & ZONING COMMISSION ITEM MEMORANDUM

11/21/11
Item #7
Regular Agenda
Page 1 of 3

APPLICANT: City of Temple

DEPT. /DIVISION SUBMISSION & REVIEW: Leslie Matlock, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-12-01 Hold a public hearing to discuss and recommend action on an amendment to Ordinance 2008-4230, Temple Comprehensive Plan, Section 3: Future Land Use and Character Plan Map, Figure 3.1.

ITEM SUMMARY:

This proposed update is to Chapter 3 of the Comprehensive Plan. The City Council adopted the Plan by Ordinance in late September of 2008. Chapter 3 is the Urban Design and Future Land Use Chapter emphasizes Community Character, which can be described as the distinctive qualities that the City Council wants Temple to conserve or acquire over the next 10-20 years.

In past years, a Future Land Use and Character Map (FLUCM) revision has been presented as a yearly update in response to approved rezonings made by the City Council, and corrections or additions identified by Staff. The attached map sheets show each of these specific amendments in detail. Staff will have a full-sized map at the meeting.

The FLUCM focuses on the character of specific land areas. The list of future land use and character categories is attached at the end of this report for reference.

Proposed Changes to FLUCP Map by Area

The following items, as discussed earlier, are clean-up changes for rezonings that have been approved by the City Council.

1. **Z-FY 11-28, AG to C, Airport and Moffat Roads** This intersection on the City limits line has had several individual rezoned properties in the past 3-4 years from AG to various nonresidential zoning districts. There are several open businesses in the vicinity, such as a truck stop and convenience store, a mini-storage center, and a string of contractor offices.

- **Current FLUCP Designation:** Agricultural/Rural
Current Compatible Zoning Districts: AG Agricultural
- **Proposed FLUCP Designation:** Suburban Commercial
Proposed Compatible Zoning Districts: O1 & O2, Office; NS, Neighborhood Services; GR, General Retail

2. **Z-FY 11-44, C to PD-2F, East Ridge Road and 205 Loop** Although this small area is between two commercial uses, the bulk of the neighborhood is developed as a residential area.

Residential is a preferred use here, because a commercial use, such as a warehouse, would not be as desirable across from the established residential uses north and west of the parcel.

- Current FLUCP Designation: Suburban Commercial
Current Compatible Zoning Districts: O1 & O2, Office; NS, Neighborhood Services; GR, General Retail
- Proposed FLUCP Designation: Auto-Urban Residential
Proposed Compatible Zoning Districts: SF2 & SF3, Single-Family Residential; TH, Townhouse; 2F, Two-Family

3. Z-FY 10-50, AG to SF1, Hartrick Bluff Drive and State Hwy 93 This area is being changed as the extension of this neighborhood will be built with smaller lots than the Estate Residential district that is currently reflected on the FLUCP.

- Current FLUCP Designation: Estate Residential
Current Compatible Zoning Districts: UE, Urban Estate
- Proposed FLUCP Designation: Suburban Residential
Proposed Compatible Zoning Districts: SF1 & SF2; Single-Family Residential

4. Z-FY 11-14, Lago Terra Addition, Morgan's Point Road, north of W. Adams Avenue at the City Limits This area has been platted as a new, larger-lot, gated development. Surrounding that area, to the north and south are existing estate homes and lots.

- Current FLUCP Designation: Suburban Commercial
- Current Compatible Zoning Districts: O1 & O2, Office; NS, Neighborhood Services; GR, General Retail
- Current FLUCP Designation: Estate Residential
Current Compatible Zoning Districts: UE, Urban Estate

5. Z-FY 11-32, AG to GR (and SF2), SE of N. Pea Ridge Road and Stonehollow Drive This area appears as Suburban Residential on the current FLUCM. Much of the undeveloped areas are shown in this way or as Estate Residential on the FLUCM as they more likely to be developed in the near future and City facilities could be feasibly extended. This intersection is about one mile from the commercial area along W. Adams Avenue and would well serve the residential homes with neighborhood services in the future.

- Current FLUCP Designation: Agricultural/Rural
Current Compatible Zoning Districts: AG, Agricultural
- Current FLUCP Designation: Suburban Commercial
Current Compatible Zoning Districts: O1 & O2, Office; NS, Neighborhood Services; GR, General Retail

6. Z-FY 11-10, PD-SF1 to PD-GR, S. 31st Street and H. K. Allen Parkway This area is adjacent to the heavily traveled S. 31st Street corridor and is at an entrance to a platted, but unbuilt, subdivision. The property, while small, is a better land use adjacent to a major arterial.

- Proposed FLUCP Designation: Suburban Residential
Proposed Compatible Zoning Districts: SF1 and SF2, Single-Family Residential
- Current FLUCP Designation: Suburban Commercial
Current Compatible Zoning Districts: O1 & O2, Office; NS, Neighborhood Services; GR, General Retail

7. Z-FY 11-41, AG to C, W. Adams Avenue and S. Kegley Road This area is at the intersection of two arterials. This parcel and its surroundings are being adjusted as this is a prime corner for a shopping area or large retail store. The area is being changed to the more intensive commercial with a ring of less intensive commercial to reflect the likely land use.

- Current FLUCP Designation: Agricultural/Rural
Current Compatible Zoning Districts: AG Agricultural
- Proposed FLUCP Designation: Auto Urban Commercial and Suburban Commercial
Proposed Compatible Zoning Districts: O1 & O2, Office; NS, Neighborhood Services; GR, General Retail; C, Commercial.

Several small areas which had rezonings approved within the last two years are not reflected in the above changes. They were either too small of a parcel, or in areas where staff believes making a long term change was not advisable given the surrounding character of the properties.

PUBLIC NOTICE: The newspaper printed notice of the Planning and Zoning Commission public hearing on November 4, 2011, in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of Z-FY-12-01, an amendment to the Temple Comprehensive Plan 2008-2030 to revise specific future land use areas.

FISCAL IMPACT: NA

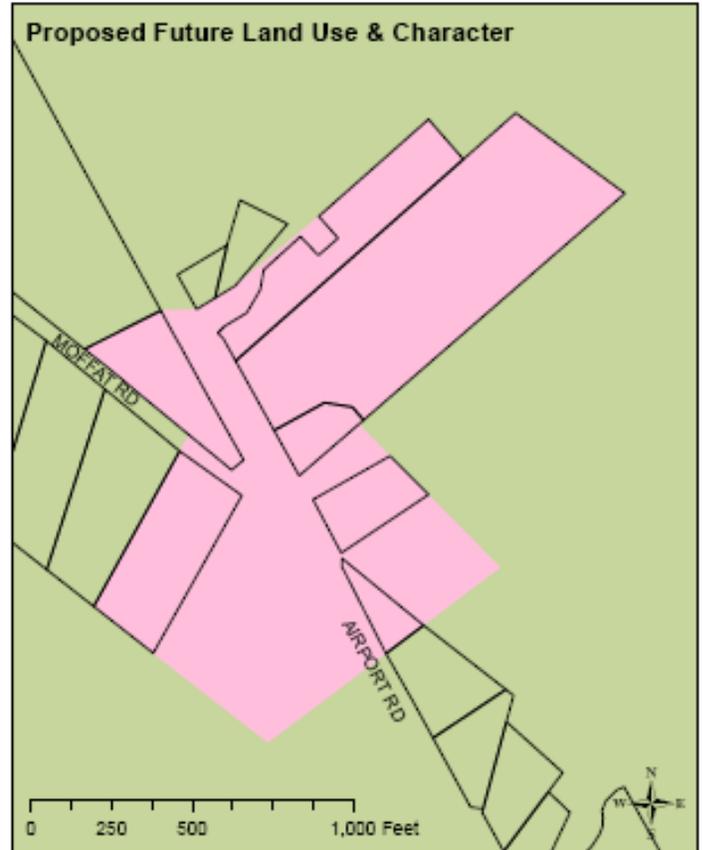
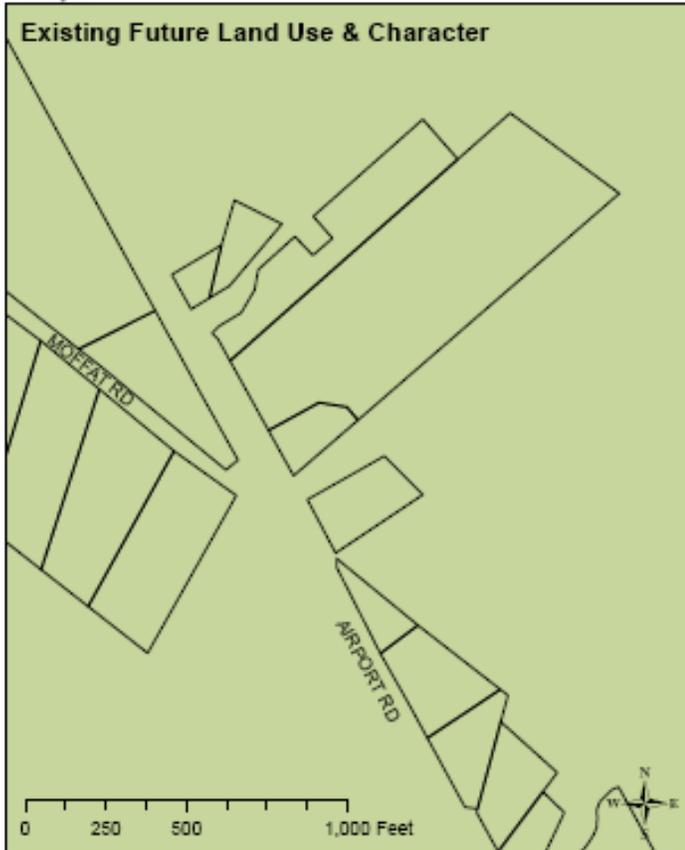
ATTACHMENTS:

[Selected Future Land Use Categories in the Comprehensive Plan](#)
[Specific FLUCP Map Images \(seven proposed map changes\)](#)
[Complete FLUCP Map \(with changes\)](#)

Selected Future Land Use Categories in the Comprehensive Plan

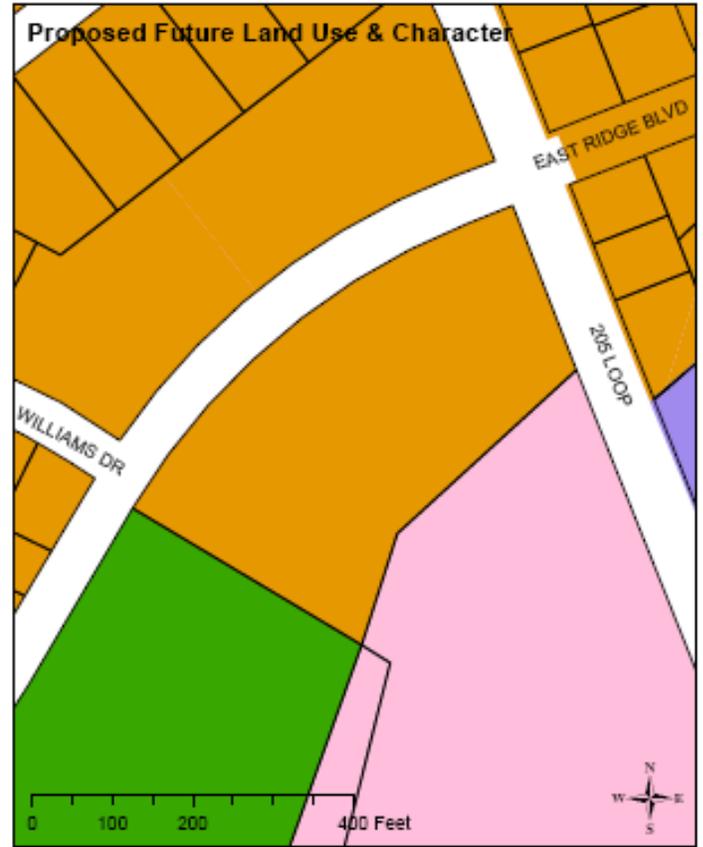
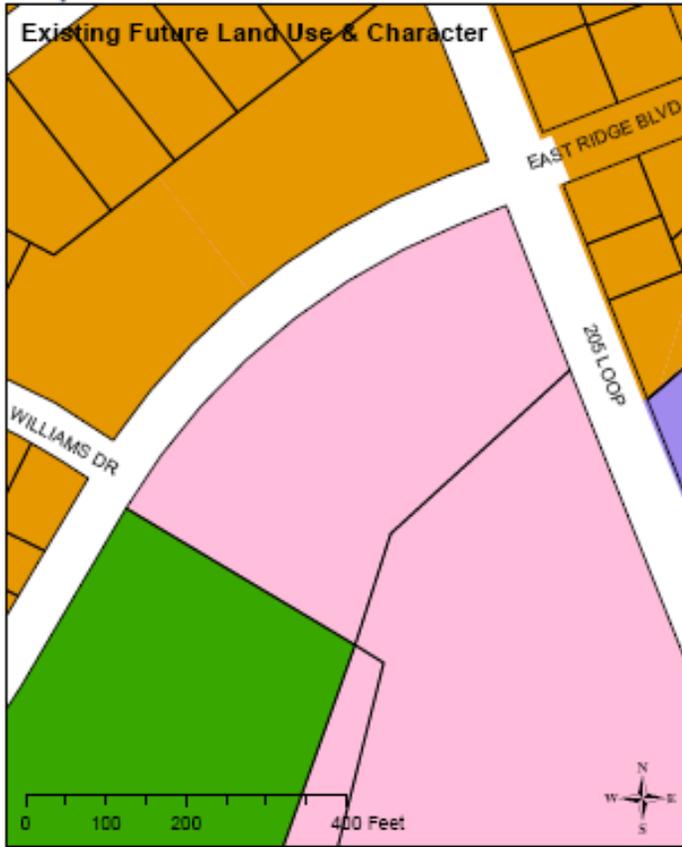
The Future Land Use Character Districts relevant to this report include:

- AUTO-URBAN COMMERCIAL
 - Auto-urban commercial development is the principal non-residential character pattern in the city. Examples of auto-urban commercial can be found along I-35, H.K. Dodgen Loop, 31st Street, and along Adams and Central Avenues.
- AUTO-URBAN MIXED USE
 - Examples of auto-urban - mixed use include where W. H Avenue intersects IH 35 and the surrounding Interstate areas, south of downtown, and along the W. H Avenue corridor.
- AUTO-URBAN RESIDENTIAL – MULTI-FAMILY
 - Examples of auto-urban residential - multi-family include neighborhoods with apartment complexes, such as on the west side of S. 31st Street in the Canyon Creek area and between MLK Blvd. and S. 1st Street and H.J. Dodgen Loop.
- AUTO-URBAN RESIDENTIAL
 - Auto-urban residential, single-family is the residential development pattern of many smaller lot established neighborhoods. These neighborhoods have multiple residential types, such as single family and duplex units and are scattered all over town.
- SUBURBAN RESIDENTIAL
 - Several suburban residential developments include newer neighborhoods with more average lot sizes. Wildflower Addition on South Kegley is an example that fulfills this definition in the Comprehensive Plan because the presence of a significant amount of common open space results in a more open suburban feel.
- SUBURBAN COMMERCIAL
 - Examples of suburban commercial development include the southwest corner of Industrial Boulevard and the Loop, South 31st and FM 93. Suburban commercial development should be concentrated in nodes at major intersections and can be characterized by extensive landscaping and/or open space. The architectural style of buildings, building materials, roof, signage and lighting also all contribute to a more suburban character.
- ESTATE RESIDENTIAL
 - An estate character requires low-density development on larger properties (typically one acre or larger), thereby producing a visual openness. The larger lot sizes, open space and vegetation are intended to be the more dominate views, while the buildings are to be apparent, yet secondary to the landscape. The estate character may resemble a less dense version of the typical suburban character, sometimes being characterized as a “ranch-ette”.
- AGRICULTURAL/RURAL
 - In this character class, much of the surrounding area has a rural character with scattered homesteads and other development. The visible distinction of rural character is the importance of the natural landscape, rather than buildings. Agricultural activities and undisturbed natural areas are the dominant land use rather than conventional suburban and estate residential developments. Uses are parts of rural water cooperatives and mostly on septic services.



Future Land Use & Character Designations

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

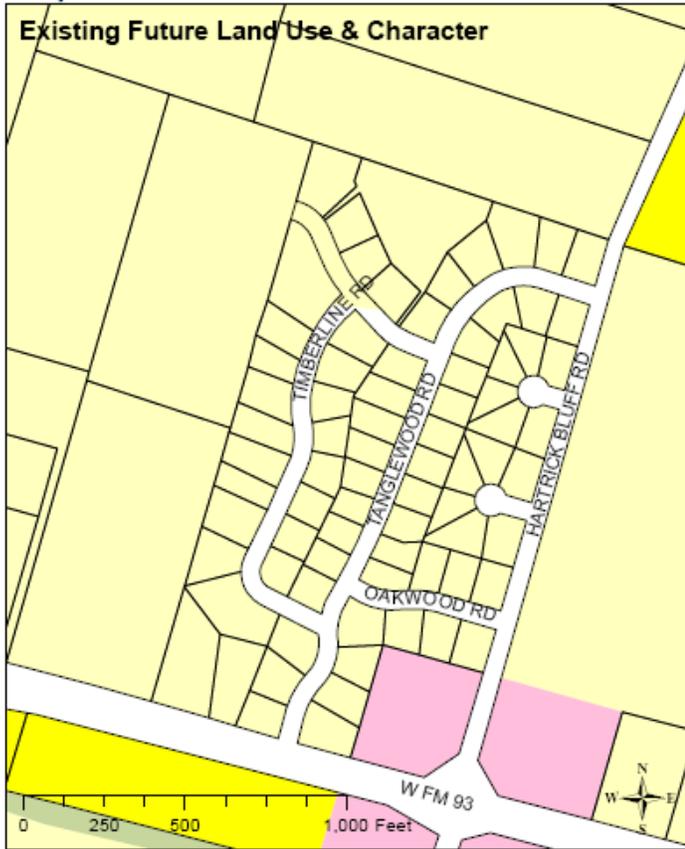


Future Land Use & Character Designations

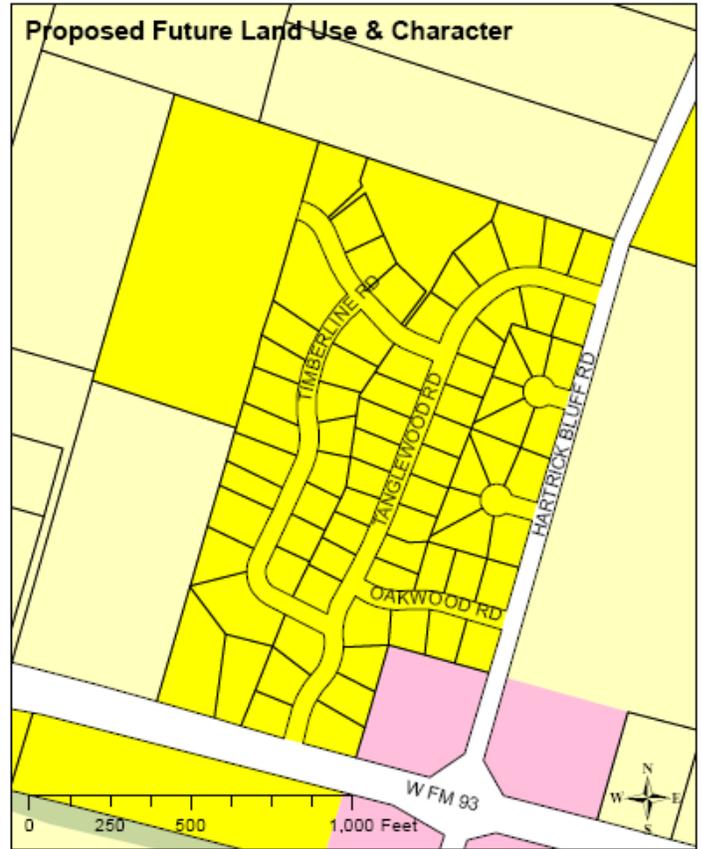
Neighborhood Conservation	Auto-Urban Residential	Auto-Urban Commercial	Temple Medical Education District	Public Institutional
Estate Residential	Auto-Urban Multi-Family	Suburban Commercial	Industrial	Parks & Open Space
Suburban Residential	Auto-Urban Mixed Use	Urban Center	Business Park	Agricultural/Rural



Existing Future Land Use & Character

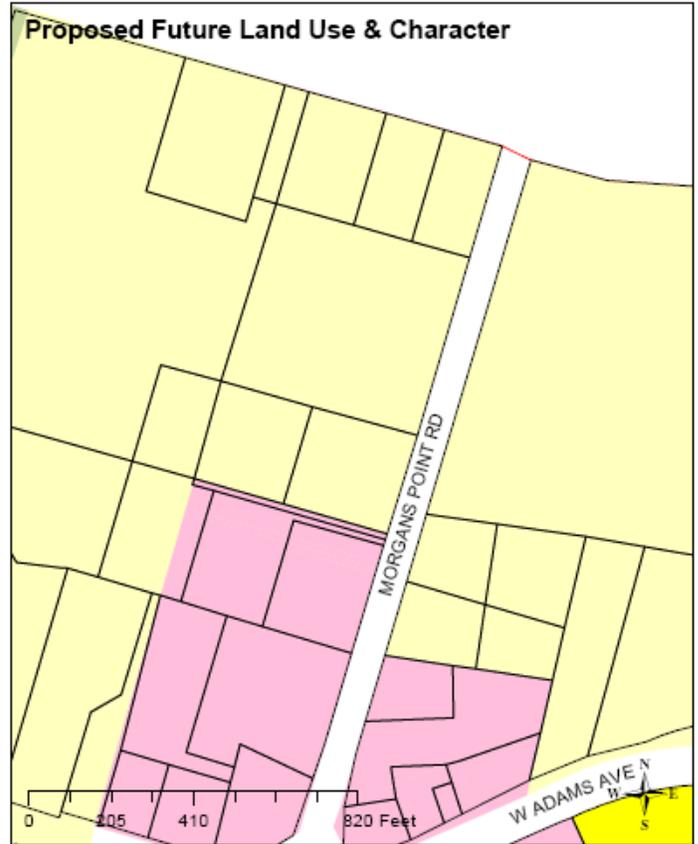
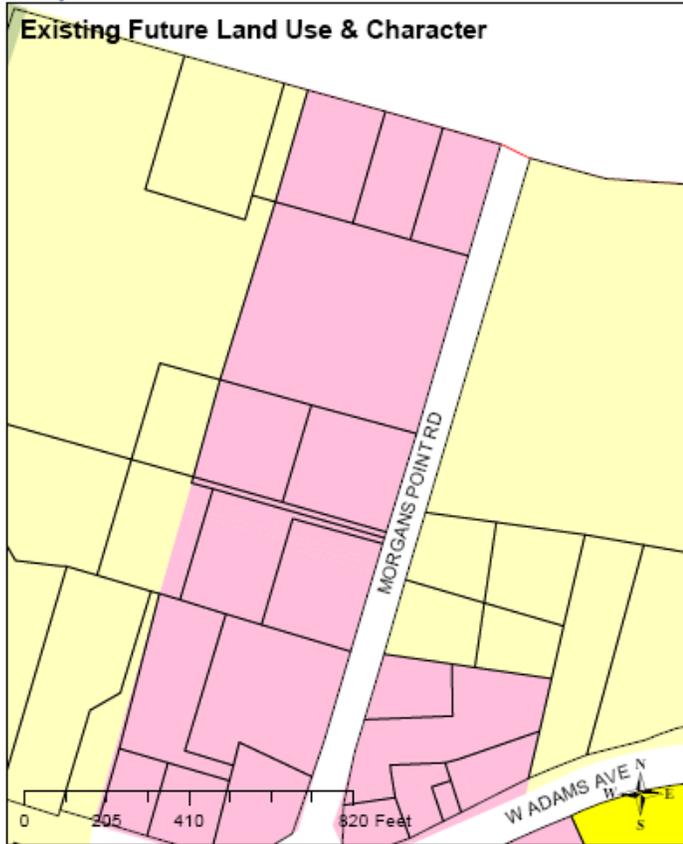


Proposed Future Land Use & Character



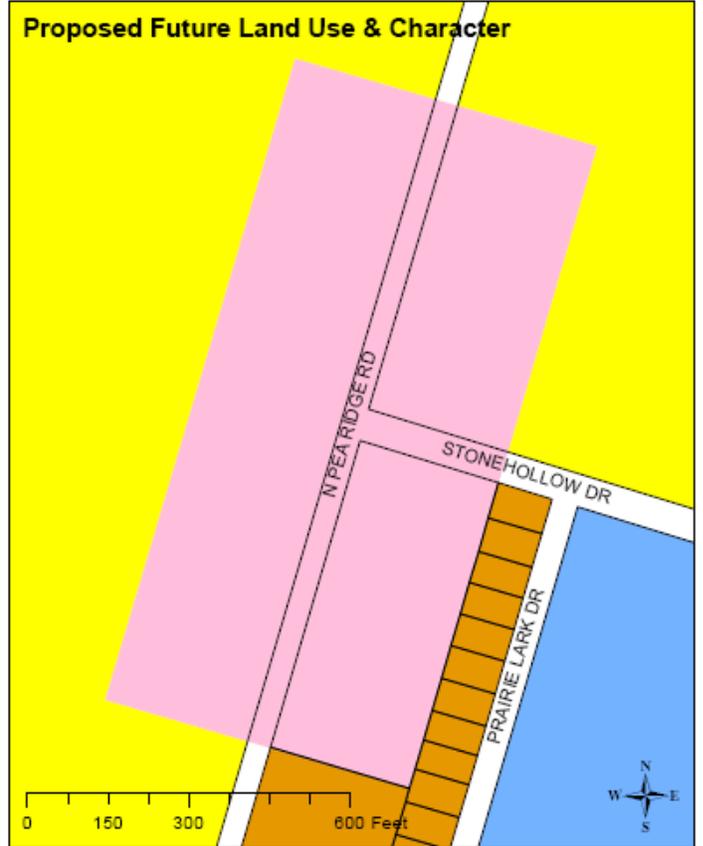
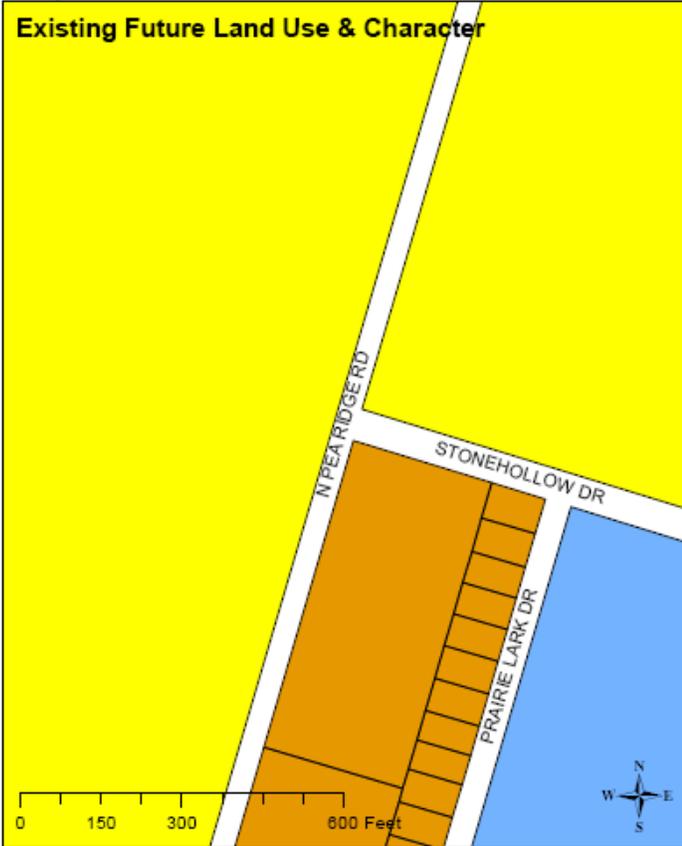
Future Land Use & Character Designations

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



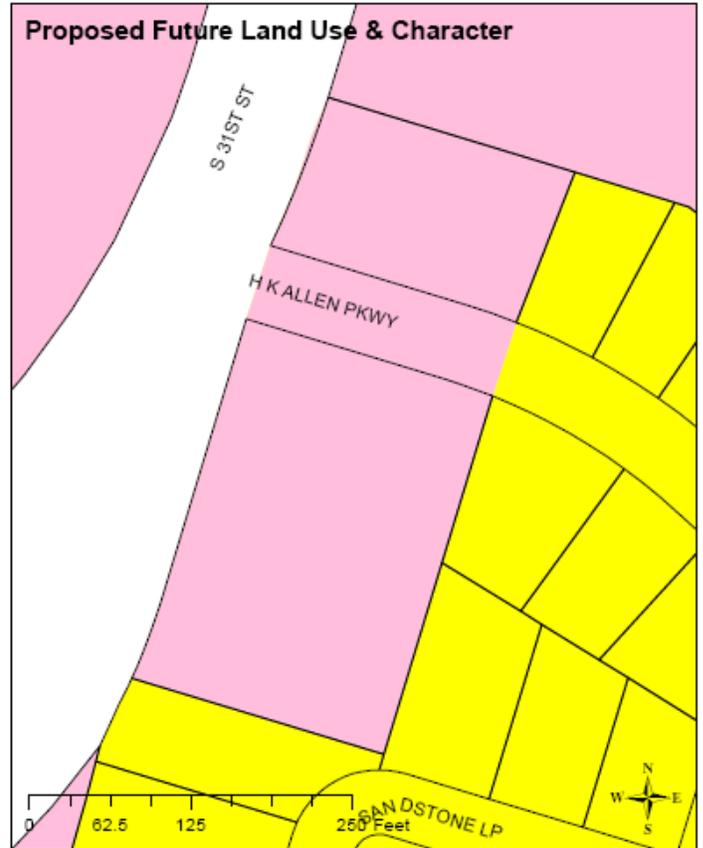
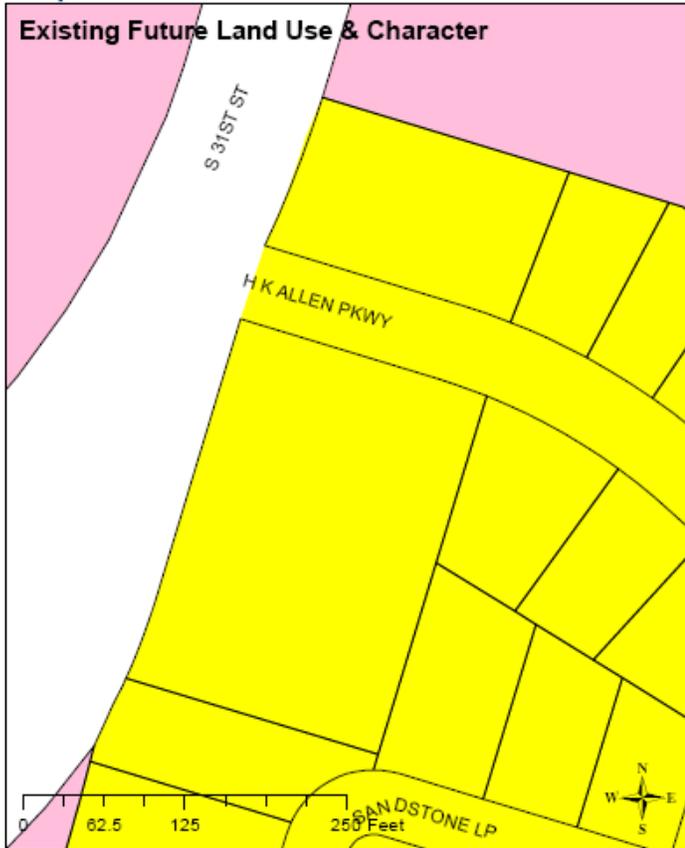
Future Land Use & Character Designations

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



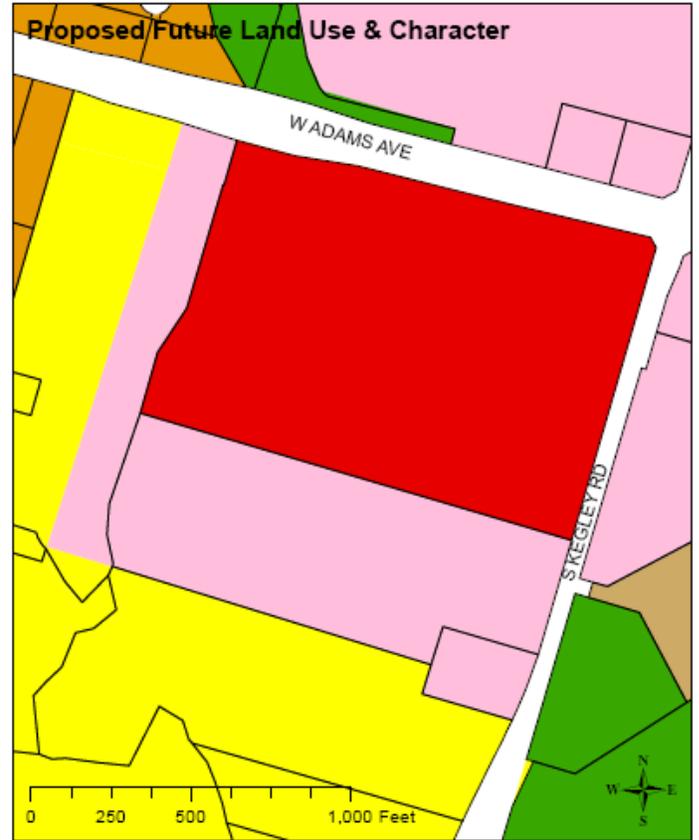
Future Land Use & Character Designations

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



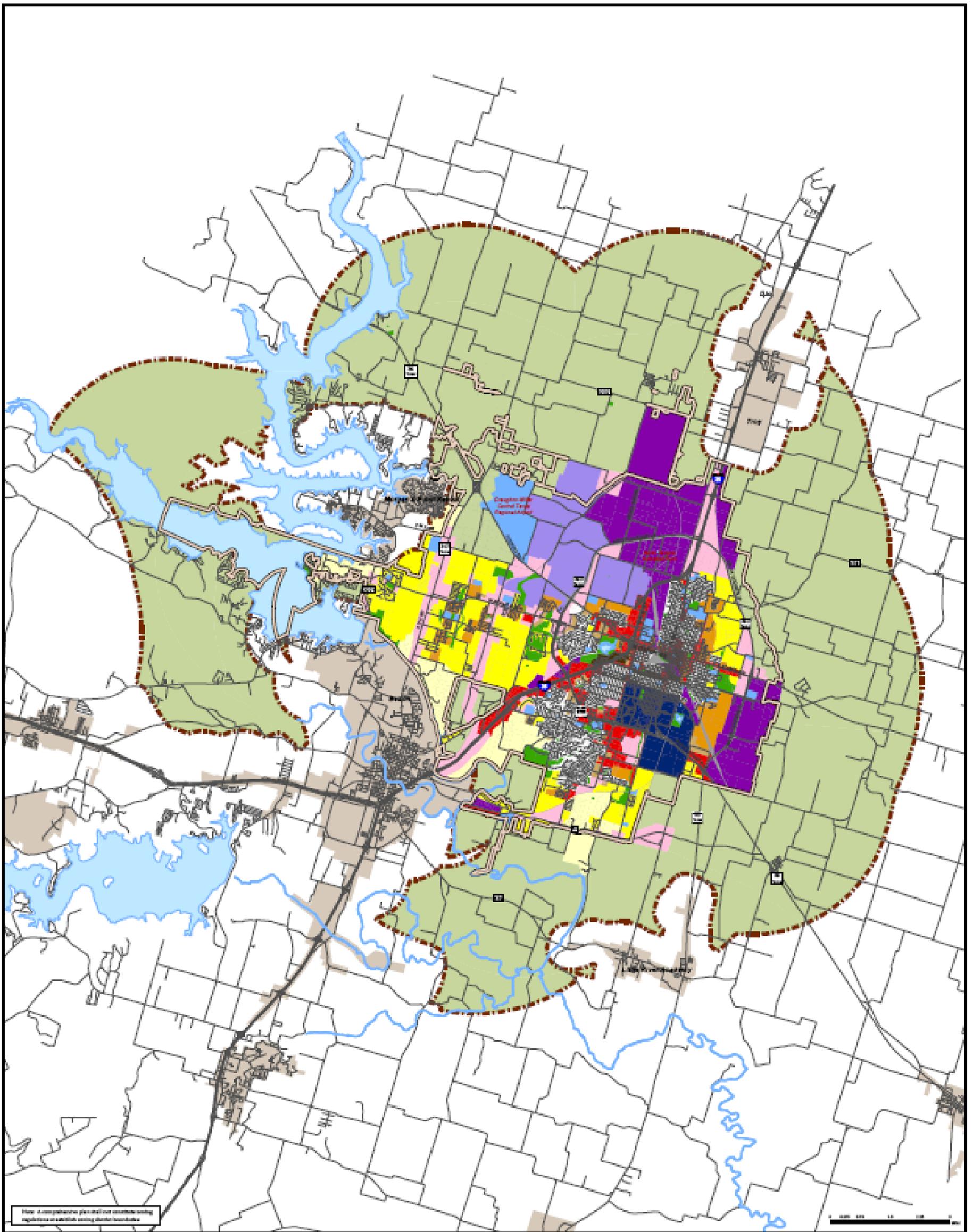
Future Land Use & Character Designations

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



Future Land Use & Character Designations

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



2030 Future Land Use & Character

- | | | |
|-----------------------------|-------------------------------------|----------------------|
| □ Neighborhood Conservation | ■ Urban Center | ⊗ City Limits |
| ■ Estate Residential | ■ Temple Medical Education District | ⊙ Lake; River |
| ■ Suburban Residential | ■ Industrial | ⊙ Railroad |
| ■ Auto-Urban Residential | ■ Business Park | ⊙ Extraterritorial |
| ■ Auto-Urban Multi-Family | ■ Public Institutional | ⊙ Jurisdiction (ETJ) |
| ■ Auto-Urban Mixed Use | ■ Parks & Open Space | ⊙ Right-of-Way |
| ■ Auto-Urban Commercial | ■ Agricultural/Rural | |
| ■ Suburban Commercial | | |

3.1

FIGURE

11.14.2011

APPLICANT / DEVELOPMENT: Turley Associates for Kiella Land Development

CASE MANAGER: Brian Mabry, AICP, Planning Director

ITEM DESCRIPTION: Z-FY-12-08 Hold a public hearing to consider 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.

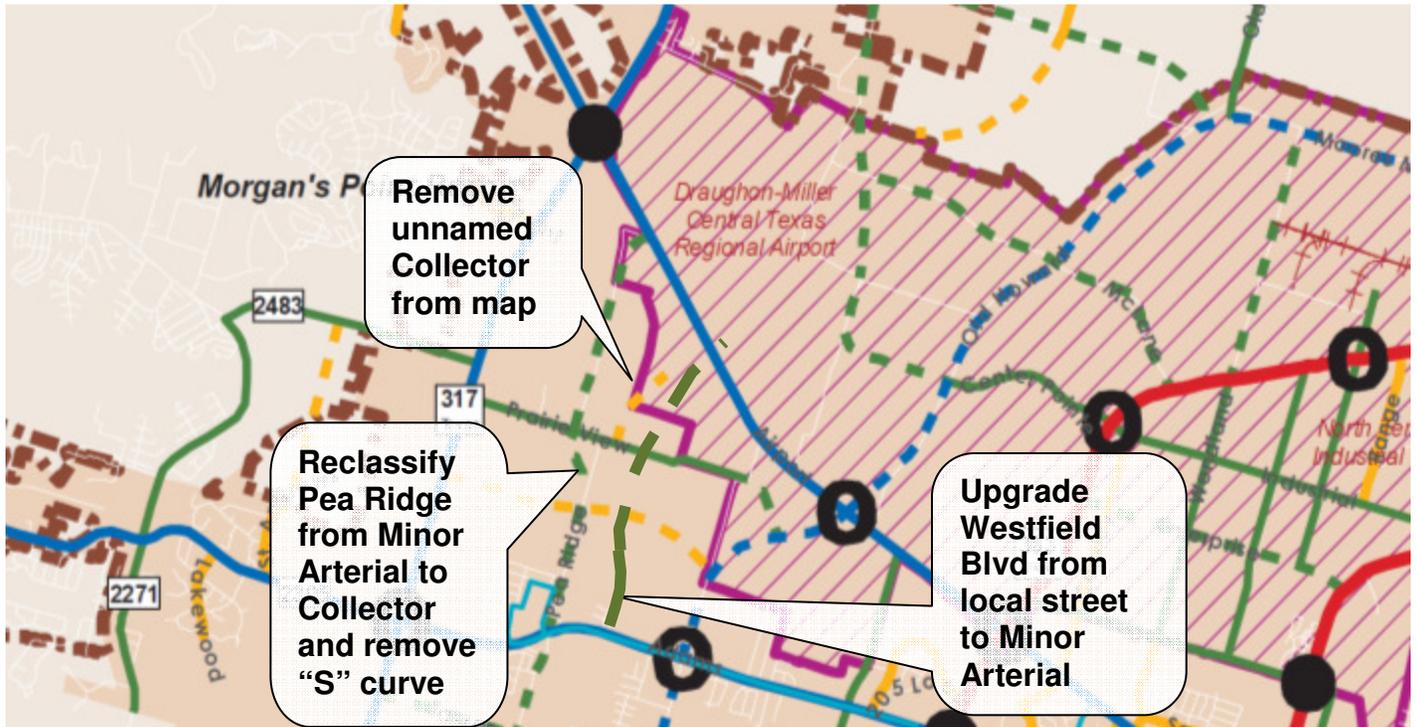
BACKGROUND: The applicant proposes this amendment to the Thoroughfare Plan as a way to improve traffic circulation on the west side of Temple. The Thoroughfare Plan map shows where future roads should be built in the City and where existing roads should be widened. The map currently shows North Pea Ridge Road as a Minor Arterial and Westwood Boulevard as a local street, although the existing portion of Westfield Blvd is built to Minor Arterial standards.



The proposed amendment, as seen in the attached “Applicant’s Requested Thoroughfare Plan Amendment” would:

- Reclassify North Pea Ridge Road from West Adams Avenue to State Highway 36 to a Collector road;
- Remove the proposed “S” curve south of Prairie View Road;
- Reclassify the existing and future Westfield Boulevard from a local street to a Minor Arterial; and
- Remove an existing unnamed Collector road from the map that connects Prairie View Road to State Highway 36.

Please see the map below to make the existing alignment and the proposed alignment more clear.



Collector streets have right-of-way widths of 55 feet and paved widths of 36 feet. Collectors provide circulation within neighborhoods and carry traffic from local streets to arterial streets or major thoroughfares. Minor Arterials have right-of-way widths of 70 feet and paved widths of 49 feet. They provide higher speed traffic circulation with limited access (for example, driveways and street intersections).

The requested amendment has several advantages, which are listed in the Staff Recommendation.

PUBLIC NOTICE:

City staff has notified by certified mail the two other land owners whose property the proposed Minor Arterial would pass through. One owner, Hugh Shine, expressed hope that the intersection of Westfield Boulevard and State Highway 36 would align with the entry to the Airport. This is not the preferred alignment for the applicant because it causes the road to be longer, but the applicant has submitted two additional drawings, one of which shows such alignment. The other property owner, John Von Rosenberg, has not provided any feedback on the proposal.

STAFF RECOMMENDATION: Staff recommends approval of the requested Thoroughfare Plan amendment because:

- Downgrading Pea Ridge from a Minor Arterial to a Collector negates the need for the contentious "S" Curve the currently traverses through a property that is soon to be developed
- Fewer property owners are involved with the proposed route than are involved with the current designations, which makes widening the road easier
- The proposed amendment results in three evenly-spaced arterial intersections along State Highway 36 (SH 317, Westfield Boulevard and Research Parkway) that are just over 1 mile apart while the existing alignment is not as evenly spaced

FISCAL IMPACT: If the requested amendment is approved by City Council, the applicant will pursue a development agreement with the City in which the City would pay for the engineering and construction costs to oversize the road from collector to arterial standards. An engineer's cost estimate for oversizing the road is attached to this report. The developer agreement would require City Council action apart from approval of this amendment.

ATTACHMENTS:

Letter Requesting Thoroughfare Plan Amendment
Applicant's Requested Thoroughfare Plan Amendment
Alternative Amendments (2)



TURLEY ASSOCIATES, INC.

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

October 20, 2011

City of Temple
City Council Members

RE: City of Temple Thoroughfare Plan; Westfield Boulevard

Dear City Council:

On behalf of our client, Kiella Development, Inc., Turley Associates, Inc. respectfully requests the City of Temple to participate in an agreement to designate Westfield Boulevard as a minor arterial from F.M. 2305 to State Highway 36.

Westfield Boulevard is currently built to minor arterial standards from F.M. 2305 to Stonehollow Drive. Kiella Development, Inc. requests that the future Westfield Boulevard from Stonehollow Drive to Prairie View Road be designated as an arterial road. Kiella Development, Inc. will donate all right-of-way for an arterial section. Kiella Development, Inc. will pay engineering and construction costs for a local collector cross section and requests that the City of Temple enter into a Developer's Agreement to pay for the engineering and construction costs to oversize the road to arterial standards. See attached Engineer Estimate.

Mr. Kiella will work with the property owners to the north of Prairie View Road (south of State Highway 36), John Von Rosenberg and Hugh Shine, to obtain approval for an arterial road to intersect their properties.

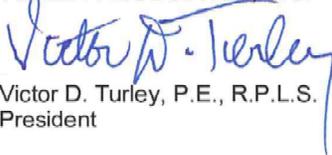
Mr. Kiella asks that the City of Temple's thoroughfare plan be updated to designate Westfield Boulevard as a minor arterial and the existing Pea Ridge Road designation be downgraded to a collector.

There are many benefits of changing these designations. Westfield Boulevard is built to arterial standards from F.M. 2305 to Stonehollow Drive currently. Also to the north Belton Independent School District will be building a middle school in the next 5 years on 30 acres of property they currently own. Pea Ridge is not constructed to local standards at this time and right-of-way along the west side of the road will be more difficult to obtain due to existing homesteads. Even though Pea Ridge is at a signalized intersection, it is aligned with a "S" curve at F.M. 2305. Mr. Kiella feels it would be safer to have an arterial intersection away from the "S" curve.

In summary, we request that the thoroughfare plan be revised showing Westfield Boulevard to be a minor arterial, revise Pea Ridge from an arterial to a collector and the City of Temple to agree to enter into a Developer's Agreement for the upsizing of Westfield Boulevard from Stonehollow Drive to Prairie View Road.

Thank you for your consideration in this matter. Please feel free to call or email me to discuss.

Sincerely,
TURLEY ASSOCIATES, INC.



Victor D. Turley, P.E., R.P.L.S.
President

VDT/sb



TURLEY ASSOCIATES, INC.

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

**Engineer's Cost Estimate
 WESTFIELD BLVD (Stonehollow to Praire View)
 Collector Approx. 3092 LF
 36' B-B**

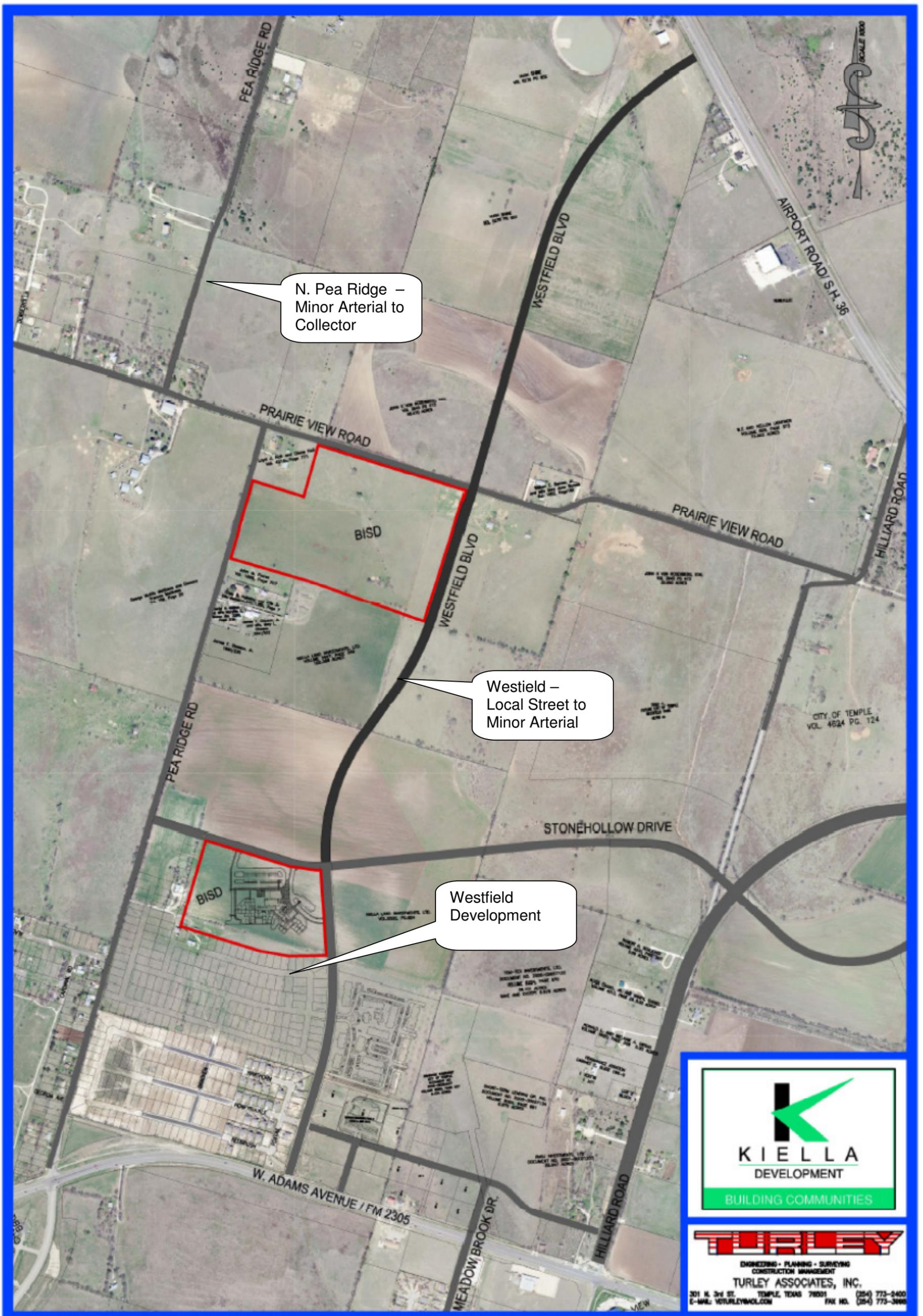
ITEM DESCRIPTION	NO. OF UNITS	UNIT OF MEAS.	UNIT COST	TOTAL ITEM COST
<u>PAVING</u>				
Std. Curb & Gutter	6171	L.F.	\$ 8.25	\$ 50,910.75
HMAC 2"	10971	SY	\$ 7.50	\$ 82,282.50
12" Base	12342	SY	\$ 7.85	\$ 96,883.37
Excavation	4114	CY	\$ 5.00	\$ 20,570.00
4' Wide Sidewalk	3092	LF	\$ 16.50	\$ 51,018.00
Engineering Design	1	LS	\$ 15,000.00	\$ 15,000.00
Construction Staking	1	LS	\$ 6,000.00	\$ 6,000.00
TOTAL				\$ 322,664.62

**Engineer's Cost Estimate
 WESTFIELD BLVD (Stonehollow to Praire View)
 Arterial Approx. 3092 LF
 71' B-B with a 21' wide median/divider**

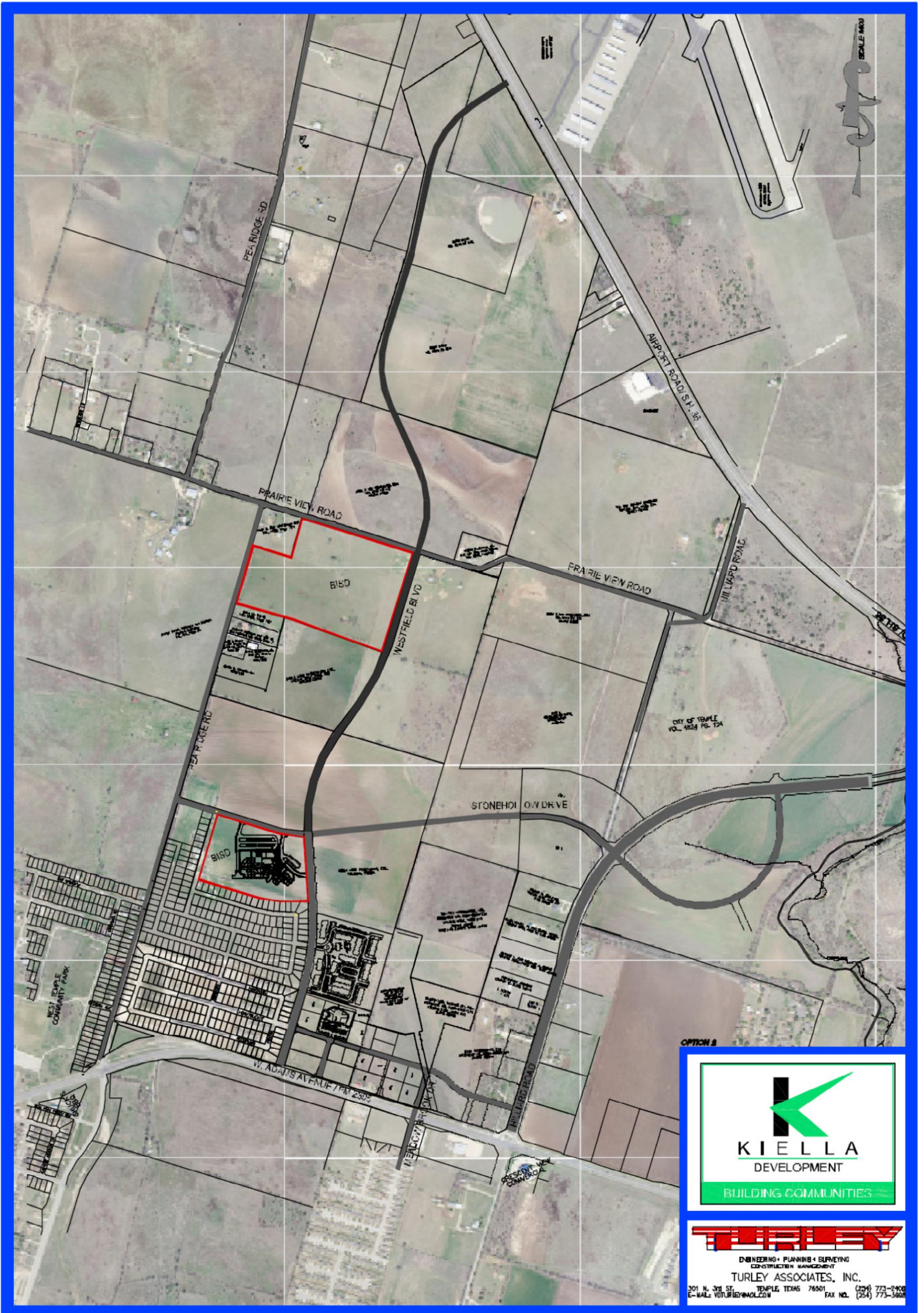
ITEM DESCRIPTION	NO. OF UNITS	UNIT OF MEAS.	UNIT COST	TOTAL ITEM COST
<u>PAVING</u>				
Std. Curb & Gutter	12342	L.F.	\$ 8.25	\$ 101,821.50
HMAC 2"	15799	SY	\$ 7.50	\$ 118,492.50
12" Base	24341	SY	\$ 7.85	\$ 191,073.87
Excavation	10142	CY	\$ 5.00	\$ 50,710.00
4' Wide Sidewalk (both sides)	6171	LF	\$ 16.50	\$ 101,821.50
Additional 3" Base	24341	SY	\$ 3.00	\$ 73,023.00
Engineering Design	1	LS	\$ 20,000.00	\$ 20,000.00
Construction Staking	1	LS	\$ 12,000.00	\$ 12,000.00
TOTAL				\$ 668,942.37

Total Estimated Cost of Upgrade \$ 346,277.75

Applicant's Requested Thoroughfare Plan Amendment



Alternative Alignment 1



Alternative Alignment 2





PLANNING AND ZONING COMMISSION AGENDA ITEM

11/21/11
Item #9
Regular Agenda
Page 1 of 3

APPLICANT / DEVELOPMENT: City of Temple

CASE MANAGER: Brian Mabry, AICP, Planning Director

ITEM DESCRIPTION: Z-FY-12-05 Hold a public hearing to consider and recommend action on amendments to Articles 3, 5, 6 and 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.

BACKGROUND: Staff considers this package of proposed amendments house-keeping items to address issues and questions that have come up in Planning and Code Enforcement cases over the past year.

The purpose of this package of amendments to the text of the Unified Development Code (UDC) is to:

1. Add language to provide the option for City Council to add a time limit for the approval of Conditional Use Permits.
2. Add the use “Recreational Vehicle Park” to the use table as a Conditional Use Permit in specific zoning districts.
3. Add the use “Transitional Shelter” to the use table as a Conditional Use Permit in specific zoning districts.
4. Increase the setbacks for street trees on South First Street per TxDOT request.
5. Require sidewalks in the I-35 Corridor in specific locations, rather than along the entire I-35 frontage;
6. Amend the sign requirements in the I-35 Corridor Overlay; and
7. Add definitions related to the above additions.

CONDITIONAL USE PERMIT (CUP) TIME LIMIT (ATTACHMENT 1): This proposed amendment modifies Article 3 of the UDC. The proposed amendment provides a clear option for City Council to approve a CUP with a time limit and requirements for reapplying for a continuation of the CUP.

RECREATIONAL VEHICLE PARK USE (ATTACHMENT 2): This proposed amendment modifies Article 5 and Article 6 of the UDC. Chapter 31 of the City Code addresses standards and requirements for Recreational Vehicle Parks. However, the current use tables in Article 5, Use Standards, and Section 6.1, Manufactured Housing, do not address Recreational Vehicle Parks as a permitted use. The proposed amendment provides for the use as a CUP request in the following zoning districts:

- Manufactured Housing (MH)
- General Retail (GR)
- Light Industrial (LI) and
- Agriculture (AG)

These are the zoning districts in which Recreation Vehicle parks currently exist in Temple.

TRANSITIONAL OR EMERGENCY SHELTER USE (ATTACHMENT 3): This proposed amendment modifies Article 5 of the UDC. The current use table in Article 5 does not address Transitional or Emergency Shelters as a permitted use. The proposed amendment provides for the use as a CUP request for either type of shelter in the Light Industrial (LI) zoning district with the following conditions:

- The transitional shelter must be a minimum of 1,000 feet from the following uses:
 - Alcoholic beverage sales, on-premise or off-premise consumption
 - All residential uses or zoning districts
 - Daycares or schools
 - Other transitional shelters
- Adequate space must be provided inside the shelter so that clients or potential clients are not required to wait outside.
- Must have working HVAC.
- Occupancy load (maximum number of people based on size of building) and building construction must meet International Fire and Building Code.
- One shelter staff member must be present per 25 clients on-premise. A minimum of 1 staff member must always be present.
- An emergency shelter may not provide shelter to a person for a period exceeding 30 consecutive days.

Transitional Shelters are proposed to be prohibited within the I-35 Corridor overlay zoning district.

STREET TREE SETBACKS IN TMED ON FIRST STREET (ATTACHMENT 4): This proposed amendment modifies Article 6 of the UDC. It is a result of a request from TXDOT to increase the required setback for street trees from the back of curb from 7.5' to 8.5' along South First Street to better accommodate safety and maintenance requirements.

I-35 CORRIDOR OVERLAY SIDEWALKS (ATTACHMENT 5): This proposed amendment modifies Article 6 of the UDC. It removes the blanket requirement for the I-35 Corridor Overlay zoning district for sidewalks within the private property unless the Trails Master Plan recommends a sidewalk along a street that intersects or runs parallel to Interstate 35. The proposed amendment provides width and material standards identical to those proposed for the Industrial Park.

I-35 CORRIDOR OVERLAY SIGNS (ATTACHMENT 6): This proposed amendment modifies Article 6 of the UDC. It provides new standards for taller freestanding signs in the form of pylons as well as clarifies existing and unclear requirements for other type of signs. The current ordinance limits sign height to 8' tall. Current practice is to require a developer to submit a Planned Development to request and permit a taller sign. The proposed amendments allow administrative approval and

present an option for a pylon sign for all uses as well as provide specifications for multi-tenant users. As proposed, travel related businesses and multi-tenant users are permitted to have taller signs.

I-35 CORRIDOR OVERLAY SIGNS (ATTACHMENT 7): This proposed amendment provides definitions for:

- Emergency Shelter
- Multi-Tenant Sign
- Multi-Tenant Site
- Pole Sign
- Pylon Sign
- Recreational Vehicle Park
- Transitional Shelter

PUBLIC NOTICE:

The newspaper printed notice of the Planning and Zoning Commission public hearing on November 10, 2011 in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends approval of the proposed amendments.

FISCAL IMPACT: NA

ATTACHMENTS:

[Conditional Use Permit Time Limit \(Attachment 1\)](#)

[Recreational Vehicle Park Use \(Attachment 2\)](#)

[Transitional Shelter Use \(Attachment 3\)](#)

[Street Tree Setbacks in TMED on First Street \(Attachment 4\)](#)

[I-35 Corridor Overlay Sidewalks \(Attachment 5\)](#)

[I-35 Corridor Overlay Signs \(Attachment 6\)](#)

[Associated Definitions \(Attachment 7\)](#)

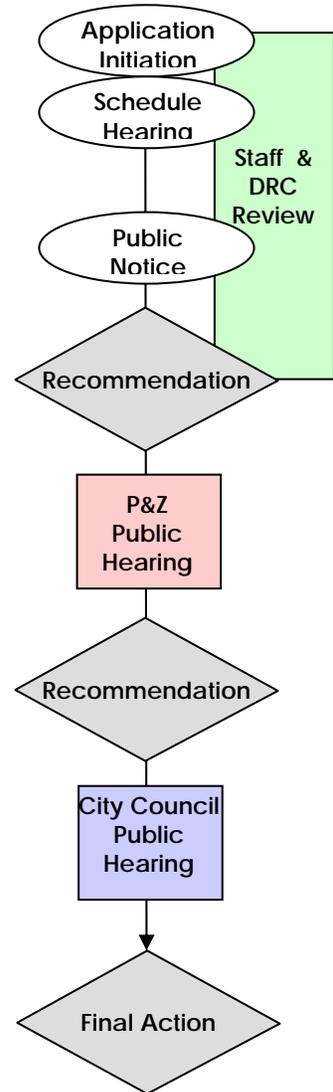
Sec. 3.5. Conditional Use Permit

3.5.1 Applicability

- A. The Conditional Use Permit (CUP) provides a means for developing certain uses in a manner in which the conditional use will be compatible with adjacent property and consistent with the desired character of the area according to the Comprehensive Plan. These uses generally have unusual nuisance characteristics or are of a public or semi-public character often essential or desirable for the general convenience and welfare of the community. Because, however, of the nature of the use or possible adverse impact on neighboring properties of the use, review, evaluation and exercise of planning judgment relative to the location and site plan of the proposed use are required.
- B. Conditional uses are identified in the use table in Article 5.

3.5.2 Review Process

- A. Except as described below, the Planning and Zoning Commission and City Council review of a CUP application must follow the review process, public notice, public hearing, protest and limitation on resubmittal requirements for a Zoning District Map Amendment set forth in Sec. 3.3.
- B. Application for a CUP must occur in conjunction with the submittal of a site plan.
- C. The Planning Director must review the CUP application and, with input from the Development Review Committee, make a recommendation to the Planning and Zoning Commission and City Council. Development Review Committee review must focus on the operational and design elements of the submitted CUP site plan.
- D. A Building Permit or Certificate of Occupancy may not be issued for any use that requires a CUP unless a CUP has first been approved in accordance with the provisions of this Section.



3.5.3 Duration

An approved CUP runs with the land and does not expire without City Council revocation as set forth in Sec. 3.5.6. At its discretion, the City Council may impose an expiration date on an approved CUP. The City Council may require that the property owner reapply for CUP approval prior to expiration in order for the conditional use to continue operation.

3.5.4 Review Criteria

In determining whether to approve, approve with conditions or deny a CUP application, the review bodies in Sec. 3.5.2 above must consider the following criteria.

Attachment 2 - RV Park Use Tables

Article 5: Use Standards

Sec. 5.1. Use Table

P= Permitted by Right L = Permitted by Right Subject to Limitations

[blank cell] = Prohibited C= Conditional Use Permit

Specific 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	C	CA	LI	HI	Standards
RESIDENTIAL USES																						
Boarding or rooming house											P	P		P			P	P	P	P		
Convent or monastery	C	C															P	P	P	P		
Family or Group Home	L	L	L	L	L	L	L	L	L	L	L	L	L	C	C	C	C	C	C	C		5.3.1
Fraternity or sorority	C	C									C	C	C	P	P		P	P	P	P		
Home for the aged	C	C									C	P	P	C	P		P	P	P	P		
Industrialized housing	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
HUD-Code manufactured home land lease community	C																					5.3.2
HUD-Code manufactured home subdivision	L																					5.3.2
Multiple-family dwelling (apartment)											L	L	L		L				L			5.3.3
Patio home						L		L	L													5.3.4
<u>Recreational vehicle park</u>	C																C			C		
Single-family attached dwelling						P	P	L	P	P	P	P		P	P	P	P	P	P	P		5.3.5
Single-family detached dwelling	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P		
Townhouse								L	L		L	L		L	L	L	L	L	L			5.3.6
Triplex										C	P	P			P					P		
Two-family dwelling (duplex)										P	P	P		P	P		P	P	P			
Zero lot line dwelling						P	L	P	P	P	P	P										5.3.7
NONRESIDENTIAL USES																						
AGRICULTURAL USES																						
Animal shelter (public or private)	C																	C		P	P	
Farm, ranch, orchard or garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Greenhouse or nursery (wholesale)	P																	P	P	P	P	

Article 6 Special Purpose and Overlay Zoning Districts

Sec. 6.1. MH, Manufactured Home

6.1.1 Use Table

The following uses are permitted by right, permitted subject to limitations, or require a Conditional Use Permit in the MH, Manufactured Home zoning district.

Use	Permitted by Right or Permitted Subject to Limitations	Conditional Use	Standard
RESIDENTIAL USES			
Convent or monastery		✓	
Family or group home	✓		
HUD-Code manufactured home subdivision	✓		5.3.2
HUD-Code manufactured home land lease community	✓		5.3.2
Industrialized housing	✓		
<u>Recreational vehicle park</u>		✓	
Single-family detached dwelling	✓		
NONRESIDENTIAL USES			
Asphalt or concrete batching plant (temporary)		✓	
Cemetery, mausoleum or crematorium		✓	
Child care: group day care home		✓	5.3.9
Child care: family home	✓		5.3.9
Community center		✓	
Electrical substation (high voltage bulk power)		✓	
Electrical transmission line (high voltage)		✓	
Fire Station	✓		
Gas line and regulating station	✓		
Institution religious – charitable – philanthropic nature		✓	
Park or playground	✓		
Petroleum or gas well		✓	
Place of worship	✓		
Playfield or stadium		✓	
Pre-school		✓	
Railroad track or right-of-way or team track	✓		
School, (elementary or secondary), public or private	✓		
Sewage pumping station		✓	
Shop yard of local, state or		✓	

**Attachment 2 - RV Park Use Tables
- I-35 Industrial Sub-District**

Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.7. I35, Interstate 35 Corridor Overlay

Use	Prohibited Use	Conditional Use	Standards
use table in Sec. 5.1 except as follows:			
Multiple-family dwelling (apartment)		✓	5.3.3
Nonresidential			
Animal feed lot	✓		
Animal shelter (public or private)	✓		
Auto storage or auto auction	✓		
Boat sales or repair	✓		
Bottling works	✓		
Building material sales	✓		
Car wash		✓	
Child care facility		✓	5.3.9 and 5.3.10
Contractor storage and equipment yard	✓		
Correctional facility	✓		
Day camp for children	✓		
Drag strip or commercial racing	✓		
Flea market (outdoors)	✓		
Greenhouse or nursery (retail)		✓	
Hatchery, fish or shrimp, fish farm	✓		
Hatchery, poultry	✓		
Heavy machinery sales, storage and repair	✓		
Industrial Uses listed in the use table in Sec. 5.1	✓		
Kennel	✓		
Live stock auction	✓		
Major vehicle repair	✓		
Milk depot, dairy or ice cream plant	✓		
Minor vehicle servicing		✓	5.3.23
Motorcycle or scooter sales and repair		✓	
Open storage of furniture, appliances or machinery	✓		
Paint shop		✓	
<u>Recreational Vehicle Park</u>	<u>✓</u>		
Trailer, recreational vehicle, portable building or HUD-Code manufactured home sales or rental sales or rental	✓		
<u>Transitional or Emergency Shelter</u>	<u>✓</u>		

**Attachment 2 - RV Park Use Tables
- I-35 Freeway Retail Sub-District**

Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.7. I35, Interstate 35 Corridor Overlay

Use	Prohibited Use	Conditional Use	Standards
use table in Sec. 5.1 except as follows:			
Multiple-family dwelling (apartment)		✓	5.3.3
Nonresidential			
Animal feed lot	✓		
Animal shelter (public or private)		✓	
Auto storage or auto auction	✓		
Boat sales or repair		✓	
Bottling works	✓		
Building material sales	✓		
Car wash		✓	
Child care facility		✓	5.3.9 and 5.3.10
Contractor storage and equipment yard	✓		
Correctional facility	✓		
Day camp for children	✓		
Drag strip or commercial racing	✓		
Flea market (outdoors)	✓		
Greenhouse or nursery (retail)		✓	
Hatchery, fish or shrimp, fish farm	✓		
Hatchery, poultry	✓		
Heavy machinery sales, storage and repair	✓		
Industrial Uses listed in the use table in Sec. 5.1	✓		
Kennel	✓		
Live stock auction	✓		
Major vehicle repair		✓	5.3.22
Milk depot, dairy or ice cream plant	✓		
Minor vehicle servicing		✓	5.3.23
Open storage of furniture, appliances or machinery	✓		
Paint shop		✓	
<u>Recreational Vehicle Park</u>	<u>✓</u>		
Sexually oriented business	✓		
Shooting range (outdoor)	✓		
Stable, residential or noncommercial	✓		
<u>Transitional or Emergency Shelter</u>	<u>✓</u>		
Trailer, recreational vehicle, portable building or HUD-	✓		

**Attachment 2 - RV Park Use Tables
- I-35 City Entry Sub-District**

Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.7. I35, Interstate 35 Corridor Overlay

Use	Prohibited Use	Conditional Use	Standards
equipment yard			
Correctional facility	✓		
Day camp for children	✓		
Drag strip or commercial racing	✓		
Flea market (outdoors)	✓		
Greenhouse or nursery (retail)		✓	
Hatchery, fish or shrimp, fish farm	✓		
Hatchery, poultry	✓		
Heavy machinery sales, storage and repair		✓	
Industrial Uses listed in the use table in Sec. 5.1		✓	
Kennel		✓	
Live stock auction	✓		
Major vehicle repair		✓	5.3.22
Milk depot, dairy or ice cream plant		✓	
Minor vehicle servicing		✓	5.3.23
Motorcycle or scooter sales and repair		✓	
Open storage of furniture, appliances or machinery	✓		
Paint shop		✓	
<u>Recreational Vehicle Park</u>	✓		
Sexually oriented business	✓		
Shooting range (outdoor)	✓		
Stable, residential or noncommercial	✓		
Trailer, recreational vehicle, portable building or HUD-Code manufactured home sales or rental		✓	
<u>Transitional or Emergency Shelter</u>	✓		
Upholstery shop		✓	
Veterinarian hospital (kennels)		✓	
Wrecking or salvage yard	✓		5.3.24

C. Dimensional Standards

Dimensional standards for the base zoning districts as found in Sec. 4.5 of this UDC apply except that the following regulations supersede such requirements for properties in the Industrial Sub-District. Nonconforming lots of record that are smaller than the minimum required lot area may be developed but all requirements of the I-35 Corridor Overlay District apply.

Attachment 3 - Shetler Use Tables

Article 5: Use Standards

Sec. 5.1. Use Table

P= Permitted by Right L = Permitted by Right Subject to Limitations

[blank cell] = Prohibited C= Conditional Use Permit

Specific 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	C	CA	LI	HI	Standards
<u>Transitional or emergency shelter</u>																				C		5.3.12
INDUSTRIAL USES																						
Animal feedlot	C																					C
Asphalt or concrete batching plant (permanent)																				C		P
Asphalt or concrete batching plant (temporary)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	
Brick kiln or tile plant																						C
Cement or hydrated lime plant																						C
Compost operations																				C	C	5.3.13
Landfill																				C	C	
Industrial uses other than listed																						C
Recycling collection location	C																L	L		L	L	5.3.14
Recycling operation inside a building																				C	L	5.3.14
Recycling operation outside a building																					L	5.3.14
Slaughterhouse or meat packing plant																				C	C	
Smelter, refinery or chemical plant																						C
Wrecking yard																				C	C	
NATURAL RESOURCE STORAGE AND EXTRACTION USES																						
Caliche pit and caliche storage	C																	C		C	P	
Mining and storage of mining waste	C																			C	C	
Petroleum or gas well	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Petroleum storage and collection facilities	C																	C		C	P	
Sand or gravel extraction or storage	C																	C		C	P	
Top soil, earth, clay or stone extraction or storage	C																	C		C	P	

Temple, Texas Unified Development Code

Effective 12/16/10 • Last Amended 10/06/11

Attachment 3 - Shelter Use Tables - I-35
Overlay Industrial Subdistrict

Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.7. I35, Interstate 35 Corridor Overlay

Use	Prohibited Use	Conditional Use	Standards
use table in Sec. 5.1 except as follows:			
Multiple-family dwelling (apartment)		✓	5.3.3
Nonresidential			
Animal feed lot	✓		
Animal shelter (public or private)	✓		
Auto storage or auto auction	✓		
Boat sales or repair	✓		
Bottling works	✓		
Building material sales	✓		
Car wash		✓	
Child care facility		✓	5.3.9 and 5.3.10
Contractor storage and equipment yard	✓		
Correctional facility	✓		
Day camp for children	✓		
Drag strip or commercial racing	✓		
Flea market (outdoors)	✓		
Greenhouse or nursery (retail)		✓	
Hatchery, fish or shrimp, fish farm	✓		
Hatchery, poultry	✓		
Heavy machinery sales, storage and repair	✓		
Industrial Uses listed in the use table in Sec. 5.1	✓		
Kennel	✓		
Live stock auction	✓		
Major vehicle repair	✓		
Milk depot, dairy or ice cream plant	✓		
Minor vehicle servicing		✓	5.3.23
Motorcycle or scooter sales and repair		✓	
Open storage of furniture, appliances or machinery	✓		
Paint shop		✓	
<u>Recreational Vehicle Park</u>	<u>✓</u>		
Trailer, recreational vehicle, portable building or HUD-Code manufactured home sales or rental sales or rental	✓		
<u>Transitional or Emergency Shelter</u>	<u>✓</u>		

**Attachment 3 - Shelter Use Tables - I-35
Overlay Freeway / Retail Subdistrict**

Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.7. I35, Interstate 35 Corridor Overlay

Use	Prohibited Use	Conditional Use	Standards
use table in Sec. 5.1 except as follows:			
Multiple-family dwelling (apartment)		✓	5.3.3
Nonresidential			
Animal feed lot	✓		
Animal shelter (public or private)		✓	
Auto storage or auto auction	✓		
Boat sales or repair		✓	
Bottling works	✓		
Building material sales	✓		
Car wash		✓	
Child care facility		✓	5.3.9 and 5.3.10
Contractor storage and equipment yard	✓		
Correctional facility	✓		
Day camp for children	✓		
Drag strip or commercial racing	✓		
Flea market (outdoors)	✓		
Greenhouse or nursery (retail)		✓	
Hatchery, fish or shrimp, fish farm	✓		
Hatchery, poultry	✓		
Heavy machinery sales, storage and repair	✓		
Industrial Uses listed in the use table in Sec. 5.1	✓		
Kennel	✓		
Live stock auction	✓		
Major vehicle repair		✓	5.3.22
Milk depot, dairy or ice cream plant	✓		
Minor vehicle servicing		✓	5.3.23
Open storage of furniture, appliances or machinery	✓		
Paint shop		✓	
<u>Recreational Vehicle Park</u>	<u>✓</u>		
Sexually oriented business	✓		
Shooting range (outdoor)	✓		
Stable, residential or noncommercial	✓		
<u>Transitional or Emergency Shelter</u>	<u>✓</u>		
Trailer, recreational vehicle, portable building or HUD-	✓		

**Attachment 3 - Shelter Use Tables - I-35
Overlay City Entry Subdistrict**

Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.7. I35, Interstate 35 Corridor Overlay

Use	Prohibited Use	Conditional Use	Standards
equipment yard			
Correctional facility	✓		
Day camp for children	✓		
Drag strip or commercial racing	✓		
Flea market (outdoors)	✓		
Greenhouse or nursery (retail)		✓	
Hatchery, fish or shrimp, fish farm	✓		
Hatchery, poultry	✓		
Heavy machinery sales, storage and repair		✓	
Industrial Uses listed in the use table in Sec. 5.1		✓	
Kennel		✓	
Live stock auction	✓		
Major vehicle repair		✓	5.3.22
Milk depot, dairy or ice cream plant		✓	
Minor vehicle servicing		✓	5.3.23
Motorcycle or scooter sales and repair		✓	
Open storage of furniture, appliances or machinery	✓		
Paint shop		✓	
<u>Recreational Vehicle Park</u>	✓		
Sexually oriented business	✓		
Shooting range (outdoor)	✓		
Stable, residential or noncommercial	✓		
Trailer, recreational vehicle, portable building or HUD-Code manufactured home sales or rental		✓	
<u>Transitional or Emergency Shelter</u>	✓		
Upholstery shop		✓	
Veterinarian hospital (kennels)		✓	
Wrecking or salvage yard	✓		5.3.24

C. Dimensional Standards

Dimensional standards for the base zoning districts as found in Sec. 4.5 of this UDC apply except that the following regulations supersede such requirements for properties in the Industrial Sub-District. Nonconforming lots of record that are smaller than the minimum required lot area may be developed but all requirements of the I-35 Corridor Overlay District apply.

Sec. 5.4. Specific Use Standards

....

5.4.1 Transitional or Emergency Shelter

A transitional or emergency shelter may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards.

- A. The transitional or emergency shelter must be a minimum of 1,000 feet from the following uses:
 1. Alcoholic beverage sales (on-premise or off-premise consumption);
 2. All residential uses or zoning districts as specified in the zoning district table in Section 4.1.1 and in the use table in Section 5.1.3;
 3. Child care uses;
 4. Elementary or secondary schools (public or private); and
 5. Other transitional or emergency shelters.
- B. The distance required above must be measured in a straight, direct line from the property line of a use listed above to the property line of the transitional or emergency shelter, and in a direct line across intersections.
- C. Space must be provided inside the transitional or emergency shelter so that prospective and current residents are not required to wait on sidewalks or any other public right-of-way.
- D. The transitional or emergency shelter must be equipped with a functioning central heating, ventilation and air conditioning system.
- E. The occupancy load and construction of the building must meet the most recent version of the International Fire Code and Building Code adopted by the City.
- F. A minimum of one shelter staff member must be present per 25 clients on-premise of the transitional or emergency shelter. A minimum of one shelter staff member must be present at the shelter at all times.
- G. An emergency shelter may not provide shelter to a person for a period exceeding 30 consecutive days.

Attachment 4 - TMED Street Trees

Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.3. TMED, Temple Medical and Educational

Street Name	Type A	Type B	Type C	Type D	Type E
25th Street		✓			
S 31st Street (trail on west side)				✓	
13th Street				✓	
17th Street				✓	
West Avenue R (trail on north side)				✓	
West Avenue M					✓
All others					✓

D. Public Frontage Landscape Standards

I. Street Trees

- a. One tree per 25' linear street frontage is required. Trees must be planted in a regularly spaced pattern. Spacing of trees may be offset to allow a view corridor into the primary entry of a nonresidential use.
 - i. Type A, B, C and D Public Frontage
Street trees must be a single species selected from the table in subsection 6.3.12B.
 - ii. Type E Public Frontage.
Street trees must be an alternating species selected from the table in subsection 6.3.12B.
- b. Public frontage trees must be planted within the required street yard planting strip adjacent to the back-of-curb.
 - i. Type A Public Frontage
Trees must be planted ~~seven~~ eight and one-half feet from back-of-curb in the required planting strip.
 - ii. Type B, C, D, and E Public Frontage
Trees must be planted a minimum three feet from back-of-curb in the required planting strip.
- c. Large canopy trees must be planted if overhead utilities are not present. Medium canopy trees must be planted if overhead utilities are present.

2. Planting Area

a. Type A, B, C and D Public Frontage

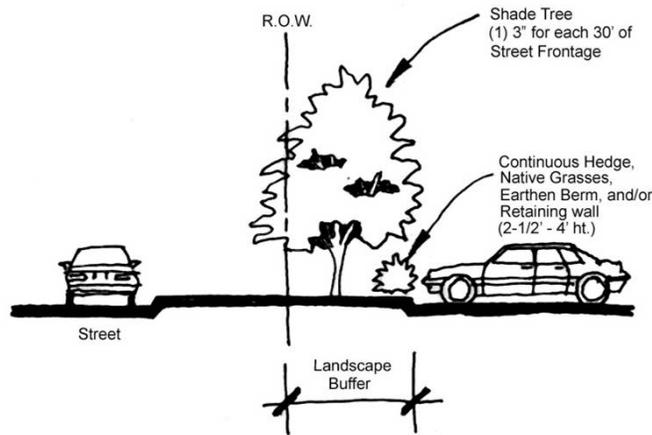
The street yard planting strip must be planted in evergreen groundcover as shown in the table in subsection 6.3.12C at a rate of one one-gallon container per 4 square feet of street yard planting area.

Attachment 5 - I-35 Sidewalks

Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.7. I35, Interstate 35 Corridor Overlay

- f. Berms not less than 24 inches nor more than 48 inches in height at no more than a four to one slope are required in the landscape buffer, covering a minimum of 50 percent of the buffer area.
9. Any of the following must be screened by a continuous hedge or shrubs, earthen berms, or retaining walls that are two and one-half to four feet in height:
- a. Parking lot or vehicle use area;
 - b. Fuel pumps visible from the direction of traffic flow; or
 - c. Vehicle drive-through window facing the street or traffic flow.



10. Meandering sidewalks a minimum of five feet in width are required in accordance with City standards within the landscape buffer the entire length of the street frontage in the following locations. ~~Such sidewalks are not required in the Industrial Sub-District.~~
- a. Along any street in the Civic Sub-District; and
 - b. Along any street that intersects or runs immediately parallel with I-35, if the Trails Master Plan recommends a sidewalk adjacent to the property.
11. The width and composition of a sidewalk required in subsection 10 above must be in accordance with the following standards.
- a. A sidewalk that is a minimum of 10 feet in width is required where the Trails Master Plan shows a Citywide Spine Trail adjacent to the property.
 - b. A sidewalk that is a minimum of eight feet in width is required where the Trails Master Plan shows a Community-Wide Connector Trail adjacent to the property.
 - c. A sidewalk that is a minimum of six feet in width is required where the Trails Master Plan shows a Local Connector Trail adjacent to the property.
12. Landscaped parking islands are required as follows in all parking lots, but are not required adjacent to industrial truck docks. Parking islands may count toward the required minimum landscape area set forth in the sub-district Area Regulations.

Sec. 6.7 I35, Interstate Corridor Overlay

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6.7.5 General Design Requirements

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G. Signs

~~G. Signs~~

- ~~1. The sign standards for the I-35 Corridor Overlay zoning district are the same as required for Low Profile Signs in the Central Avenue Corridor as found in Sec. 7.5.12.~~
- ~~2. The General Standards for Off-Premise Signs as found in Sec. 7.5.11 apply to the I-35 Corridor Overlay District.~~
- ~~3. Design, materials and finish of monument signs must match those of the buildings on the same lot.~~
- ~~4. Signs require approval of a sign permit prior to construction in accordance with Sec. 3.14. The sign standards in this section apply to all Sub-Districts in the I-35 Interstate Corridor Overlay.~~

1. Permitted Sign Types

The table below establishes the sign types and standards that are permitted.

Use	Sign Type	Maximum Number of Sign Faces	Maximum Height	Maximum Area (per sign face)	Minimum Setback (from property line)	Minimum Spacing Between Signs
All permitted Uses	Wall Sign	1 per public façade (maximum 2)	NA (no projection above building)	10% of façade face or 300 sq ft max (whichever is greater)	NA	NA
All permitted Uses	Window Sign	NA	NA	20% of window area	NA	NA
All permitted Uses	Monument Sign	2	8'	50 sq ft	0'	25'
All permitted Uses	Pylon Sign	2	25'	200 sq ft	10'	50'
Fuel Sales	Pylon Sign	2	40'	300 sq ft	15'	100'
Overnight Accommodations	Pylon Sign	2	40'	300 sq ft	15'	100'
Restaurant Uses	Pylon Sign	2	40'	300 sq ft	15'	100'
Multi-Tenant Site	Monument Sign	2	10'	65 sq ft	0'	25'

Multi-Tenant Site	Pylon Sign	2	40'	400 sq ft	15'	200'
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2. Maximum Signs per Site

All sites are permitted one freestanding sign (monument or pylon) per site unless they are part of a development requiring multi-tenant signs.

3. Multi-Tenant Sign Provisions

a. Developments containing three or more businesses, whether in single or multiple buildings, must share freestanding sign structures for advertisement of multiple businesses within the development. This provision applies to businesses located on the same lot upon which the sign is located as well as to businesses located on different lots within the development.

b. Multi-tenant sites are permitted a maximum of one freestanding sign (monument or pylon) per 200 feet of frontage on I-35 Frontage Road. Both individual business freestanding signs and multi-tenant signs count towards the total for the entire development. Signs must comply with the following standards:

1. Multi-tenant pylon signs must be oriented to I-35 frontage roads, not to side streets.
2. Multi-tenant monument signs may be used at primary entranceways (spacing permitting) on streets not directly fronting I-35.
3. Businesses may not advertise on both multi-tenant pylon signs and individual single-site pylon signs;
4. One monument sign is permitted per individual business advertised on multi-tenant signs.

4. Freestanding Sign Materials

Freestanding signs must be finished in the same primary masonry building material.

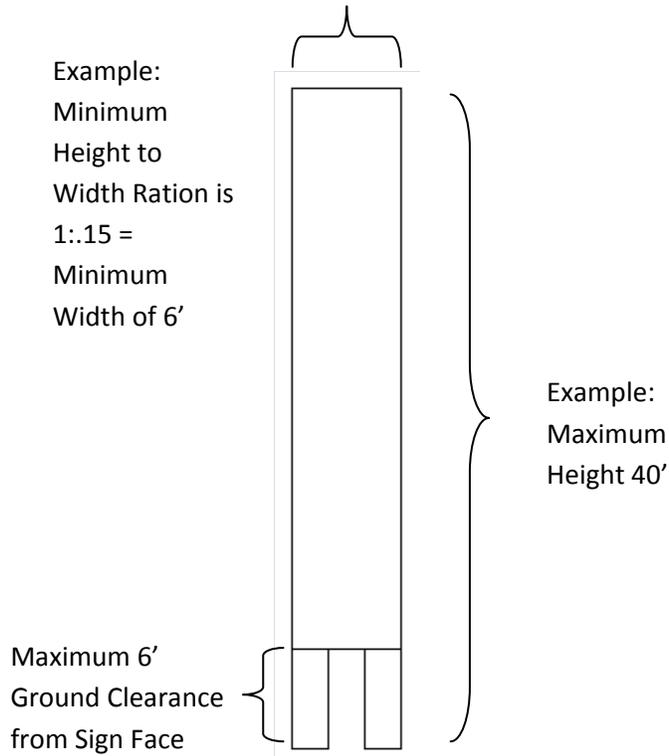
5. Sign Illumination

Monument signs may be externally lit. All other illuminated signs must be internally lit.

6. Pylon Sign Provisions

a. For all pylon signs in the I-35 Overlay Corridor I-35 the following shall apply:

- 1. The minimum height to width ratio is 1:15;**
- 2. The bottom of the sign face may be no more than 6' from the ground level.**



7. Prohibited Sign Types

- a. Roof Signs**
- b. Banner or Pole Banner**
- c. Fence Sign**
- d. Inflatable Device**
- e. Message Board**
- f. Pole Sign**

Attachment 7 - Definitions

Article 7: General Development Standards

Sec. 7.5. Signs

Bureau of Standards.

Marquee Sign. Any sign affixed to a permanent canopy projecting over an entrance or on the face of a building and supported from the building.

Median Strip. A paved or planted strip dividing a street or highway into lanes according to direction of travel.

Memorial Sign. A memorial or commemorative plaque or tablet denoting a building name and/or date of erection of a location of historic significance.

Message Board. A permanent changeable sign whose informational content is in the form of individual letters or numbers that can be changed or altered by any means, including manual, electric, electromechanical or electronic means.

Monument Sign. A freestanding sign having a low profile and made of stone, concrete, metal, routed wood planks or beams, brick or similar materials, including individual lettering, that repeat or harmonize with the architecture of the establishment it serves.

Moving Sign. A sign that moves or has moving parts other than parts which indicate time or temperature.

Multi-tenant site. A unified development site that contains multiple commercial uses and businesses under the same primary ownership or lease agreement.

Multi-tenant sign. A freestanding sign that advertises for more than two businesses located on a site containing multiple commercial uses and businesses under the same primary ownership or lease agreement in a unified development or shopping center.

Mural. A decorative hand-painted work of art applied to an exterior wall within public view that does not include graphics or text advertising a specific business, product or brand. Embellishments to or decoration of architectural elements are not deemed a mural. A mural is not a wall sign.

Name Plate Sign. A sign that is located on the premises, giving the name or address or both, of the owner or occupant of a building or premise.

National Flag. The flag of the United States of America.

Noncombustible Material. Any material that will not ignite at or below a temperature of 1200 degrees Fahrenheit and will not continue to burn or glow at that temperature.

Off-Premise Sign. A sign of which the contents does not relate to the premises on which it is located, and that does not refer exclusively to the name, location, products, persons, accommodations, services, sale, lease, construction or activities of or on the premises where it is erected. The premises of a shopping center include the shopping center pad site.

On-Premise Sign. A sign, the content of which relates to the premises on which it is located, referring exclusively to the name, location, product, persons, accommodations, services or activities of or on those premises, or the sale, lease or construction of those premises. The premises of a shopping center include the outparcels.

Outdated Sign. A sign or other advertising structure that continues to advertise a business or project that has been out of business in excess of 90 days.

Permittee. A person receiving a permit pursuant to the provisions of this ordinance.

Pole Sign. A freestanding sign with visible support structure (s).

Political Campaign Sign. A sign that supports or opposes a political candidate, issue, election or party.

Portable Sign. A sign that is easily moved from one location to another, including a sign that is mounted on skids, trailers, wheels, legs or stakes (including an A Frame or H Frame sign), and that is not fixed permanently to the ground, and that is not an attached sign, political sign or a sign that refers solely to the sale or lease of the premises.

Projecting Sign. A sign that is attached to a building or other structure and extends beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which is attached. A marquee is a projecting sign.

Protective Sign. A sign that is commonly associated with safeguarding the permitted uses of the occupancy, for example, “beware of dog,” “no trespassing,” and “no solicitors.”

Pylon Sign. A freestanding sign in which the support structure is concealed and enclosed with a decorative masonry material.

Real Estate Sign. A sign that is used to advertise the sale, lease or rental of property.

Roof Sign. A sign erected, constructed and maintained wholly upon or above the roof of a building with the principal support attached to the roof structure.

Sign. Any writing, pictorial representation, illustration, emblem, symbol, design or other figure of similar character that is a structure or a part of a structure, or is attached to or in any manner represented on a building or other structure, and that is placed out of doors in view of the general public and is used for purposes of advertisement, identification or expression. “Sign” is synonymous with “advertising device”.

Sign Area. The entire advertising face of a sign excluding any framing, trim or molding and the supporting structure.

Sign Height. The vertical distance between the base of the sign at the nearest natural grade to the highest part of the sign or any attached component.

Sign Setback. Along Central Avenue, the sign setback is measured as the perpendicular distance between the nearest curb line parallel to Central Avenue and the outer (leading) edge of any portion of a sign. In all other locations, sign setback is measured as the distance between the property line and the outer (leading) edge of any portion of a sign.

Snipe Sign. A sign made of any material when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, utility poles, fences, public structures or other objects, and the advertising matter appearing thereon is not applicable to the use of the premises upon which such sign is located. This may include but is not limited to signs advertising property for sale or rent, garage sale signs, flyers, wanted signs, lost signs, et cetera.

Special Height Sign. A special sign for highway-oriented automotive uses such as hotels, motels, service stations, shopping centers, office centers and other similar uses where because of location or setback special signs identification is desirable.

Spirit Flag. A school flag that contains crests, pictures and such but no advertising.

State Flag. The flag of the State of Texas, or the flags of other states in the United States of America, or its protectorates.

Streamer. An attention-attraction device consisting of two or more pennants, banners, balloons, ribbons,

building; if occupied by vehicles of others, it is a storage space.

Processing. The method or action to enhance recyclable materials for reuse, including, but not limited to, separating, baling, flattening, shredding, crushing, cleaning or cutting for the purpose of preparing recyclable materials for reuse, excluding a smelter operation.

Shop Yard of Local, State or Federal Government. Facilities such as office buildings, maintenance yards and shops required by branches of local, state or federal government for service to an area such as highway department yard, City service center or experiment station.

Radio or Television Tower. Structures supporting antennae for transmitting or receiving any portion of the radio spectrum, but excluding noncommercial antennae installations for home use of radio or television.

Railroad Team Track. A siding for spotting and unloading or loading box cars or other railroad cars and that is connected to a public street by a drive for access.

Railroad Track and Right-Of-Way. Does not include railroad stations, siding, team tracks, loading facilities, docks, yards or maintenance areas.

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 this UDC and containing sanitary facilities for the direct discharge from recreational vehicle holding tanks and utility hookups.

Recyclable Materials. Materials including, but not limited to, scrap steel, aluminum cans, appliances, paper, batteries, glass bottles, motor vehicles, motor vehicle parts and machinery that have no economic value except as composition material.

Recycling Collection Facility. A location where glass, paper, plastics and/or aluminum cans only are deposited in containers, with no processing on site and usually occurring as an accessory use on the property.

Replatting. The alteration of any part or all of any lot, block or tract of a previously platted subdivision.

Residential Area. Any area that in whole or in part is platted for the development of dwelling units or residences, whether single-family, townhouse, two-family, multifamily, owner occupied, condominium or rental dwelling units.

Residential Structure. Any structure where a minimum of 50 percent of the building's intended use is residential.

Restaurant (Not Drive-In). An establishment serving food to the general public in specific, designated dining areas. This term does not include drive-in establishments where food is delivered to or eaten in automobiles.

Restaurant (Drive-In). An establishment designed and constructed to serve food for consumption on the premises in an automobile or for carry-out for off-premises consumption and that establishment may or may not have on premises dining room or counter.

Retail Sales and Service. Companies or individuals involved in the sale, lease or rental of new or used products, or providing personal services or repair services to the general public.

Rooming House/Boarding House. See Boarding House.

School, Business. A business organized to operate for a profit and offering instruction and training in a service or art such as secretarial school, barber college, beauty school or commercial art school, but not including manual trade schools.

School, Commercial or Trade. A business organized to operate for a profit and offering instruction and training in a trade such as welding, brick laying, machinery operation and similar trades.

School, Public or Private. A school under the sponsorship of a public or religious agency having a curriculum generally equivalent to public elementary or secondary schools, but not including trade or commercial schools.

Secondary Frontage: On corner lots, the private frontage that is not the principal frontage. The First Layer is regulated since it affects the public realm. (Ord. 2010-4415)

Sexually Oriented Businesses. See Ordinance No. 99-2633 for definitions and regulations pertaining to sexually oriented businesses.

Transitional Shelter. A facility providing emergency shelter, over a period of more than single days, for persons who are receiving therapy or counseling from support staff who are present at all times the residents are present, for one or more of the following purposes:

(a) To help residents recuperate from the effects of drugs or alcohol addiction;

(b) To help homeless persons or families achieve independence and obtain permanent housing;
or

(c) To provide temporary shelter for persons who are victims of domestic abuse.

Shopping Center. A group of commercial establishments, built on a site that is planned, developed, owned or managed as an operating unit related in location, size and type of shops to the trade areas that the unit serves; it provides on-site parking in definite relationship to the type and total size of the stores and unified access to and through the site.

Shopping Center Pad Site. A site for a freestanding building that may be sold individually, located on a parent shopping center that fronts on a public street and lies between the public street and the principal shopping center.

Sidewalk. A walking path composed of concrete that generally runs parallel with a street and that is located within a public right-of-way. (Ord. 2011-4430)

Signs. See Sec. 7.5.2 for definitions of specific sign types.

Single-Family Dwelling (Attached). A dwelling that is joined to another dwelling at one or more sides by a party wall or abutting separate wall and that is designed for occupancy by one family and is located on a separate lot delineated by front, side and rear lot lines to include patio homes.

Single-Family Dwelling (Detached). A dwelling designed and constructed as a free-standing structure for occupancy by one family and located on a lot or separate building tract and having no physical connection to a building located on any other lot or tract and occupied by one family.

Site Plan. The development plan for one or more lots showing the existing and proposed conditions of the lot including, for example, sidewalks, curb cuts, utilities, landscaping, structures and signs, screening devices, lot dimensions, adjacent development and any other information reasonably required in order to make an informed judgment about the compatibility of the proposal.

Stable, Residential or Noncommercial. An accessory building for quartering horses.



PLANNING AND ZONING COMMISSION AGENDA ITEM

11/21/11
 Item #10
 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>Z-FY-12-16 - Hold a public hearing to discuss and recommend action on a rezoning from Single Family Two District (SF2) to Single Family Three District (SF3) on Outblock 2065-A, Baldwin Robertson Survey, Abstract 17, on 13.579± acres, located along the east side of North Pea Ridge Road and south of Stonehollow Drive (Applicant: Turley Associates for Kiella Development, Inc.)</p>	<p>P&Z 12-06-11</p>	<p>Rezoning in Westfield Development for 20' front setbacks allowed in SF-3, rather than existing 25' setbacks allowed in SF-2.</p>

City Council Final Decisions	Status
<p>No City Council meetings have taken place since the most recent P&Z meeting</p>	



PLANNING AND ZONING COMMISSION MEETING EVALUATION

November 21, 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	P				17	1
Mike Pilkington	P	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	A				18	
Derek Martin	P	P		P	P	P	P	P	P				14	4
Will Sears	P	A		P	P	P	P	P	P				17	1
Barbara Brown	P	P		P	P	P	P	A	A				14	2
Greg Rhoads	P	A		P	P	P	P	P	P				14	1
David Jones	P	P		P	P	P	P	P	P				10	

not a Board member