

**NOTICE OF MEETING
PLANNING AND ZONING COMMISSION
MUNICIPAL BUILDING, 2 NORTH MAIN STREET
STAFF CONFERENCE ROOM, 1ST FLOOR
DECEMBER 19, 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, December 19, 2011.
2. 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
MUNICIPAL BUILDING, 2 NORTH MAIN STREET
CITY COUNCIL CHAMBERS, 2ND FLOOR
DECEMBER 19, 2011, 5:30 P.M.
REGULAR MEETING AGENDA**

1. _____ Invocation
2. _____ Pledge of Allegiance

A. CONSENT ITEMS

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

Item 1: [Approval of Minutes](#): Work session and the regular meeting of December 6, 2011.

B. ACTION ITEMS:

Item 2: [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 3: [P-FY-12-05](#) Consider and recommend action on the Final Plat of Lake Pointe Phase II, a 132.85±-acre, 347-lot single-family residential, 1 lot commercial and 1 lot multi-family residential subdivision, located southeast of S.H. 317 and Prairie View Road. (Applicant: Garrett Nordyke of Yalگو Engineering, on behalf of WB Development)

Item 4: [Z-FY-12-18](#) Consider and take action on an appeal of standards in Sec. 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for a proposed 8,200 square-foot addition to existing buildings located at 6043 N. General Bruce Drive. (Applicant: Dean Winkler for Longhorn International Trucks, Ltd.)

C. REPORTS

Item 5: 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)**

SPECIAL ACCOMMODATIONS: Persons with disabilities who have special communication or accommodation needs and desire to attend the Planning Commission Meeting should notify the City Secretary's Office by mail or telephone 48 hours prior to the meeting date. Agendas are posted on Internet Website <http://www.ci.temple.tx.us>. Please contact the City Secretary's Office at 254-298-5700 for further information.

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 9:40 AM, on December 14, 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
DECEMBER 6, 2011
5:30 P.M.**

PLANNING AND ZONING MEMBERS PRESENT

Chair Derek Martin

COMMISSIONERS:

Will Sears
James Staats
H. Allan Talley

Greg Rhoads
Mike Pilkington
David Jones

PLANNING AND ZONING MEMBERS ABSENT:

STAFF PRESENT:

Brian Mabry, Planning Director
Trudi Dill, Deputy City Attorney
Autumn Speer, Dir. of Community Services
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, December 1, 2011 at 2:30 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 5:31 P.M.

Invocation by Commissioner Talley; Pledge of Allegiance by Vice-Chair Staats.

A. CONSENT ITEMS

Item 1: Approval of Minutes: Work session and the regular meeting of November 21, 2011.

Approved by unanimous consent.

B. ACTION ITEMS:

Item 2: 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)

Mr. Brian Mabry, Planning Director, stated the engineer for this project has requested the item be tabled until the meeting scheduled for January 3, 2012. Staff recommendation is to table the item and to keep the public hearing open.

Vice-Chair Staats made a motion to table Item 2, **Z-FY-11-49**, and to keep the public hearing open and Commissioner Talley made a second.

Motion passed: 6:0

Commissioner Jones absent

Item 3: 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 a 13.57-acre tract of land situated in the Baldwin Robertson League Survey, Abstract 17, located along the east side of North Pea Ridge Road, and south of Stonehollow Drive. (Applicant: Kiella Development)

Ms. Tammy Lyerly, Planner, stated this case was scheduled for City Council on December 15, 2011 for first reading and January 5, 2012 for second reading.

The subject property is zoned Single Family Two (SF2) and the applicant is requesting rezoning to Single Family Three (SF3) in order to allow a shorter front yard setback. The SF2 district has a minimum 25-foot setback and the requested SF3 zoning has a minimum of 15-foot setback. Since this is a continuation of the residential development to the east, the developer would like to continue the 20 foot setback already established in the adjacent residential district. The SF3 district would allow him to do that. SF2 also has a minimum lot size of 5,000 square feet and SF3 allows a minimum of 4,000 square feet.

The subject property is located along the east edge of North Pea Ridge Road, south of Stonehollow and Westfield Development lies to the east. Surrounding zoning districts include General Retail (GR) to the north, Planned Development (PD) SF2 districts to the east and south, Agricultural (AG) to the west, and a PD SF3. Surrounding properties include undeveloped GR to the north, undeveloped residential to the east and south, and a combination of undeveloped residential and AG to the west.

The Future Land Use and Character Map designate this property as Auto-Urban Residential so the request complies.

The Thoroughfare Plan classifies North Pea Ridge Road as a minor arterial. Currently there is a Thoroughfare Plan amendment request going forward to City Council on December 15th for a change to make North Pea Ridge Road a collector and Westfield Boulevard an arterial.

There are adequate water and sewer utilities to serve the site.

Thirty-eight notices were mailed to surrounding property owners. Two responses were received back with one in favor and one opposed.

Staff recommends approval of the SF3 rezoning request since the request complies with Future Land Use and Character Map, the Thoroughfare Plan, and public facilities are available to serve the site.

Commissioner Sears asked if a preliminary plat was available, if the streets would be continuous, and if the neighborhood would be the same as the existing one. Ms. Lyerly stated the developer was currently going through the platting process and configurations are dependent on approval or denial of the rezoning request. The proposed plat will continue and be similar to the existing development.

Ms. Lyerly stated the SF2 zoning in the surrounding areas also had a PD designation. That PD allows for a 20 foot setback, however, the City no longer allows a PD strictly for a reduced front yard setback. In this case, the developer is requesting an SF3 rezoning because of the reduced front yard setback. The subject property was not part of the mentioned PD.

Chair Martin opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Sears made a motion to approve Item 3, **Z-FY-12-16**, and Commissioner Rhoads made a second.

Motion passed: 6:0

Commissioner Jones absent

Item 4: Z-FY-12-18: Consider and take action on an appeal of standards in Sec. 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for a proposed 8,200 square-foot addition to existing buildings located at 6043 N. General Bruce Drive. (Applicant: Dean Winkler for Longhorn International Trucks, Ltd.)

Mr. Brian Mabry stated the applicant proposes approximately 4,500± square feet of additional enclosed space as opposed to the 8,200± square feet stated in the description. In addition to the new proposed enclosed space, the applicant also proposes to build a new truck dock and truck wash for the property which abuts Interstate 35.

The existing building square footage on the property is around 21,000± square feet. The cost of the additions for the proposed improvements is more than 50% of the assessed value of the property so all of the I35 development standards are triggered.

The applicant provided an appeal request letter which was part of the Commissioners' packet.

Aerial views and site plan of the subject property (Longhorn International Truck) were shown indicating where the proposed improvements would be located and location of landscaping.

Adjacent uses to the property include undeveloped land to the north and south, under same ownership, with a base zoning of Commercial (C) which is part of the I35 Overlay as well.

The landscape plan is shown and some of the proposed elements include seven live oaks with 916 square feet of hydro mulch along I35 frontage, and eight live oaks and 985 square feet of hydro mulch in one corner. Along the base of the building would be 16 dwarf Burford Hollies with mulch for a proposed total of 114 square feet and the opposite corner toward the front

would have some screening for the proposed truck bay of four live oaks and 18 Texas Sages and mulch on a total of 932 square feet.

The applicant also proposes a six foot black metal fence along the front property line to replace existing chain link fence. The front part of the area is used for both employee and customer parking and truck display.

Proposed façade and front elevation changes are shown. The applicant proposes to continue the brick façade and metal mansard roof. The side would have a metal facing.

Staff recommendation is denial of this appeal for the I35 Corridor Overlay standards due to the applicant not meeting the intent of the I35 district in terms of landscaping, architectural design, screening, parking and lighting. The utilities comply with the standards and there is no change proposed for existing signs on the property.

This does not require a public hearing but the applicants would like to speak before the Commission.

Commissioner Rhoads asked for clarification on the location of the property and if any of the property were being acquired by TxDOT. Mr. Mabry stated the property was located on the east (northbound) side and approximately 35 feet from existing edge of pavement/curb toward the building would be taken. The site plan shows a 60 foot separation between the existing service road and where the proposed landscaping would start.

Commissioner Talley asked if the applicant was aware of Staff's recommendation for denial and Mr. Mabry stated yes. Commissioner Talley asked if they were willing to work things out and Mr. Mabry stated due to time constraints, no effort to revise the drawings has been taken.

Chair Martin stated the I35 Overlay district was too strict but he was also pro business so he would like to see a compromise in this case. Chair Martin asked what issues the City would be more in favor of. Mr. Mabry stated it was the City's hope that full compliance could be met, however, the landscaping was very detailed and the biggest part of the overlay. There is no vehicular access along the entire front property line; it is located on the side. Therefore, a landscaped buffer along the front of the property would not impede vehicular access.

Commissioner Talley asked if negotiation was possible. Mr. Mabry stated Staff had strong direction from the City Manager's Office to enforce the I35 provisions to the fullest extent possible.

Chair Martin asked to hear from the applicant.

Mr. Dean Winkler, CRW Construction, 2703 Airport Road, Temple, Texas, stated he represented Longhorn International. Mr. Winkler stated this was a \$375,000.00 project, basically metal building type work, where more parts, a dock, more storage area, a service bay, etc. are needed. Even if the project were successful, the owner would be spending an additional \$40,000 over and above the project which would not benefit him. He will have landscaping and irrigation costs, fencing and screening, curbing around landscaping, and paving for the I35 frontage. The City is requiring improvements that are not needed by the owner, limited benefit and extra cost. The City wants 25 feet of frontage all across which would decrease visibility of the building, especially with trees in the front, decrease visibility of

the trucks for sale parked on the frontage, and decrease visibility of unwanted intruders. More trees and landscaping will provide more hiding spaces for criminals and increase water and maintenance costs. Mr. Winkler stated TxDOT was also taking away the frontage of the property. The owner would like to expand the business but the City wants more property from them.

Mr. Winkler stated the total project may possibly be scrapped depending on the outcome of the meeting. If the parts cannot be expanded the owner will be forced to install more storage containers on site to house the parts which will be visible. Not expanding the service bay leaves more trucks on the perimeter.

Mr. Winkler stated the I35 process is very confusing to owners and builders alike. Staff told them it would be based on square footage. According to Mr. Winkler, there were nine areas of concern on the I35 Overlay and based on square footage they were at about 22 percent. The existing building is 21,200 square feet; they are adding 4,676 square feet which equals 22 percent. That amount kicked in the site plan review tree preservation, screen, walls, and landscaping. According to Mr. Winkler, Staff told him it was not as much on that as it was on the tax value and Staff's numbers based on the tax value triggers everything. Inspection told them they only had four things to comply with. Mr. Winkler stated he was getting different departments in the City giving him different information.

Mr. Winkler looked at the property ID of Longhorn and stated their tax value is \$1,876,702. The cost of the project is \$375,000 which is only 20 percent of that value.

Mr. Mabry stated he also looked at Bell Cad and he saw \$375,000 for the land and buildings. Mr. Mabry read the million as inventory and the trucks, etc. Mr. Mabry was basing the cost of the improvements and the assessed value of the property as being more than the 50 percent which would trigger all the I35 requirements. Mr. Winkler asked if there were a specific value for the buildings and Mr. Mabry stated \$404,000 for the property and its improvements with the \$375,000 cost for the additions. Mr. Winkler stated this did not make sense. Based on his thinking Mr. Winkler came up with 20 percent of the total tax value.

Mr. Winkler stated that the design that is being presented was initially verbally approved by Planning. Mr. Winkler did not find out Staff was recommending denial until Friday afternoon and they have not had time to do anything. The plan being presented to the Commission is what Planning helped to develop.

Mr. Winkler stated the owner purchased the property in March 2011 and wants to improve it. Now he regrets buying this property and wished he had gone outside of Temple. Mr. Winkler does not want the City to become a no growth area. The standards are too restrictive and a big burden on the owner. The owner is improving and upgrading the fencing, installing pavement on the front area, installing the required trees but would like to group them in order to have open visibility and leave more space for the trucks, screening the dock area, and the architectural modifications are being made.

Chair Martin asked what the time frame was and Mr. Winkler stated the owner was in a hurry.

Commissioner Pilkington stated when looking at Bell Cad, he saw no improvements exist for this property and only shows the \$1.8 million with no breakdown. Mr. Mabry stated he looked at Bell Cad with the aerial on and with the main facility on it got \$404K. In Mr. Mabry's opinion,

the Bell Cad calculations looked like \$1.8 million came from inventory and not real property (land and buildings).

Discussion about improvements, location of the existing building, suggested plantings, etc.

Commissioner Staats stated that while the proposed plan was not in compliance with the I35 overlay, there was an effort being made. The Commissioners recently had a presentation from Keep Temple Beautiful regarding adherence of I35 Overlay standards in order to upgrade the look of the City. Commissioner Staats stated the applicant has offered something in the middle-of-the-road and there should be a workable situation for the type of business the applicant has. Commissioner Staats was in favor of the presented information.

Chair Martin stated his business was development and he had concerns about Temple growing pro-business-wise. Chair Martin stated the next time he does development; he would go outside of Temple because he was tired of having to go through the process. Chair Martin stated the Commission needs to appreciate what the owners are going through, what they are willing to do to enhance their properties, and try to make it beneficial to everyone.

Commissioner Talley stated the plantings would not affect the signs and people would still be able to see where the business is located due to the sign. He asked why the size of the plantings or placement of berms would make a difference. Commissioner Talley agreed that sometimes business was more important than looks; however, he felt more negotiation was needed as a sense of fairness.

Commissioner Sears stated a precedent has already been set with car dealerships and asked if this business should be treated the same way. Commissioner Sears suggested the UDC be reviewed again if exceptions continually come forward.

Mr. Winkler stated this was an existing building and the owner did not have a chance to move the building. TxDOT has already taken property away and the City wants another 25 feet of frontage. A brand new building could be built around that but he is stuck with where the building is located.

Commissioner Talley asked if the applicant was close to negotiating or opposed to negotiating more with the Staff. Mr. Winkler asked if he meant in addition to what is currently being proposed and Commissioner Talley stated yes. Mr. Winkler stated he believed the owner was acceptable to doing what has been proposed otherwise he would probably scrape the project. Mr. Winkler stated what the owner would like to do is just the back service bays since he needs more service bays and not fall into the I35 Overlay and put more storage containers out by the side which can be seen from the highway for his parts. Mr. Mabry stated that storage containers were not allowed in the Overlay. What is there is fine but additional storage containers would not be permitted.

Commissioner Sears asked if some of the landscape could be exchanged for smaller landscaping in the front to mimic car dealerships. Chair Martin suggested going with fewer trees. Commissioner Sears thought 18 trees were too many. Mr. Mabry stated the City's arborist gave measurement of the square footage that the live oaks would need and more landscaped area is needed to support the 18 live oaks. Commissioner Pilkington stated some opportunity to dress up the business was better than doing a smaller project and leaving it like it is.

Commissioner Sears stated he also felt that with the depth of this project and the money involved, he would also encourage a two week negotiation.

Commissioner Rhoads stated due to the information given in the earlier workshop regarding I35 matters bypassing P&Z and going straight to City Council, this matter should probably go to City Council since they approved and adopted the Overlay. Some of the issues that come forward are very challenging especially when you want to support growth but also want to beautify the City. Mr. Mabry stated the Mayor requested Staff draft a UDC amendment that would require all I35 appeals go straight to City Council and this is an I35 appeal. The way to send this to City Council would be to deny the request. If the P&Z approved the request, the matter would stop at the P&Z level and not go any further.

Commissioner Talley asked when it would go before City Council and Ms. Autumn Speer, Director of Community Services, stated if P&Z denied the appeal; it could go on the next City Council meeting. If P&Z wanted to wait until the text amendment to go into process, it would be late February or March. If P&Z approved the appeal, it would end here.

Chair Martin stated he was not comfortable denying this appeal just to move it to City Council. Commissioner Rhoads agreed.

Commissioner Jones asked if there were any other mechanism for this item to go to City Council other than what has been stated and Mr. Mabry stated no.

Chair Martin stated he would look at tabling this for two weeks to allow for more negotiation or get it done now.

Commissioner Talley made a motion for Item 4, **Z-FY-12-18**, to be tabled for two weeks and Commissioner Pilkington made a second.

Motion passed: (6:1)
Vice-Chair Staats voted Nay

C. REPORTS:

Item 5: 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)***

There being no further business, Chair Martin adjourned the meeting at 6:30 p.m.

Respectfully submitted,
Leslie Evans

**PLANNING AND ZONING COMMISSION
DECEMBER 6, 2011
5:00 P.M.
WORK SESSION**

PLANNING AND ZONING MEMBERS PRESENT

Chair Derek Martin

COMMISSIONERS:

David Jones
H. Allan Talley
Will Sears

Greg Rhoads
Mike Pilkington
James Staats

PLANNING AND ZONING MEMBERS ABSENT:

STAFF PRESENT:

Brian Mabry, Planning Director
Trudi Dill, Deputy City Attorney
Autumn Speer, Dir. of Community Services
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.

Commissioner Talley stated for the record that his name was inadvertently omitted from the Commissioners present at the work shop on November 21, 2011 and Chair Derek Martin's name was listed twice.

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 the only Consent Item was the approval of minutes from November 21, 2011.

Item 2 is the concrete batch plant and a request for tabling this item until January 3, 2012 has been received. Chair Martin asked if new owners/operators were involved and Mr. Mabry stated "lconcrete" is the new entity name. Commissioner Sears asked

when the current CUP would expire and Mr. Mabry stated the temporary status would end mid-January of 2012.

Item 3, Z-FY-12-16, is a rezoning from SF2 to SF3, and part of the Westfield Subdivision. It would allow for similar setbacks as approved for previous phases of the subdivision. One notice has been received in favor and one in opposition.

The difference between SF2 and SF3 is lot size and front yard setback. Staff recommends approval.

Item 4 is an I35 appeal for Longhorn International Trucking with Dean Winkler as the applicant. This is for approximately 4,500 square feet of enclosed space; a truck dock and truck wash facility. The 8,200 in the item description is incorrect. The improvements on the property trigger full compliance with I35 standards. Staff recommends denial because the proposed improvements are not up to the Overlay requirements.

Commissioner Staats asked if all property owners and businesses along I35 have been notified of what the I35 requirements are before entering into a design situation. Commissioner Staats believed it was really up to the property owner to be aware of what affects a property; however, perhaps the City could contact the owners and businesses in an effort to keep them apprised of changing rules. He had been contacted by a business owner who claimed he knew nothing of the I35 Overlay standards.

Mr. Mabry stated in 2009 when the Ordinance was adopted, several notifications and meetings were held with property owners to let them know about the I35 Overlay. There is a step adopted as part of the I35 review process that deals with a design orientation meeting where owners and businesses would know it existed. At the most recent City Council workshop a suggestion was made to do some other type of notification process for the interested owners along I35 that would serve as a refresher and/or reminder that the I35 Overlay exists and can affect their properties.

Mr. Mabry has met with several appraisers working with TxDOT on the condemnation mainly on the west side and discussed the I35 standards. Several Commissioners agreed that owners and/or businesses should have known or been aware of the standards in place.

Mr. Mabry gave the Director's Report:

CUPs for existing manufactured home parks with existing RV spaces in them. Currently, Temple does not allow mobile home parks to have RVs. Temple has six mobile home parks with RVs in existence. This is one time offer only.

UDC amendment regarding kiosks (i.e., ATMs, ice machines, etc.) to give clarification regarding the definition of, districts allowed in, and standards for the kiosks.

The Mayor has requested an amendment on the UDC that would bring I-35 appeals straight to City Council rather than through the P&Z Commission.

City Council status:

Donation boxes were approved;

Package store on East Central as recommended by P&Z was approved;

Holy Trinity rezoning was approved;

O'Brien's was approved on first reading; and

Second Amended preliminary plat for Heritage Place and Heritage Place Village was approved.

Brief discussion about P&Z monthly meetings.

There being no further discussion, Chair Martin adjourned the meeting at 5:19 P.M.



MEMORANDUM:

DATE: December 14, 2011

TO: PLANNING AND ZONING COMMISSION

FROM: Leslie Matlock, AICP, Senior Planner

Re: Z-FY-11-49 Conditional Use Permit for permanent concrete batch plant 4158 Shallow Ford West Road. (Applicant: Turley Associates and Yong Mullins of Americrete Concrete for Brittney Williams, property owner)

This item was tabled until the January 3, 2012 meeting for the applicant to revise and resubmit their site plan for this item. It has been placed on your agenda for any action that you may have.

Staff recommends that it remain tabled until the January 3rd P&Z meeting. At this date, there have been no revisions submitted.



PLANNING AND ZONING COMMISSION AGENDA ITEM

12/19/11
Item #3
Page 1 of 2

APPLICANT / DEVELOPMENT: Garrett Nordyke of Yalgo Engineering, on behalf of Bruce Whittus of WB Development.

CASE MANAGER: Leslie Matlock, AICP, Senior Planner

ITEM DESCRIPTION: P-FY-12-05 Consider and recommend action on the Final Plat of Lake Pointe Phase II, a 132.85±-acre, 347-lot single-family residential, 1 lot commercial and 1 lot multi-family residential subdivision, with a requested exception to Unified Development Code, Section 8.2.4, regarding utility easements, located southeast of S.H. 317 and Prairie View Road.

BACKGROUND: The Development Review Committee (DRC) reviewed the Final Plat of this development on November 7, 2011, and deemed it a complete submittal on December 9, 2011.

This Final Plat meets the minimum requirements of the Unified Development Code (UDC) except for Section 8.2.4, subdivision requirements, which states that each lot must have access to a utility easement at the rear of all lots not served by a public alley. Lot 1, Block 13 and Lot 1, Block 14, which are the commercial and multi-family zoned lots of this plat, do not have a utility easement to serve them at the rear of the lots. There is a 100-ft dedicated electrical transmission easement adjoining the lots. However, Oncor, the electricity provider for the area, does not have the ability to utilize it for distribution of electricity to the proposed lots. For this reason, Oncor requests a 15-foot wide utility easement adjacent to the transmission easement. Unified Development Code Sec. 8.2.4. states, in part, that:

Each block that does not contain an alley must contain or have access to a utility easement at the rear of all lots, or at other appropriate locations *as determined by utility providers or the City Engineer*, reserved for the use of all public utility lines, conduits and equipment. In the case of rear lot or side lot locations, the utility easements must be a minimum of 15 feet in width.

There has been extensive discussion between City staff, the developer and Oncor, and solutions have been proposed, however the developer does not wish to dedicate the utility easement and is requesting an exception. Please see attached emails from Bob Fajkus of Oncor Energy and to and from Brian Mabry to Garrett Nordyke of Yalgo Engineering.

The Planning and Zoning Commission is not the final plat authority since the developer has requested an exception to the UDC. The City Council makes the final decision on all plats that have associated exception requests by the developer.

City Council is also the final decision maker on the easement abandonment requested as part of this plat. This easement is a wastewater utility easement which will be rerouted around residential lots. Public Works has no objections to this plan.

DEVELOPMENT REVIEW: Park dedication or fees, in lieu of dedication, is required for this subdivision.

A private park is being proposed, with amenities exceeding the park fee amount (\$166,050) required for the 738 single family lots in all phases of this subdivision as approved in the Preliminary Plat. This phase of the development includes 347 single family lots.

The attached park plan is acceptable to Parks and Leisure Services Department, provided at least 10 parking spaces are shown and the minimum landscape and setback requirements of the UDC are being met. The site plan should be further updated to show the additional parking and six street trees.

Park fees for the multi-family development of this subdivision will be paid prior to issuance of a building permit for multi-family dwellings. The developer has added a plat note to reiterate when fees will be paid for multi-family uses. However, the wording for this plat note should read exactly as follows, "Park fees for multifamily development will be paid prior to the issuance of any building permit for the multi-family, Lot 1, Block 14."

The Preliminary Plat for this subdivision was approved with the provision of a conforming trail dedication through the eastern most property area of this plat and is noted and shown on the plat face.

Park fees are not required for the commercial lot(s) in the subdivision.

STAFF RECOMMENDATION: Staff recommends APPROVAL of the Final Plat of Lake Pointe Phase II as submitted subject to the following additions and corrections to plat notes and park site plan:

1. Add Plat Note "Park fees for multi-family development will be paid prior to the issuance of any building permit for the multi-family Lot 1, Block 14".
2. Provide at least 10 parking spaces in the private park and the minimum setback and landscaping as required in the UDC.

Staff recommends DENIAL of the requested exception to UDC Section 8.2.4.

ATTACHMENTS:

Email correspondences:

-From Robert Fajkus, Oncor Representative email to Planning

-From Brian Mabry email to Garrett Nordyke, Yalgo Engineering

-Exception Request from Garrett Nordyke, Yalgo Engineering

Private Park Site Plan Exhibit

Plat (Three Pages)

Email correspondence:

-From Robert Fajkus, Oncor Representative; email to Planning

From: Robert.Fajkus@oncor.com
Sent: Friday, November 18, 2011 3:48 PM
To: Leslie Matlock
Cc: Brian Mabry
Subject: RE: Utility Easement Request for Lake Point II Addition, Temple

Oncor has no existing facilities on these commercial and multifamily lots. The easements we are requesting will serve the future developments on these lots.

We are proposing 2 new overhead electric circuits from our Lake Belton Substation located just north of this subdivision. These new circuits are being routed to FM 2305 to serve the current and future growth in the western area of Temple. They are also required for serving the commercial, multifamily and 738 residential lots proposed in the Lake Pointe Development.

We selected the requested easement locations to minimize the impact of these overhead facilities on the underground residential portion of this development. However, if the developer does not want to grant platted utility easements, Oncor's next option may be to construct the overhead lines along the street right-of-way of Amber Dawn Dr. and Lake Pointe Dr. The proposed 20 ft wide easement area can be reduced to 15 ft if necessary.

The primary reason for allowing franchised utilities to comment on plats submitted to the city is so we can secure the platted easements necessary for construction of our facilities.

Please let me know how you plan to respond to this developer and if you want to meet for a more detailed discussion about this subdivision.

Bob Fajkus

Oncor Electric Delivery
350 Texas Ave
Round Rock, TX 78664
Ofc 512-244-5691
Fax 512-244-5689

From: Leslie Matlock [<mailto:lmalock@templetx.gov>]
Sent: Wednesday, November 16, 2011 8:18 AM
To: Fajkus, Bob
Cc: Brian Mabry
Subject: Utility Easement Request for Lake Point II Addition, Temple

Mr. Fajkus,

Please see the letter below. WB Development is not wanting to provide the easement you asked for on this development. We were wondering if you have any thoughts?

Thanks,

Leslie Matlock, AICP

Senior Planner

City of Temple

254-298-5668

Brian:

I just spoke with Bruce about the Oncor easements. The easements Oncor is requesting on the commercial and multifamily lots are not required to serve this property. They are wanting them for other purposes, and there is a monetary value to them. Therefore, we don't intend to give them those easements without compensation from them. Since this is not really a plat-related issue, I'm curious what the City's position is - will the City require us to show those easements on our re-submittal? I would hope not, since it would constitute an illegal taking. Please let us know your thoughts.

Thanks,

Scott A. Brooks, P.E., CFM

Yalgo, LLC and W & B Development, Ltd.

(254) 953-5353, x-232

Email correspondence:

-From Brian Mabry email to Garrett Nordyke, Yalgo Engineering

From: Brian Mabry
Sent: Monday, December 12, 2011 11:38 AM
To: 'Garrett Nordyke'
Cc: Leslie Matlock; Scott Brooks ; Robert. Fajkus@oncor.com; Trudi Dill; Autumn Speer; Michael Newman
Subject: RE: Lake Pointe 2

Garrett,

This is to confirm our phone conversation we just had.

My discussions with Oncor continue to portray the requested easement as a *distribution* easement, not a *transmission* easement. As you know, one reason for platting is to ensure that all lots have infrastructure and utility service. If this plat is approved without the easement, then the apartment and commercial lot will have no planned out route for electrical service at the time of approval. I realize that through Oncor's franchise agreement, they could run aerial lines through local public right-of-way. But the City will bear the brunt of aesthetic complaints and safety concerns from future homeowners about utility lines running along the fronts of their lots. I understand that you would not want this to happen for the sake of the marketability of the subdivision, but I have to look at worst case scenarios.

I disagree that an easement is not required as part of this plat and I have consulted with our Legal department on this interpretation. As I've let you know, Sec. 8.2.4.A of the Unified Development Code requires a 15' public utility easement "at the rear of all lots, or at other appropriate locations as determined by utility providers or the City Engineer, reserved for the use of all public utility lines, conduits and equipment."

We appear to be at a stalemate as to whether an easement is required or not and as to whether you are required to submit an exception request or not. We agree that in cases like this, holding the plat in DRC is not the solution. When this goes to P&Z on December 19th, if there is no exception request submitted, we will recommend denial of the plat due to not complying with Sec. 8.2.4.A. If there is an exception request submitted, we will recommend approval of the plat but not support the exception request.

Brian

Mr. Fajkus,

Please see the letter below. WB Development is not wanting to provide the easement you asked for on this development. We were wondering if you have any thoughts?

Thanks,

Leslie Matlock, AICP

Senior Planner

City of Temple

254-298-5668

Brian:

I just spoke with Bruce about the Oncor easements. The easements Oncor is requesting on the commercial and multifamily lots are not required to serve this property. They are wanting them for other purposes, and there is a monetary value to them. Therefore, we don't intend to give them those easements without compensation from them. Since this is not really a plat-related issue, I'm curious what the City's position is - will the City require us to show those easements on our re-submittal? I would hope not, since it would constitute an illegal taking. Please let us know your thoughts.

Thanks,

Scott A. Brooks, P.E., CFM

Yalgo, LLC and W & B Development, Ltd.

(254) 953-5353, x-232

**Email correspondences:
-Exception Request from Garrett Nordyke, Yalgo Engineering**

From: Brian Mabry
Sent: Tuesday, December 13, 2011 11:34 AM
To: Leslie Matlock
Subject: FW: Lake Pointe electrical
Attachments: Oncor Master Plan Lake Pointe phases one and two.pdf

From: Garrett Nordyke [<mailto:Garrett@wbdevelopment.com>]
Sent: Tuesday, December 13, 2011 11:13 AM
To: Brian Mabry
Cc: Trudi Dill; Scott Brooks
Subject: Lake Pointe electrical

Brian,

Attached is Oncor's proposed distribution system for Lake Pointe phases one and two. I have made notes on this illustration related to commercial electrical service.

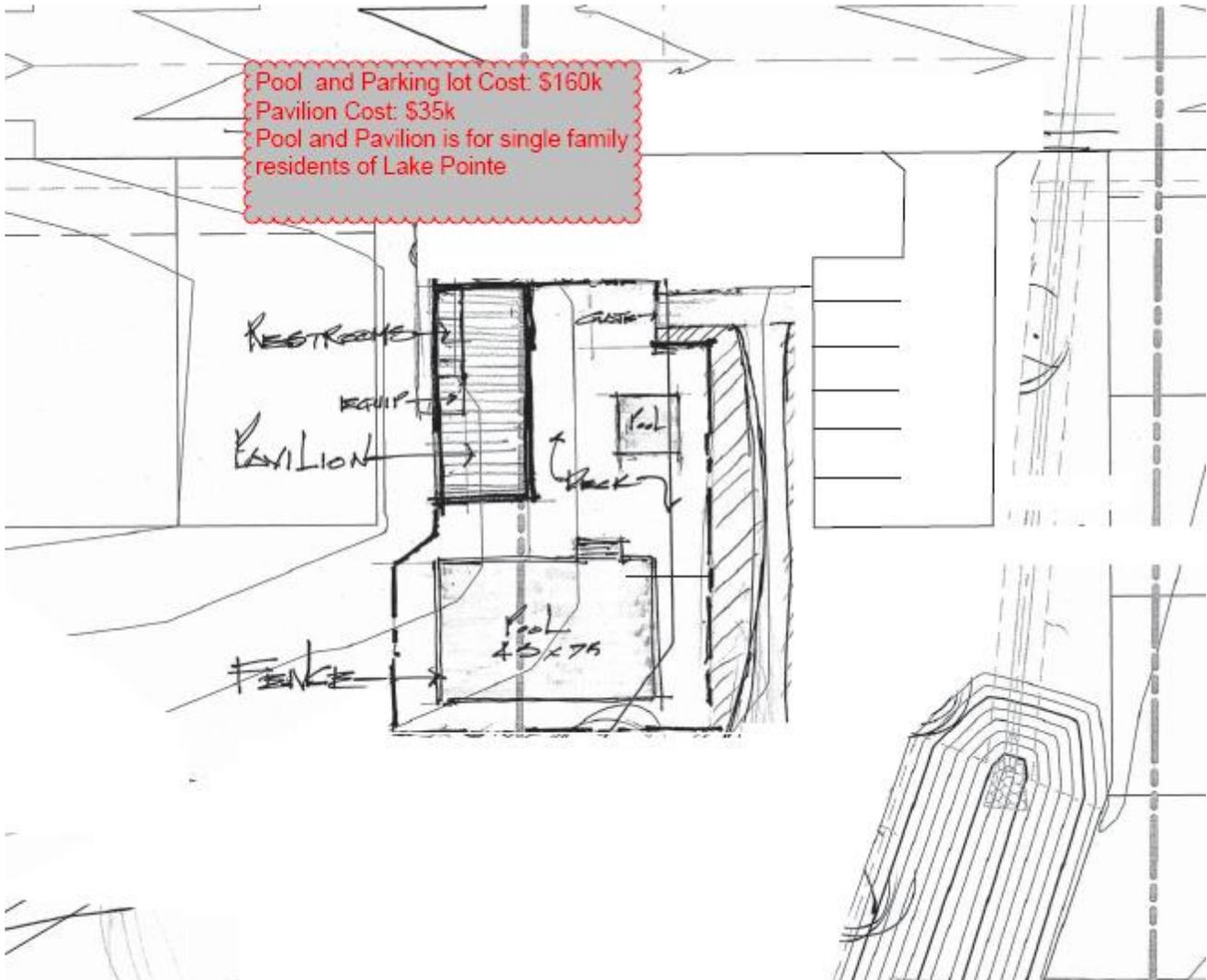
Oncor's requested easement is not necessary to distribute electricity throughout Lake Point. The tracts adjacent to F.M. 317 may be served from the overhead line along the west side of F.M. 317 and the residential lots may be served as proposed by Oncor (see attached illustration). We request an exception to UDC 8.2.4.a which requires easements to be placed "at the rear of all lots, or at other appropriate locations as determined by utility providers." We further express our concerns in regards to allowing utility providers to determine any and all appropriate easement locations. Temple should not structure entitlements to allow private companies to extort easements.

The easement requested by Oncor is neither necessary for this subdivision nor intended for this subdivision.

Thanks,
Garrett

Exhibit
Lake Pointe Addition
Private Park Site Plan Submission

- *Parking Lot proposes 5 parking spaces – 10 parking spaces have been required.
- *Landscaping including at least 6 street trees should be provided along Right-Of-Way (ROW). Parks additionally wants to see placement of a minimum of 6 trees along the frontage of the ROW.
- *Minimum building setback from street for this zoning district should be shown and improvements should be setback behind it.



(50' ROW) STATE HIGHWAY 317, Vol. 452, Pg. 104

CALLLED 29.56 ACRES
PEA RIDGE LP & JACK B
CAISSAR JR EXEMPTION
EQUIVALENT TRUST
DOC. #20080044749

CALLLED 171.32 ACRES
JERKINS ACRES, LP
DOC. NO. 2009-0901102A

LOCATION OF FEMA
SPECIAL FLOOD HAZARD
AREA ZONE "A" BASED
ON FEMA FIRM NUMBER
48027C0170E, dated
September 26, 2008

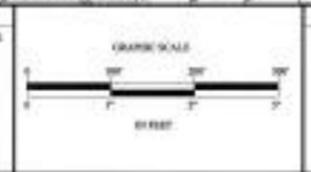
LEGEND

- AE ACCESS EASEMENT
- BM BENCHMARK
- DA DRAINAGE AREA
- ELN ELEVATION
- MTS NOT TO SCALE
- NO NUMBER
- REF REFERENCE
- REV REVISION
- TBM TEMPORARY BENCHMARK
- TEP TYPICAL
- UE UTILITY EASEMENT
- LOT WITH NEN FZ (SEE TABLE)
- IRON ROD FOUND (MONUMENT)
- 1" IRON ROD SET (MONUMENT)
- CHANGE IN BEARING

REV	DESCRIPTION	DATE	BY
2	GRADED PLAT LAYOUT	11/13/20	BYN
1	GRADING RELEASE	10/20/20	INT

PROJECT NUMBER: L20
CHECKED BY: SJB
AUTHORIZED BY: WJR
CLIENT NAME: W & B DEVELOPMENT
CLIENT LOCATION: BELLEVILLE, TX

PROJECT INFORMATION	
TOTAL AREA:	200.88 ACRES
TOTAL BLOCKS:	14
TOTAL LOTS:	517
TOTAL TRACTS:	5



BENCHMARK
1" IRON ROD IN CONCRETE
TEXAS STATE PLANE CENTRAL
COORDINATE SYSTEM
N - 1029896.171
E - 1287793.613
ELEV. - 466.40

**FINAL PLAT OF
LAKE POINTE PHASE II
CITY OF TEMPLE, BELL COUNTY, TEXAS**

Yalco, LLC
3000 Elmwood Ave., Suite 100
Gibson, TX 75540
PH (254) 953-8552
FX (254) 953-0052
Texas Registered
Engineering Firm F-1254

SHEET
2
OF
3

PRINTED ON December 9, 2021



PLANNING AND ZONING COMMISSION AGENDA ITEM

12/19/11
Item 4
Regular Agenda
Page 1 of 5

APPLICANT: Dean Winkler for Longhorn International Trucking

CASE MANAGER: Brian Mabry, AICP, Planning Director

ITEM DESCRIPTION: Z-FY-12-18 - Consider and take action on an Appeal of Standards in Sec. 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for a proposed 8,200 square-foot addition to existing buildings, located at 6043 N. General Bruce Drive.

BACKGROUND: UPDATE FOR 12/15/11 MEETING: At its meeting on December 5th, 2011, the Planning and Zoning Commission voted 6/1 to direct the applicant to produce a design that would be more favorable to the City staff but that also meets the needs and constraints of the property owner. The applicant has produced the attached revised landscape plan.

Compared to the original drawing, this drawing shows the following changes. Elements not noted below have not changed from the original drawing to the revised drawing.

Element	Original Drawing	Revised Drawing
Frontage trees	14 Live Oaks	6 Live Oaks
Frontage landscaped area	1900 sq ft	2,272 sq ft
Evergreen screening along front	NA	104 red tip photinias

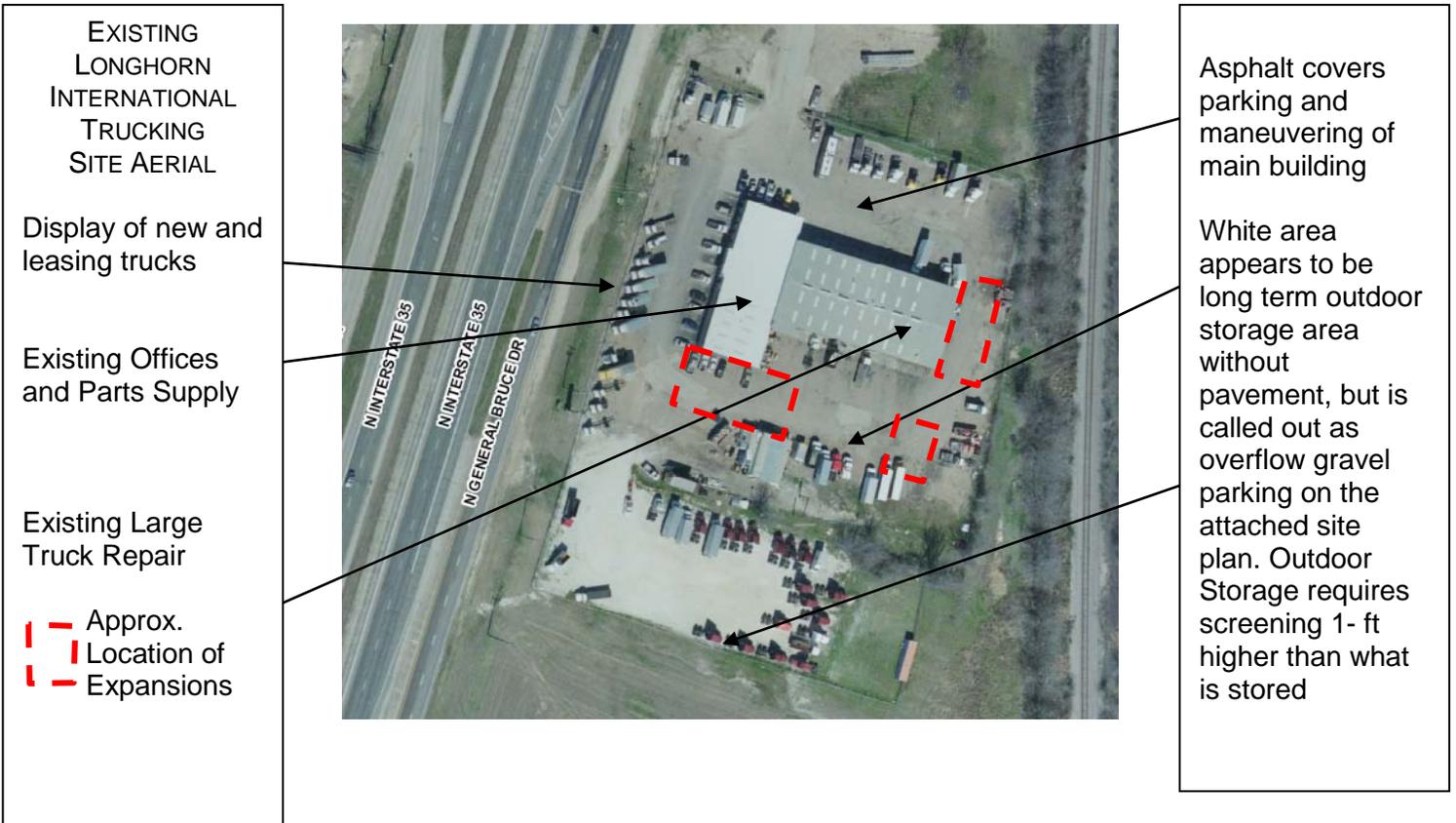
STAFF RECOMMENDATION FOR REVISED DRAWING: Staff recommends denial of the revised plan as submitted. Please see the attached Staff recommendation drawing, which Staff supports if full compliance with the I-35 standards cannot be met.

In addition, during the last meeting of the Planning and Zoning Commission, a question arose about the cost of the proposed improvements as compared to the value of the subject property. The Deputy City Attorney, who frequently does property value research on the Bell Cad system, confirmed that Planning staff’s initial determination was correct. The value of the real property itself, including land and improvements, is approximately \$404,000. The value of what Bell Cad calls “Inventory, Furniture, Fixtures, Equipment, Truck Sales, Parts and Repair” was set at \$1,876,702. The result of this comparison is that all standards of the I-35 Corridor apply.

BACKGROUND FROM ORIGINAL STAFF REPORT: The owner of Longhorn International Trucking, a new and used truck sales and leasing business, proposes to add floor space for a new maintenance bay, truck washing facility, and parts storage, as shown in the aerial below. The property is in the C, Commercial zoning district and in the Industrial sub-district of the I-35 overlay.

The cost of the proposed improvements, as compared to the assessed value of the property, is greater than 50%. This addition triggers all of the I-35 overlay zoning district requirements, which are:

- Tree Preservation (not applicable to this site)
- Landscaping
- Architectural Design
- Screening and Wall Standards
- Parking
- Lighting
- Signs
- Utilities



The applicant requests relief from complying with these standards in the form of this appeal.

APPEALS FROM ORIGINAL STAFF REPORT: Below is a summary of the I-35 Corridor requirements and how the applicant's submittal compares with them.

I-35 Requirements	Requirements Specific to this Site	Submitted Plan and Elevations Show
<p><u>Landscaping</u></p> <ul style="list-style-type: none"> • Areas not covered by building or pavement must be landscaped • Foundation plantings required along 70% of the length of any façade visible to public • One three-inch caliper tree per 30 feet street frontage • 25' landscape buffer along front street • 20% of required landscape buffer must have native grass beds or wildflowers • Berming required in 50% of the landscape buffer • Parking area must be screened by a continuous hedge or shrubs, berm, or retaining walls • Landscaping is required within parking area in the form of islands and medians 	<p><u>Landscaping</u></p> <ul style="list-style-type: none"> • ±59,200-sf gravel parking lot must be paved for outdoor display and overflow parking or landscaped • 147-ft of foundation plantings for 210-ft building front façade • 18 trees required for 517- ft of frontage • 12,925 – sf buffer along street frontage (517- linear feet at 25 ft wide) • 2,600 sf minimum native landscaping is required • 258.5 - linear feet of berming required • 517 – linear feet of frontage is parking area • Unclear how much parking area landscaping is needed as parking and outdoor display area is not diagramed 	<p><u>Landscaping</u></p> <ul style="list-style-type: none"> • No pavement shown on excess gravel parking area • 45-ft of foundation plantings shown (17%) • 18 trees shown on plan (spacing not appropriate for species) • 2,000- sf buffer at street frontage (Two ~1,000 sf planting beds proposed) • 2,000-sf hydromulch grass is proposed • None proposed • None provided • None provided
<p><u>Architectural Design</u></p> <ul style="list-style-type: none"> • Building entrances must be articulated six feet 	<p><u>Architectural Design</u></p> <ul style="list-style-type: none"> • Existing entry would need modification 	<p><u>Architectural Design</u></p> <ul style="list-style-type: none"> • No articulation of building entrance proposed

I-35 Requirements	Requirements Specific to this Site	Submitted Plan and Elevations Show
<ul style="list-style-type: none"> Buildings must have one articulation element (canopy, arcade, articulated cornice line, accent materials, etc.) Industrial buildings with front facades greater than 250' must provide wall plane projections or recesses min. 6' deep Architectural metal, stone, brick, stucco, color integrated split face block, painted tilt wall, smooth insulated wall panel 	<ul style="list-style-type: none"> Incorporation of one articulation element required Façade is less than 250' Materials required for new addition 	<ul style="list-style-type: none"> No articulation element proposed NA Brick proposed to match existing
<p><u>Screening and Walls</u></p> <ul style="list-style-type: none"> Garage & service bays must be located to rear of building or on side not visible to traffic flow on abutting side of I-35. Loading zones & mechanical equipment must not be clearly visible at eye level from any public street or located within 100 feet of any public street, unless screened I-35 regulations are silent on fence materials however Citywide standards allow barbed wire and razor wire only in LI and HI. 	<p><u>Screening and Walls</u></p> <ul style="list-style-type: none"> Existing Garage & service bays are located in a rear building and not visible from traffic flow New loading dock is shown on visible side of building to I35 traffic flow. Existing chain link and barbed wire fencing along front is being removed. 	<p><u>Screening and Walls</u></p> <ul style="list-style-type: none"> NA New loading dock is shown with landscaping area surrounding the foundation. No other provision, such as a wing wall for screening, is provided. Applicant is proposing a 6-ft black steel fence along front.
<p><u>Parking</u></p> <ul style="list-style-type: none"> Curb & gutter 6 inches in height required around perimeter of parking area and all landscaped parking islands Parking aisles must be perpendicular to the front of the principal building 	<p><u>Parking</u></p> <ul style="list-style-type: none"> Unclear how much parking area curbing would be needed as parking and outdoor display area is not diagramed- Curbing not shown Distance from front of building to front property line is impractical for parking aisles perpendicular to building. 	<p><u>Parking</u></p> <ul style="list-style-type: none"> None provided NA

I-35 Requirements	Requirements Specific to this Site	Submitted Plan and Elevations Show
<ul style="list-style-type: none"> • Parking areas must be planned so that vehicles are not required to back out directly into a public or private street • No parking is allowed in the landscape buffer 	<ul style="list-style-type: none"> • Not applicable in this case. • Fraction of required landscaped buffer is provided 	<ul style="list-style-type: none"> • NA • NA
<p><u>Lighting</u></p> <ul style="list-style-type: none"> • Light sources must be housed in full cut-off fixtures • Outdoor lighting fixtures must be a maximum of 30 feet in height. 	<p><u>Lighting</u></p> <ul style="list-style-type: none"> • Unclear how lot is lit, no information is given 	<p><u>Lighting</u></p> <ul style="list-style-type: none"> • No information provided
<p><u>Signs</u></p> <ul style="list-style-type: none"> • 8' monument signs required (pending change) 	<p><u>Signs</u></p> <ul style="list-style-type: none"> • One vertical monument sign and one pole sign on property 	<p><u>Signs</u></p> <ul style="list-style-type: none"> • No change in existing signs proposed
<p><u>Utilities</u></p> <ul style="list-style-type: none"> • All wires & cables on property must be located underground 	<p><u>Utilities</u></p> <ul style="list-style-type: none"> • Such utilities already appear to comply 	<p><u>Utilities</u></p> <ul style="list-style-type: none"> • NA

STAFF RECOMMENDATION FROM ORIGINAL STAFF REPORT: Staff recommends denial of this Appeal of the I-35 Corridor Overlay standards for Z-FY-12-18. The applicant has not met the intent of the I-35 overlay zoning district standards primarily as they relate to: Landscaping, Architectural Design, Screening and Walls, Parking and Lighting. Existing utilities comply and no change is proposed for the existing signs on the property.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

- [Property Owner's Appeal Request](#)
- [Applicant's Site Plan](#)
- [Applicant's Building Elevations](#)
- [Applicant's Landscape Plan](#)
- [Applicant's Revised Landscape Plan](#)
- [Staff's Proposed Landscape Plan](#)



Longhorn International Trucks Ltd.

November 11, 2011

City of Temple
Planning Department
2 N Main
Temple, Texas 76501

Brian Mabry;

Our company, Longhorn International Trucks, is in the process of adding to the building at 6043 N General Bruce Dr. in Temple. We have hired Dean Winkler with CRW Construction Co., Inc. to complete the project. In the permitting process for the buildings its has been brought to our attention that our site is affected by Ordinance #2009-4293, which is the IH 35 Corridor Overlay District. This ordinance contains many very restrictive and costly upgrades to our project which serves us no purpose. Landscape, parking, architectural accents, screening berms signage, lighting, and too many other issues to list are both expensive to install and costly to maintain. With our oppressed economy I'm frankly surprised that the City would endeavor to put more burdens on a business that's trying to expand and spur growth.

Our company has other concerns besides the initial cost and maintenance of the ordinance. Longhorn displays trucks for sale and lease along the IH35 frontage and any landscape will restrict that visibility not to mention making it better for criminals to target us even more since we have been burglarized 4 times since 2008 where they have stolen tires and rims off of our new, used and customer vehicles totaling conservatively over \$10,000.00 in loss.

The site we are on is fed by Little Elm Water Supply with a 1-1/2" water line. This will also affect our ability to maintain landscape. Small water supply districts often have more severe watering restrictions during times of drought.

Our frontage is about to be under construction by TXDOT. Any work that is required along IH35 needs to be completed after their construction is complete so it's not damaged during the process.

After discussion with our contractor we propose limiting our requirements to some scattered trees on the north and south sides, two landscaped beds next to the building and ornamental iron fencing at the front property line.

Our hope is that you will agree with this proposal so the construction can start as soon as possible.

Sincerely,

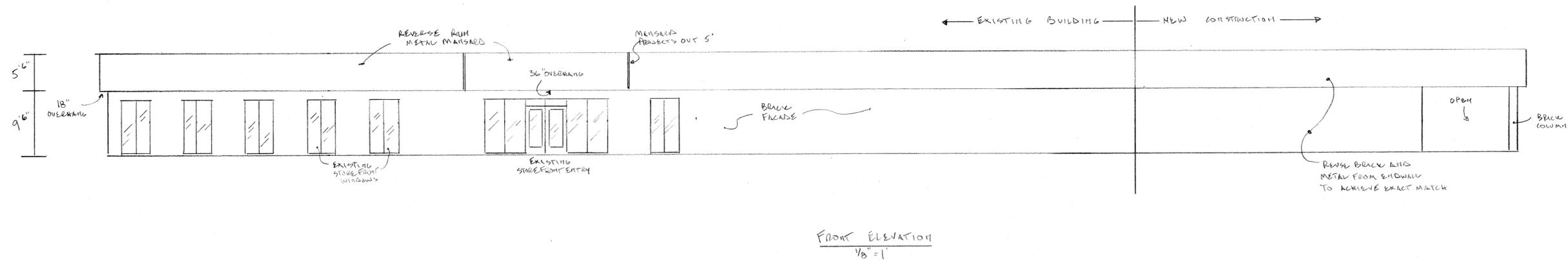
A handwritten signature in black ink that reads "Robert Fields".

Robert Fields
General Manager



Austin: 4711 E 7th Street • Austin, TX 78702 • (512) 389-1111
Idealease: 4811 E 7th Street • Austin, TX 78702 • (512) 389-3891
Temple: 6043 N IH-35 • Temple, TX 76504 • (254)778-3648

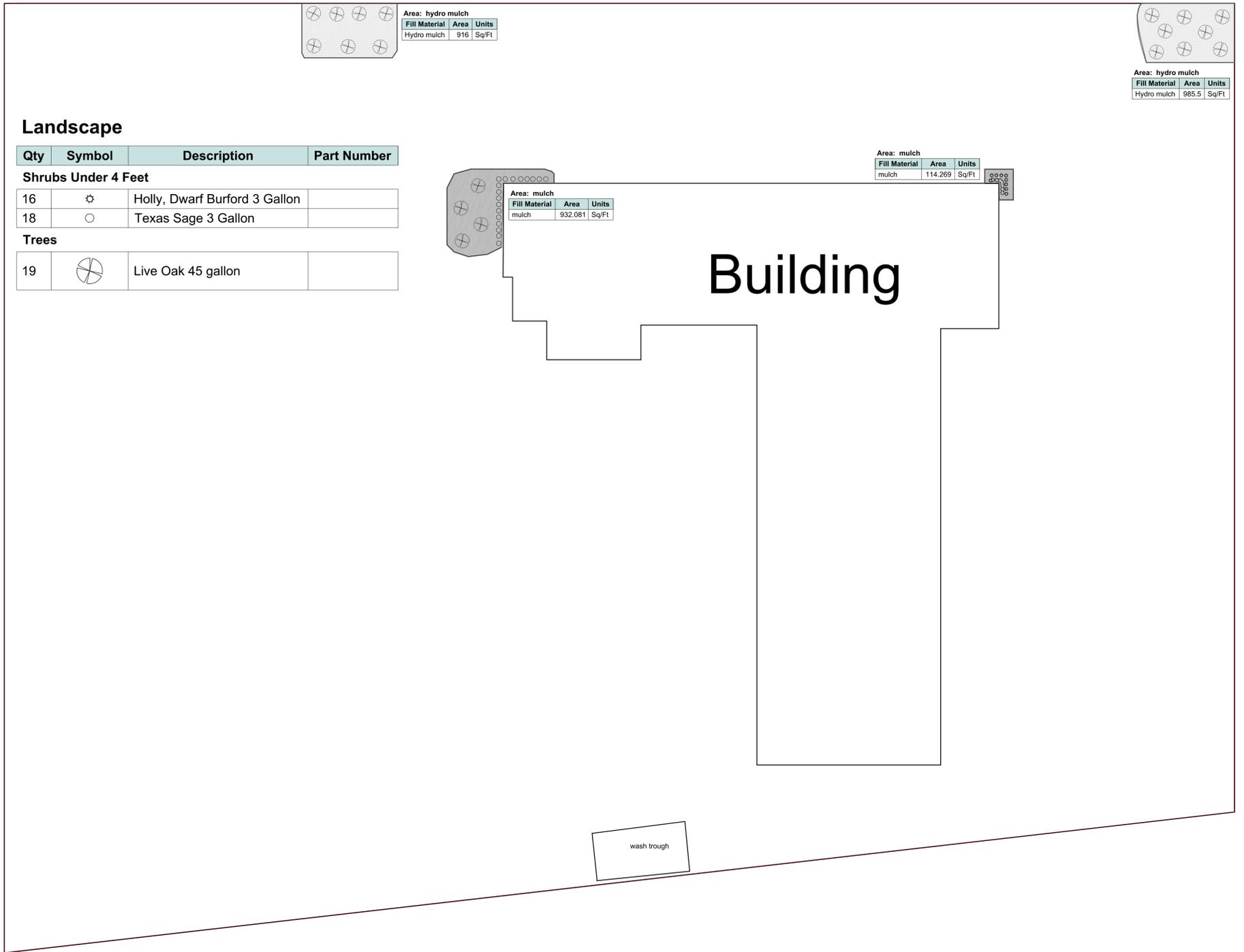




LONGHORN INTERNATIONAL TRUCKS 6043 HOOR GENERAL BLVD		
SCALE: 1/8" = 1'	APPROVED BY:	DRAWN BY: DSW
DATE: 11/18/2011	CREW CONSTRUCTION 10 2705 AIRPORT	REVISIONS
ELEVATIONS		DRAWING NUMBER 5/5

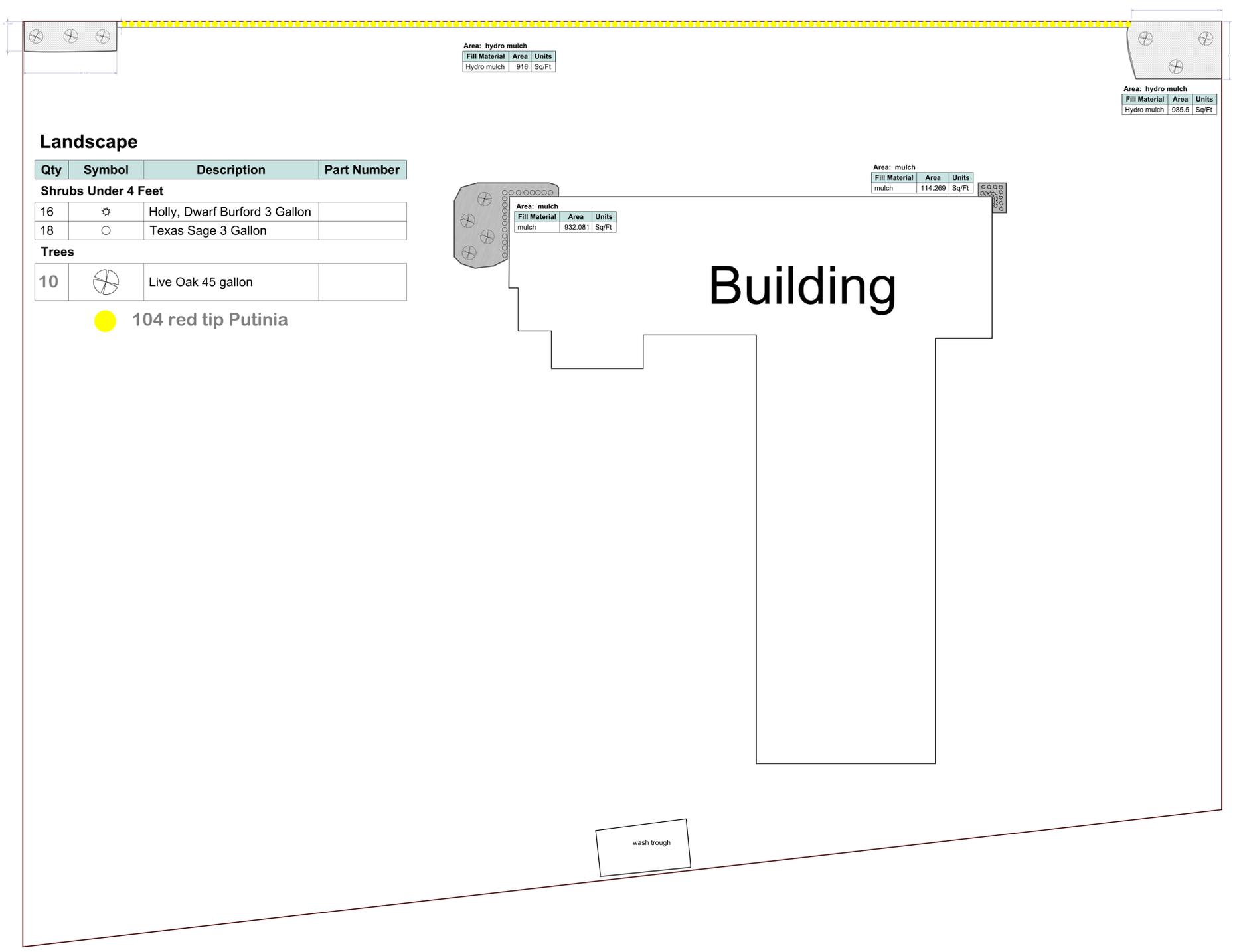
Longhorn International G.C. CRW Construction

Heart of Texas
Landscape and Irrigation
939 0254
Chris Armour



Longhorn International G.C. CRW Construction

Heart of Texas Landscape and Irrigation 939 0254 Chris Armour



Area:	hydro mulch	
Fill Material	Area	Units
Hydro mulch	916	Sq/Ft

Area:	hydro mulch	
Fill Material	Area	Units
Hydro mulch	985.5	Sq/Ft

Landscape

Qty	Symbol	Description	Part Number
Shrubs Under 4 Feet			
16	⊗	Holly, Dwarf Burford 3 Gallon	
18	○	Texas Sage 3 Gallon	

Trees			
10	⊗	Live Oak 45 gallon	

● 104 red tip Putinia

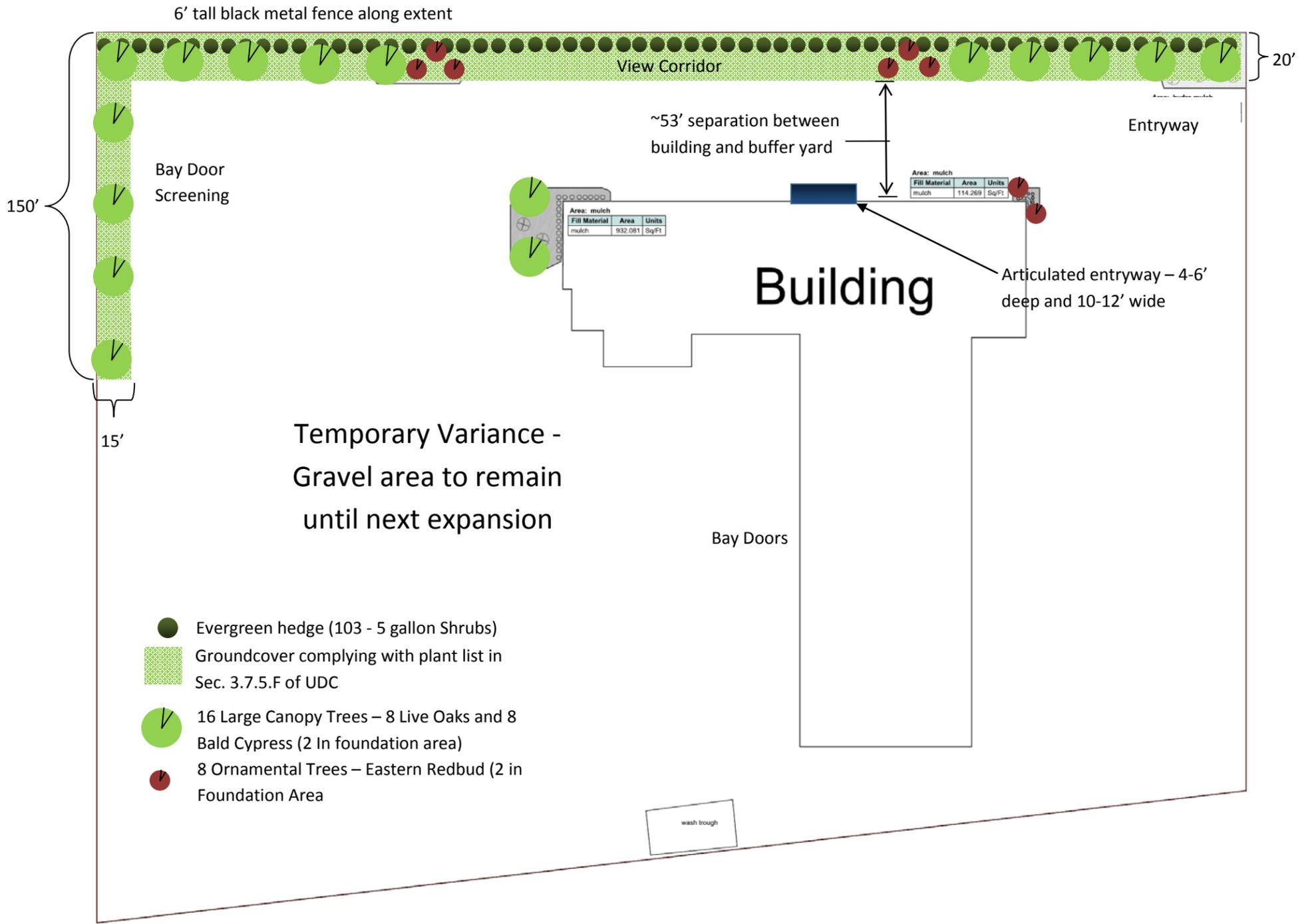
Area:	mulch	
Fill Material	Area	Units
mulch	114.269	Sq/Ft

Area:	mulch	
Fill Material	Area	Units
mulch	932.081	Sq/Ft

Building

wash trough

SITE PLAN



- Evergreen hedge (103 - 5 gallon Shrubs)
- Groundcover complying with plant list in Sec. 3.7.5.F of UDC
- 16 Large Canopy Trees - 8 Live Oaks and 8 Bald Cypress (2 In foundation area)
- 8 Ornamental Trees - Eastern Redbud (2 in Foundation Area)



PLANNING AND ZONING COMMISSION AGENDA ITEM

12/19/11
Item #5
Regular Agenda
Page 1 of 2

APPLICANT: Planning & Zoning Commission

CASE MANAGER: Autumn Speer, Director of Community Services

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
Z-FY-12-20: Hold a public hearing to consider and recommend action on an Amendment to Article 3 of the Unified Development Code to change appeal approval authority for the I-35 Corridor Overlay zoning district from the Planning and Zoning Commission to the City Council.	P&Z 1/03/12	
Z-FY-12-09: Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow two recreational vehicle (RV) spaces in the Rocky Oaks Mobile Home Park, located at the northeast corner of FM 2305 and Cen-Tex Sportsman Club Road. (Applicant: James Crosby)	P&Z 1/03/12	
Z-FY-12-10: Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow two recreational vehicle (RV) spaces in the Midway Mobile Home Park, located at 4505 Midway Drive. (Applicant: Larry Wright for John Malek Family Trust)	P&Z 1/03/12	
Z-FY-12-11: Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow four recreational vehicle (RV) spaces in the Robbins Mobile Home Park, located at 4707 Midway Drive. (Applicant: Larry Wright for Malek Family Trust)	P&Z 1/03/12	
Z-FY-12-12: Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow fourteen (14) recreational vehicle (RV) spaces in the Santa Fe Trails Mobile Home Park, at 1618 West Avenue H. . (Applicant: Andrew Spiwak for TempTex Properties)	P&Z 1/03/12	

Z-FY-12-17: Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow two recreational vehicle (RV) spaces in the Livingston Farms Mobile Home Park, located at the northwest corner of Prairie View and North Pea Ridge Road. (Applicant: Gregory Bethune)	P&Z 1/03/12	
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City Council Final Decisions	Status
No cases presented since last P&Z meeting	



**PLANNING AND ZONING COMMISSION
MEETING EVALUATION**

December 19, 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 6	Dec 19	P	A
James Staats	P	P	No Meeting	P	P	P	P	P	P	P	P		18	1
Mike Pilkington	P	P		P	P	P	P	P	P	P	P		19	
Bert Pope	A	P		P	A	A	A						12	6
Allan Talley	P	P		P	P	P	P	P	A	P	P		19	
Derek Martin	P	P		P	P	P	P	P	P	P	P	P	15	4
Will Sears	P	A		P	P	P	P	P	P	P	P	P	18	1
Barbara Brown	P	P		P	P	P	P	A	A				14	2
Greg Rhoads	P	A		P	P	P	P	P	P	P	P	P	15	1
David Jones	P	P	P	P	P	P	P	P	P	P	P	11		

not a Board member