

**NOTICE OF MEETING
PLANNING AND ZONING COMMISSION
CITY MUNICIPAL BUILDING, 2 NORTH MAIN STREET
STAFF CONFERENCE ROOM, 1ST FLOOR
JANUARY 17, 2012, 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, January 17, 2012.
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
CITY MUNICIPAL BUILDING, 2 NORTH MAIN STREET
CITY COUNCIL CHAMBERS, 2ND FLOOR
JANUARY 17, 2012, 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 January 3, 2012.

B. ACTION ITEMS:

Item 2: [Z-FY-12-21](#) Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District to Commercial District on Tract 1, being a 7.684 acre ± tract of land and Tract 2, being a 5.779 acre ± tract of land both out of the George Givens Survey, Abstract No. 345 and the Nance Chance Survey, Abstract No. 5, Bell County, Texas, located on the east side of South Kegley Road, north of the Caddy Shack Golf Range. (Applicant: Edgar A. S Smith for James Tranum)

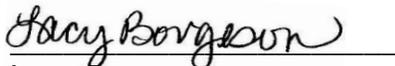
Item 3: [Z-FY-12-19](#) Hold a public hearing to discuss and recommend action on an amendment to Ordinance 2010-4413, Temple Unified Development Code, Articles 5, 7, 8 and 11 of the Unified Development Code to: add "Kiosk" as a permitted use in the use table for certain zoning districts with specifications;

remove "home occupation" as an allowable residential accessory use in the LI and HI zoning districts; Clarify all parking areas must be paved with either asphalt or concrete; Clarify that vehicular backing motions are prohibited into a public street from a parking area on all non-residential sites; Clarify utility poles or other obstructions are not permitted in sidewalks; and establish or amend definitions related to such uses and standards. (Applicant: City of Temple)

C. REPORTS

Item 4: Receive and discuss the [Planning Director's Report](#) containing items for future meetings regarding subdivision plats, zoning cases, conditional use permits, annexations, and proposed text amendments to the Unified Development Code. ***(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 9:30 AM, on January 12, 2012.



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 of _____, 2012. Title _____.

**PLANNING AND ZONING COMMISSION
JANUARY 3, 2012
5:00 P.M.
WORK SESSION**

PLANNING AND ZONING MEMBERS PRESENT

Chair Derek Martin

COMMISSIONERS:

Will Sears
James Staats
H. Allan Talley

David Jones
Mike Pilkington

PLANNING AND ZONING MEMBERS ABSENT:

Greg Rhoads

STAFF PRESENT:

Trudi Dill, Deputy City Attorney
Michael Newman, City Engineer
Autumn Speer, Dir. of Community Services
Leslie Matlock, Senior 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 5:00 p.m. and asked Ms. Autumn Speer, Director of Community Services, to proceed.

Ms. Speer stated several of the items on the agenda were related and dealt with CUPs for RVs in mobile home parks.

Item 2, the final plat for Westfield Development Phase VIII has a sidewalk exception for Pea Ridge. The UDC requires a four foot sidewalk on one side for collectors. Staff can administratively approve or deny these requests and Ms. Speer denied this one so it will go to City Council for final approval. Mr. Kiella will present an alternate sidewalk plan approach that Staff would probably be acceptable to; however, there is a time constraint to move this. P&Z will only make a recommendation on the exception, not the proposal.

The next five items deal with CUPs for recreational vehicles. (*Copies of additional memos are passed to Commissioners*) Most of these items are fine; however, one requires a supermajority vote, Z-FY-12-17, Livingston Farms, located at Pea Ridge and Prairie View. This location had two RVs and one mobile home and was requested by the City to remove the RVs since they did not meet the Ordinance requirements. Last year a notice was sent out to all mobile home parks that had RVs on-site stating the City would start inspecting all parks. Approximately seven parks chose to go through the CUP process to legally grandfather in the existing RVs. Several of the existing RVs had been in some of the parks for several years.

Livingston Farms' RVs are gone but Mr. Bethune has been allowed to have the two RV spaces back and can move in two recreational vehicles. The other parks are limited to the existing RVs already on-site. Mr. Bethune's neighbors have opposed the park at 26% opposition so it will require a supermajority vote from City Council.

A text amendment to change the I-35 appeal approval authority for the I-35 Overlay corridor district from P&Z to City Council, per City Council request.

Commissioner Talley asked Chair Martin if Mr. Trantum's comments from the December 19, 2011 meeting were given to City Council and if anything would be done about it. Chair Martin did not believe so and stated Mr. Trantum just wanted it on the record. Ms. Leslie Evans, Administrative Assistant, stated Mr. Trantum's comments were not on the record because the meeting had already been adjourned and was not reopened.

Ms. Speer stated Mr. Trantum sent out a secondary letter straight to City Council so they do have a copy of his comments.

Vice-Chair Staats asked about flag poles in the I-35 district. Ms. Speer stated flag poles were allowed, it was a citywide requirement, and the maximum was 50 feet tall. Flag poles were not specific to I-35. There is no exception to the flag pole requirement unless it was grandfathered in. Flags may be 375 square feet along I-35 and HK Dodgen Loop, and 150 square feet in any other non-residential district. Only state and/or national flags may be flown on these poles. A corporate or spirit flag may be flown at 40 square feet of street frontage and with a maximum of 35 feet in height.

The concrete batch plant applicant has made some changes to the proposed plan which Staff is more comfortable with. Staff still recommends denial since it does not meet the requirements of the Comprehensive Plan.

Commissioner Jones asked about Shallow Ford Road and wanted to know the status of the road conditions, effect of the weather, and heavy truck loads up and down the road. Mr. Michael Newman, City Engineer, stated it was a county standard road inherited through annexation, approximately 24 feet wide, pavement depth is minimal, and the condition was fair. The City has not looked at the impact of traffic and has no plans to do so. Commissioner Jones asked who would do this type of study. Mr. Newman was not sure and Ms. Speer said the City does not have any requirements for this type of study. Ms. Speer stated a 12 month CUP was being considered for the applicant and in 12 months upon re-review, the road degradation could be considered and possibly ascertained at that time.

Mr. Victor Turley stated the applicant has proposed that most of their work would be done on-site. The primary use of the plant was for the development located at the

subject property and once the development was completed, the plant would be removed.

Ms. Matlock, Senior Planner, stated at the end of the 12 month period, the applicant would come back to ask for an administrative approval unless they went over the time or Staff felt it needed to go back to P&Z and City Council with new or additional conditions.

The Director's Report contained:

A rezoning request next to a golf course;

A UDC Phase II cleanup – add uses such as kiosks and assisted living/nursing homes; remove home occupation from LI and HI districts; clarify that all parking areas must be asphalt or concrete; clarify that vehicle backing motions are prohibited into a public street for new development; clarify utility poles or other obstructions are not permitted on sidewalks; and change a few definitions for the uses added.

City Council status:

Approved the CUP for O'Briens.

The next P&Z meeting will be held on Tuesday, January 17th due to the holiday on the 16th.

Chair Martin asked about the minutes from the last meeting regarding Longhorn Trucking. Mr. Dean Winkler called Chair Martin regarding confusion about the motion made regarding the trees located within the 150 foot area. Chair Martin did not feel comfortable approving the minutes unless he had clarification on this item.

Ms. Speer stated she sent Mr. Winkler the minutes from that meeting. There were not enough trees on-site to move the trees to the new buffer. Ms. Speer and Mr. Winkler spoke after said meeting about this matter. Ms. Speer stated everything has been approved and Mr. Winkler already has his building permit. Ms. Speer stated she even went back to double check the correct motion was made.

Vice-Chair Staats asked about the sign-up sheet. Ms. Evans stated the sign-up sheet was for the public who wanted to sign up and speak in reference to a certain item listed on the P&Z agenda. This does not include the applicant of a case. The sheet is then turned over to the Chair who reviews the list and has an opportunity to make any comment or clarify information. Ms. Dill, Deputy City Attorney, stated this was not the same as the City Council sign-up sheet where the public may make general comments about any subject.

There being no further discussion, Chair Martin adjourned the meeting at 5:23 P.M.

**PLANNING AND ZONING COMMISSION
JANUARY 3, 2012
5:30 P.M.**

PLANNING AND ZONING MEMBERS PRESENT

Chair Derek Martin

COMMISSIONERS:

Will Sears
James Staats
H. Allan Talley

David Jones
Mike Pilkington

PLANNING AND ZONING MEMBERS ABSENT:

Greg Rhoads

STAFF PRESENT:

Autumn Speer, Dir. of Community Services
Trudi Dill, Deputy City Attorney
Michael Newman, City Engineer
Leslie Matlock, Senior 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 27, 2011 at 10:15 a.m. in compliance with the Open Meetings Law.

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

Chair Martin called Meeting to Order at 5:30 P.M. and clarified the use of the Sign-In Sheet for public speaking in reference to a specific Item number.

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

A. CONSENT ITEMS

Item 1: Approval of Minutes: Work session and the regular meeting of December 19, 2011.

Minutes approved by general consent.

B. ACTION ITEMS

Item 2: P-FY-12-03 - Consider and recommend action on the Final Plat of Westfield Development Phase VIII, a 71-lot residential and a 2.25± acre non-residential tract subdivision, with developer's requested exception to Section 8.2.3 of the Unified

Development Code requiring sidewalks, located at the southeast corner of Stonehollow Drive and North Pea Ridge Road. (Applicant: Kiella Development)

Ms. Autumn Speer, Director of Community Services, stated the applicant has requested an exception to the required sidewalks. Pea Ridge Road was going through a process of being downgraded from an arterial to a collector road and will be finalized by City Council on January 5th. The sidewalk width has been decreased from six foot to four foot on one side.

The subject property is also going through a rezoning from Single Family Two (SF2) to Single Family Three (SF3) to adjust the front setbacks to match the adjacent Planned Development (PD) residential subdivision.

Staff received a letter from the applicant for this exception request.

Staff recommends approval of the plat but that the Commission makes a recommendation for the sidewalk waiver. The sidewalk required is four foot on a collector on one side and this particular subdivision Staff does not believe the sidewalk is needed to access the future proposed school site north of this. There are some internal sidewalk plans in place and Staff believes there is an opportunity to work with the applicant to come up with another alternative type of location but at this time that has not been decided. This case does need to move forward with an exception request.

This item does not require a public hearing.

Mr. John Kiella, 11122 White Rock Drive, Temple, Texas, stated he represented the developer. The sidewalks have been done internally and are not along a collector street. This subdivision has gone through many changes since the first plat which had sidewalks. Mr. Kiella stated the second plan had been worked on with the City regarding two items: make a minor arterial and bring all sidewalks into the center of the subdivision. At that point an exception on the street was given. Mr. Kiella stated there was currently not an exception on the perimeter street. In Mr. Kiella's opinion, he thought they also had an exception on the sidewalks but is not indicated on the second plat. However, the second plat does state that sidewalks would be placed on the interior. No documentation can be located regarding this exception request.

Mr. Kiella stated the sidewalks have been placed internally in order for the children to go internally and make their way to the school. Mr. Kiella is not looking for an exception to not build sidewalks; he is asking to build sidewalks where they are not requested or required. The sidewalks have already been built and in the subdivision. The concept for the subdivision is to bring the children towards the center.

Mr. Kiella stated they were also trying beginning the hike and bike system along the creek in order to tie the trails together. These trails are not required by plat however, Mr. Kiella would like to see the development of the trails be as cohesive and safe as possible.

(Mr. Kiella presents two maps to the Commission).

Mr. Kiella stated he cannot table this item and needs these lots. Sidewalks cannot be built from "nowhere to nowhere" but one builds sidewalks to get from point A to point B so citizens can use them. Mr. Kiella is in favor of sidewalks and builds them whenever possible. Mr.

Kiella is not asking for an exception to the sidewalk ordinance because he does not want to build them, he is asking for an exception to place those sidewalks to the center of the subdivision for more effective usage and placement.

Mr. Kiella asked the Commission for their support and approval.

Commissioner Jones asked Mr. Kiella since he has waited three to four years, what would happen if he had to wait two more weeks. Mr. Kiella responded he needed lots “right now” and they were waiting to start the project. They have already requested a double rezoning trying to comply with Unified Development Code changes regarding front setbacks. The plat had to be pulled to wait on that rezoning matter. Mr. Kiella is out of lots and needs to get started on this project.

Vice-Chair Staats asked Ms. Speer for clarification that Mr. Kiella was asking to take the sidewalk off of Pea Ridge Road and move it internally inside the subdivision. Ms. Speer responded that was her understanding and there were no other issues on the plat. Ms. Speer stated Staff’s recommendation is denial of the exception with the information they have. All Ms. Speer has received is a letter requesting the exception. Ms. Speer has not received an alternate plan or any other information. If the additional information had accompanied the letter request, it was very possible a favorable recommendation would have been made. Ms. Speer and Mr. Kiella have discussed possibly tabling the item but Mr. Kiella would like to move forward. Ms. Speer is hopeful the additional information will be received from Mr. Kiella between now and City Council which would allow Staff to recommend approval to the Council.

Commissioner Pilkington made the comment that Mr. Kiella’s subdivisions have been some of the nicest ones in Temple and Mr. Kiella is very involved with the Hike and Bike Trails Plan and he had no problem with the request. Chair Martin agreed.

Commissioner Pilkington made a motion to approve Item 2, **P-FY-12-03**, with a variance for waiving the sidewalk requirements along Pea Ridge and Commissioner Talley made a second.

Motion passed: (6:0)

Commissioner Rhoads absent

Item 3: 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)

Ms. Speer stated the next five cases were all very similar in nature and involved Conditional Use Permits (CUP) approval for mobile home parks in town with existing recreational vehicles (RV) sites or actual vehicles.

Rocky Oaks Mobile Home Park can have two RVs on-site now. This park has been in existence for over ten years. The subject property is zoned Agricultural (AG) and the adjacent zoning is Neighborhood Services (NS) and AG.

No responses were received in favor or denial of this request and Staff recommends approval.

The CUP request is to allow the two existing RVs on-site to stay. If either RV moves/leaves, another RV cannot be brought in since the subject property is a mobile home park.

Chair Martin asked if this was a 12 month request and Ms. Speer stated no, it was a final provisional use permit.

Vice-Chair Staats asked if there were any flagrant violations for the mobile home park and Ms. Speer stated part of this process was doing annual inspections on the parks. All of the parks had early notification that inspections would be done this year to make sure everything was up to code.

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

Vice-Chair Staats made a motion to approve Item 3, **Z-FY-12-09**, as presented and Commissioner Sears made a second.

Motion passed: (6:0)

Commissioner Rhoads absent

Item 4: 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)

Ms. Speer stated Midway Mobile Home Park has two RVs sites. This park was established in approximately 1970, annexed shortly thereafter and zoned Manufactured Home (MH). A variety of zoning districts surround the subject property.

No responses were received in favor or denial of this request and Staff recommends approval of the CUP for the two sites and the existing RVs.

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

Vice-Chair Staats made a motion to approve Item 4, **Z-FY-12-10**, as presented and Commissioner Jones made a second.

Motion passed: (6:0)

Commissioner Rhoads absent

Item 5: 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)

Ms. Speer stated the Robbins Mobile Home Park is located in front of Midway Mobile Home Park and they were also developed and annexed in the 1970s and zoned MH. Robbins has four RV sites in the park. Surrounding zoning includes Single Family One (SF1), AG, and Multi-Family One (MF1).

No responses have been received in favor or denial of this CUP and Staff recommends approval of the four existing RVs on site.

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-12-11**, as presented and Commissioner Sears made a second.

Motion passed: (6:0)

Commissioner Rhoads absent

Item 6: 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)

Ms. Speer stated Santa Fe Trails Mobile Home Park currently has more than 14 RVs in existence dispersed throughout the park. The land was annexed in 1949 and the park was established in the 1970s and zoned Light Industrial (LI) and Two Family (2F). Adjacent zonings include Heavy Industrial (HI) and LI.

One response in favor of and one response in opposition were received by Staff. The CUP would not allow any additional RVs; only the existing 14 on site. Staff recommends approval of the request.

Commissioner Sears stated once the RVs leave then they are not allowed to be replaced by another RV and Ms. Speer confirmed his comment. They would need to be replaced with mobile homes that met City requirements.

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

Commissioner Talley asked if Staff had spoken to Melinda Bulls regarding this matter and Ms. Speer responded no. Ms. Bulls was also not in attendance for the meeting.

Vice-Chair Staats made a motion to approve Item 6, **Z-FY-12-12**, as presented and Commissioner Sears made a second.

Motion passed: (6:0)

Commissioner Rhoads absent

Item 7: 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)

Ms. Speer stated this item was a little different from the preceding items. Two RV spaces (rather than units) were currently vacant and this is a three unit mobile home park and zoned AG. Mr. Bethune, the applicant, was required to remove two RVs from the mobile home park prior to this process being proposed. This case prompted additional investigation of City requirements for mobile home parks. The difference in this CUP request is that the two spaces in Livingston Farms Mobile Home Park may be occupied by RVs or mobile homes. Adjacent zoning include SF2 and AG.

The responses received were equal to 26% in opposition to the request which would require a supermajority vote at City Council for final decision. Two of the letters were new and received after delivery of the packet to the Commissioners.

Staff recommends approval of the CUP to allow the two RV spaces as long as the property remains a mobile home park.

Vice-Chair Staats asked if RVs would be able to move in and out at-will and Ms. Speer stated yes, if it is an RV space.

Ms. Speer stated there were three spaces on the property that have hook-ups; one is currently a mobile home and the other two spaces are vacant. The current requirements allow for those spaces to be used for mobile homes. The CUP request would allow those two spaces to also be rented out to RVs for long-term living situations.

Chair Martin opened the public hearing.

Mr. James Crosby, 55 Rocky Oaks, Temple, Texas, stated he was the owner of Rocky Oaks Mobile Home Park (Item 3) and would hate to see the elderly gentleman living in Rocky Oaks Mobile Home Park to have to move since he lives in a permanent RV. It was Mr. Crosby's opinion that some people do not have the means to move, if required, and is the only home they have.

Mr. Greg Bethune, 1900 N. Pea Ridge Road, Temple, Texas, stated he owned the subject property. Mr. Bethune stated when he received the packet there was only one denial, Mr. Laminack, who had a complaint that the property would be an eyesore and decrease property values. Mr. Bethune was unaware of the other two denial responses. Mr. Bethune took pictures of their common property line and showed these pictures to the Commissioners.

Mr. Bethune stated citations were originally sent in 2009 to the renters of Lot A and Lot B (the RV spaces) which were addressed to Mr. Bethune. Mr. Bethune stated he did not receive these citations from his renters. Mr. Bethune stated more citations were sent to and received by the renters which required signatures but these letters were not picked up from the post office and were returned. Finally, court summons were sent to and received by the renters and one renter brought his court summons to Mr. Bethune's home and placed it in his mailbox. When Mr. Bethune received the documents he was surprised by the information. Mr. Bethune stated he took the citation and went downtown to ask what this was all about. Mr. Bethune stated he was instructed to evict the two RVs which he did. Since the eviction of the RVs, Mr. Bethune states he has lost income and feels like he has been harassed. Mr. Bethune stated he continued to receive court summons up through August of 2010 even though the RVs had been removed. Mr. Bethune spoke with a lawyer and was told he could handle it himself through small claims court, which he did. Mr. Bethune's case was dismissed in December of 2011. Currently the matter is in arbitration.

Mr. Bethune would like to keep the mobile home park since it provides an additional source of income and would like to put the RVs and/or mobile homes back in.

Commissioner Talley asked what the difference was between a mobile home and manufactured home. Mr. Bethune stated they were basically the same thing. An RV is usually pulled behind a vehicle.

Commissioner Jones asked if Mr. Bethune was agreeable to a time period that this matter is re-reviewed for it to move from an RV to a mobile home only, which might help alleviate concerns from neighbors regarding how it looks. Mr. Bethune did not think it would matter in his situation since Mr. Bethune is already receiving offers of purchase for the property. When the right offer is available, Mr. Bethune will be selling his property. The CUP goes with the property, not the ownership.

Commissioner Jones asked if it were possible to state when the property is sold, the CUP goes away and reverts back to mobile homes. Ms. Speer stated the Commission could place a time limit, such as five years, on the CUP.

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

Commissioner Talley made a motion to approve Item 7, Z-FY-12-17. Commissioner Jones asked if there would be a time frame included in the motion. Commissioner Talley withdrew his motion.

Commissioner Jones made a motion to approve **Z-FY-12-17** with a five year time limit on the Conditional Use Permit for the two recreational vehicle spaces and Vice-Chair Staats made a second.

Motion passed: (5:1)

Commissioner Pilkington voted nay; Commissioner Rhoads absent

Item 8: 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.

Ms. Speer stated this was a small text amendment to change the I35 Overlay approval from the P&Z Commission to City Council. A lot of activity is expected in the next two to three years with the right-of-way expansion. The P&Z Commission would no longer be involved in the appeals decision and would go directly to City Council for final action.

Staff recommends approval of this item as directed by City Council.

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

Commissioner Jones made a motion to approve Item 8, **Z-FY-12-20**, and Vice-Chair Staats made a second.

Motion passed: (4:2)

Commissioners Pilkington and Talley voted nay; Commissioner Rhoads absent

Item 9: 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)

Ms. Leslie Matlock, Senior Planner, stated this item would go forward to City Council on February 7th for first reading and February 16th for second and final action.

The subject property is zoned LI and the UDC requires a CUP be approved before placement of a permanent concrete batch plant in this district. This temporary batch plant will be required to be moved after January 18th, six months after it was originally permitted.

Surrounding area and businesses are shown with zoning districts including AG to the south, Commercial (C) to the east, and LI to the north and west.

The Future Land Use and Character Map designate the surrounding area of the subject property as Estate-Residential.

Shallow Ford West Road is designated as a collector road and is in need of repair and has not been upgraded to City road standards since its annexation.

Water and sewer map show no direct service to the site. A water line has been extended from I35 for private service, however, public fire coverage is unavailable at this time.

Revised site plans are shown. The vehicle maneuverability area is shown as an all weather surface and should be paved with concrete or asphalt. No permanent structure is being proposed on the revised site. An 8,000 gallon fire suppression tank is proposed for the south area of the loading ramp.

A wash-out area and storm water detention area are proposed. In order to screen the intense use from view of the right-of-way, the applicant also proposes 15 conforming trees and 95 conforming shrubs along the north property line and down adjacent to Shallow Ford West. The site plan should also be revised to show irrigation extending to all required landscaping and adequate water lines extending from the fire suppression tank and the batch plant.

Five notices were mailed and one response was received in opposition. Staff recommends denial of this request since it does not comply with the Future Land Use and Character Map and although it does comply with the Thoroughfare Plan, the road section is not built to heavy load transportation and public facilities are not available or proposed to be extended to City conformance standards.

If approved by P&Z, the following conditions should be considered:

This CUP be allowed for 12 months only and be able to be reissued for consecutive 12 month periods with administrative approval. Should the permit expire, the business must cease operation, and formal CUP approvals again must be sought from the City;

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;

All parking and vehicle maneuvering surfaces will be concrete or asphalt covered as required;

A fire suppression tank and fire department connection shall be installed as shown on the CUP site plan attached;

The area as a whole shall be landscaped as shown on the accompanying CUP site plan;

Irrigation shall extend to within 50-ft of all required landscaped areas; and

Septic service shall be permitted and built as approved through the Bell County Sanitarian's Office.

Vice-Chair Staats asked if the requirement for a bond was still in place. Ms. Matlock stated this request was removed since it was decided the current owner is more forthcoming and cooperative and this item will also be reviewed every 12 months. Vice-Chair Staats did not like that idea since the applicant could put the site in and just leave it at will allowing the area to become a wasteland.

Ms. Speer stated it was difficult for both the applicant and Staff to find an insurance company that would actually do the bond requested. Staff was also more comfortable with the efforts made by the new applicant on many improvements to the plan. If this were approved Code Enforcement procedures could be implemented for any cleanup needed once the applicant was gone. Vice-Chair Staats asked about the applicant going bankrupt and Ms. Speer stated the same procedures would be implemented since it is currently done on commercial and residential properties that are cleaned up. Commissioner Jones asked if there were an estimate of clean up costs available and Ms. Speer stated no, which was also one of the problems in securing the requested bond.

Vice-Chair Staats asked about building an escrow account. Ms. Speer stated they could, it would be a matter of determining an appropriate amount. Commissioner Jones asked if any contractors were contacted regarding what it would cost to return the area to the natural state and Ms. Speer stated no, since there are no permanent structures proposed or items to be removed.

Commissioner Jones asked about the water connection from I35 to the back of the plant. Ms. Matlock stated this was a private two inch water line from the highway to the batch plant. Commissioner Jones has a serious concern about the degradation of Shallow Ford with numerous heavy trucks running back and forth and was it up to the applicant to take care of the road? Ms. Matlock stated this would have also been included in the language of the requested bond, however, it was unquantifiable to do so. The solution was to come back in 12 months and review and reevaluate the road situation for any degradation.

Ms. Speer stated the only way to put a value on the road would be to do a Traffic Impact Analysis (TIA) study which Temple does not require since it is an expensive study. The road is already in bad shape and it would be very difficult to determine what amount of damage the applicant's trucks added to the degradation. Vice-Chair Staats asked about adjacent road fees and if it was applicable in this case. Ms. Speer stated no.

Chair Martin opened the public hearing.

Mr. Victor Turley, 301 N. 3rd Street, Temple, Texas, stated one of the biggest problems with this matter has been the cleanup issue. The Fire Department asked how they could provide for a 600 square foot trailer since that was the only thing on the site. This issue was worked out by a large tank and connections to suppress fires. Mr. Turley stated he had several discussions with Mr. Richard Therriault, Chief Building Official, regarding the paving requirements. Mr. Turley suggested using good compacted road base material which would be economical and practical for the plant and would not have to be removed.

Mr. Turley stated Shallow Ford Road is a county road and has been used for over 30+ years by various trucks, especially gravel trucks, and asked how one quantifies a user of a road.

Vice-Chair Staats stated cement trucks always have remaining yards of concrete left over which are normally disposed of on a site. Vice-Chair Staats asked what the anticipated remediation was for the subject property.

Mr. C.W. Wharton, 4785 Mackey Ranch Road, Eddy, Texas, stated he was a general contractor for the site. Mr. Wharton stated, what he understood the City's required cleanup issues to be for the limited development would cost approximately \$20,000 to 30,000 to have it moved. If asphalt and/or concrete parking area were installed there would be additional costs. A wash-out pit is used to separate the aggregate from the cement and return it to the premixed condition and TECQ has strict standards regarding these pits.

Mr. Wharton stated a lot of the current problems for the subject site occurred with the previous people involved before Mr. Wharton who did not seem to follow the appropriate procedures. Mr. Wharton is an experienced developer, has spent time and money on the project, and will follow the Ordinance as required. Mr. Wharton did not expect the plant to be located at the site for a lengthy period of time since it was primarily there to develop the 20 acres. Mr. Wharton did not feel there would be any issues before the Commission had the project been handled correctly from the beginning.

Mr. Wharton stated they would work with the City and Staff in any way possible to get the project going. They had difficulty in obtaining the requested bond even though they obtain bonds all the time. The road is not starting out in perfect condition to begin with and there is no way to determine what damage their trucks would cause to the road.

Vice-Chair Staats asked Mr. Wharton if he would be willing to agree to the cost of the cleanup when the plant was moved and Mr. Wharton stated yes, it was their intention to develop the whole area. It would not serve them to have an eyesore situated on the backside of their development.

Mr. Wharton stated they have done everything Staff has requested of them, bent over backwards to obtain the bond, without success, and even if the project failed, the site would be removed and cleaned up.

Vice-Chair Staats was very concerned about current cleanup problems in the area and possibly having more problems with this case should the site be abandoned and no one being responsible for cleaning up the mess. Mr. Wharton stated it was his company's intention to remove the concrete plant once the area was developed since there would be no reason to keep it there. Mr. Wharton has a professional company with a strong reputation and would follow the required rules.

Commissioner Jones was concerned about the condition of Shallow Ford and the daily traffic impact and asked about cutting in an access road to I35 from the plant. Ms. Matlock stated this was not allowed as an opening onto I35.

(Commissioner Talley leaves meeting at 6:57 p.m.)

Discussion about TxDOT and cross-access roads.

Ms. Speer stated for the record Temple does not allow the use on I-35 so Mr. Wharton could not take access off of I-35.

Mr. Roger Dunlap, 11345 Brewer Road, Temple, Texas, stated he worked for Turley Associates and the information regarding other trucks on the road may have come from him since other trucks had been seen while they were out there working on the site.

Chair Martin closed the public hearing.

Chair Martin stated this was a perfect example of something Temple does not want and was in agreement with Vice-Chair Staats on the escrow account. Commissioner Jones was also in agreement to have some means of assurance in place.

Ms. Trudi Dill, City Attorney's Office, stated an escrow is ordinarily money held to complete a pending transaction. A similar concept would be a cash bond or insurance bond that would secure a promise to perform a certain detail. This was suggested at DRC early on, however, at that point the description of cleanup was too general. The requirements have to be definite in order to know if someone had performed or not performed and the bond seemed to expand toward public improvements and road repairs. Infrastructure requirements go beyond what is required of zoning. Ms. Dill stated the City is limited when it comes to zoning and cannot exchange public infrastructure and maintenance. There is a big dividing line between reclamation of the site as part of the CUP and improvement and/or repair of public infrastructure that would be different from the demands on the rest of public that uses the road. Commissioner Pilkington stated it would then be possible to obtain a bond for reclamation of the site but not the street repairs/maintenance and Ms. Dill confirmed.

Mr. Wharton stated they were trying to get two bonds; a bond for site cleanup and a bond for the road. It has been difficult to find someone to sell them any bonds in order to comply with the City's requests. Ms. Emily Mikeska helped Mr. Wharton in this endeavor.

Chair Martin suggested tabling this item for another two months until a bond could be obtained for reclamation of the site. Vice-Chair Staats was in agreement.

Commissioner Pilkington asked about the hard surface paving requirement and Ms. Matlock stated the requirement for all vehicle maneuverability areas and parking are to be a permanent solution—i.e., asphalt or concrete, which keeps down dust and blowing articles.

Mr. Wharton asked if this item could be passed with the hard surface as a contingent since they had to meet several other requirements. Ms. Trudi Dill stated the CUP needs to define what the reclamation would consist of.

Ms. Speer suggested if the P&Z approved the request with the condition the applicant has 30 to 45 days within the granting of the CUP to secure a bond to take the site back to its natural

state, which would remove all hard surface and all structures and basically return the site to dirt. This would move the item on to City Council and allow the applicant the specified time indicated by P&Z to secure the bond. If the bond cannot be secured the CUP would go away.

Vice-Chair Staats made a motion to approve Item 9, **Z-FY-11-49**, as presented by Staff with recommended conditions, along with an additional stipulation that a bond be secured within 45 days of approval and final action by City Council which would entail removal of any hard surfaces and/or footings for equipment and buildings that are placed on the site. Commissioner Jones made a second.

Motion passed: (5:0)

Commissioners Talley and Rhoads absent

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)

Respectfully submitted,

Leslie Evans



PLANNING AND ZONING COMMISSION AGENDA ITEM

01/17/12
Item 2
Regular Agenda
Page 1 of 5

APPLICANT / DEVELOPMENT: Edgar Smith for Jim Trantum

CASE MANAGER: Leslie Matlock, AICP, Senior Planner

ITEM DESCRIPTION: [Z-FY-12-21](#) Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District to Commercial District on Tract 1, being a 7.684 acre ± tract of land and Tract 2, being a 5.779 acre ± tract of land both out of the George Givens Survey, Abstract No. 345 and the Nance Chance Survey, Abstract No. 5, Bell County, Texas, located on the east side of South Kegley Road, north of the Caddy Shack Golf Range.

BACKGROUND: The applicant requests a zone change from AG, Agricultural District to C, Commercial District to allow commercial uses on this property. A rezoning from the AG to the C zoning district would allow many uses that would not have been allowed before. Those uses include, but are not limited to, the following:

- Alcoholic beverage sales, on- or off-premise consumption, beer and wine only
- Building material sales
- Cabinet shop
- Contractor storage
- Family or group home
- Heavy machinery sales, storage and repair
- Institution for alcoholic or narcotic patients
- Mini-storage warehouse
- Trailer, recreational vehicle, portable building or manufactured home sales or rental
- Truck stop
- Two-family dwelling
- Welding or machine shop
- Wholesale storage and sales

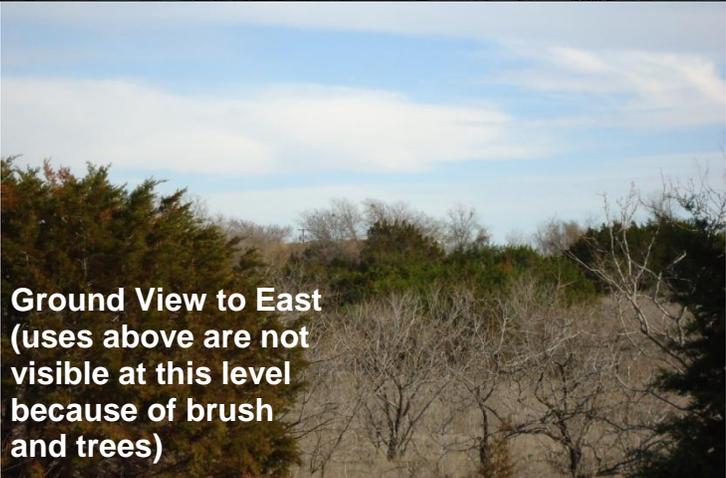
According to the application, the applicant is proposing a janitorial retail sales use and warehouse.

SURROUNDING PROPERTY AND USES:

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

Direction	Zoning	Current Land Use	Photo
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Direction	Zoning	Current Land Use	Photo
Subject Property	AG	Undeveloped Land	 A photograph showing a paved road in the foreground with a green utility pole on the right. Beyond the road is a line of trees, some of which are bare, suggesting a winter or late autumn setting. The sky is blue with some light clouds. A small green sign is visible among the trees.

Direction	Zoning	Current Land Use	Photo
North	AG	Undeveloped Land	
South	AG	View of Driving Range property at ground level (above the subject property)	
East	AG	Storage Yard	<p data-bbox="738 1113 860 1260">Aerial View of uses to East</p>  <p data-bbox="738 1785 1055 1974">Ground View to East (uses above are not visible at this level because of brush and trees)</p> 

Direction	Zoning	Current Land Use	Photo
West	AG	Home with multiple acres and Agricultural Land	

COMPREHENSIVE PLAN COMPLIANCE:

The proposed Planned Development amendment relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan:

Document	Policy, Goal, Objective or Map	Site Conditions	Compliance?
CP	Map 3.1 - Future Land Use and Character	Auto-Urban Commercial. North and west boundary is Suburban Residential	Yes Marginally**
CP	Map 5.2 - Thoroughfare Plan	S. Kegley Road is a Minor Arterial.	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities.	12-inch water line and 30-inch sewer line west right-of-way of S. Kegley Road	Yes
CP	Land Use Policy 9 – New development or redevelopment on infill parcels in developed areas should maintain compatibility with existing uses and the prevailing land use pattern in the area.	Land use pattern to south and east is compatible to C-Commercial zoning. Vacant and agricultural land to north and west.	Yes
STP	Page F3- A community-wide connector trail is shown along the east side of S. Kegley Road	Not on this property	n/a

CP = Comprehensive Plan STP = Sidewalk and Trails Plan **See Analysis below

DEVELOPMENT REGULATIONS:

The Commercial zoning district permits all retail and most commercial land uses, including auto dealerships with complete servicing facilities, building material sales, light manufacturing and heavy machinery sales and storage. Residential uses are allowed, except apartments. This district is intended to serve citywide or regional service areas.

According to the district's purpose statement in the Unified Development Code, the Commercial zoning district should be located at the intersection of major thoroughfares or highways. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. Adjoining zoning districts should be carefully selected to reduce environmental conflicts.

Commercial Zoning District	Minimum Standards
Front Setback	30-ft from Center of Street
Side Setback	0-ft *
Back Setback	0-ft **
Height	Any Legal Height
* <i>Unless adjacent to Residential District, then 10-ft. If building exceeds 40-ft, increase setback 1 foot for each 3-ft over 40-ft in height</i>	
** <i>Unless adjacent to Residential District, then 10-ft. (0-ft if boundary is alley)</i>	

STAFF ANALYSIS

Across the street, to the west of the subject property, is an agricultural use with a single house on multiple acres. Vacant undeveloped land lies to the north. The low density agricultural land and the properties to the north of the subject property are both identified as Suburban Residential, as shown on the attached Future Land Use and Character map (FLUMC).

The Comprehensive Plan projects that the ultimate zoning of a Suburban Residential area should be to a medium residential density district, which includes SF2, Single-Family Two; SF3, Single-Family Three; 2F, Two-Family (duplex); or TH, Townhouse. In support of this analysis, the subject property could be zoned to a lower intensity nonresidential district to buffer the projected residential area, such as NS, Neighborhood Services or O1, or O2, Office districts. The part of the property closer to the already developed nonresidential areas, east and south, could be GR, General Retail or C, Commercial. However, these options do not allow the use that the applicant requests on his application.

All uses to the south and east are basically commercial uses; therefore this zoning is marginally appropriate. The subject property fronts on a designated Minor Arterial, which is a major thoroughfare (as recommended in the district’s purpose statement). The property backs to the railroad and other retail and heavier commercial uses that are adjacent to I-35, many of which are contractor and warehouses uses. These uses are consistent with what the applicant is proposing. The change to C, Commercial is basically consistent with the current adjacent development.

PUBLIC NOTICE:

Staff mailed notices of the Planning and Zoning Commission’s public hearing to the six property owners within the 200-foot radius surrounding the zone change site. As of Wednesday, January 11, 2012 at 12:00 PM, no notices were returned in favor of the request and none were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on January 5, 2012 in accordance with state law and local ordinance.

STAFF RECOMMENDATION:

Staff recommends approval of the requested zone change to Commercial District for the following reasons:

1. The request basically complies with the Future Land Use and Character Map;
2. The request complies with the Thoroughfare Plan Map; and
3. Public facilities are available to serve the property.

FISCAL IMPACT:

Not Applicable

ATTACHMENTS:

Aerial, Thoroughfare and Sidewalk and Trails Plan Map

Land Use and Character Map

Zoning and Notice Map

Utility Map



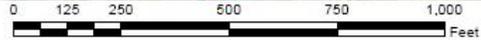
Z-FY-12-21

AG to C - Tr. 1, 7.684-ac & Tr. 2, 5.779-ac
out of George Givens Survey and
Nancy Chance Survey #5

2700 and 2800 Block
of S. Kegley Road



- ZFY 12-21
- Expressway
- Minor Arterial
- Proposed, Community Wide Connector Trail



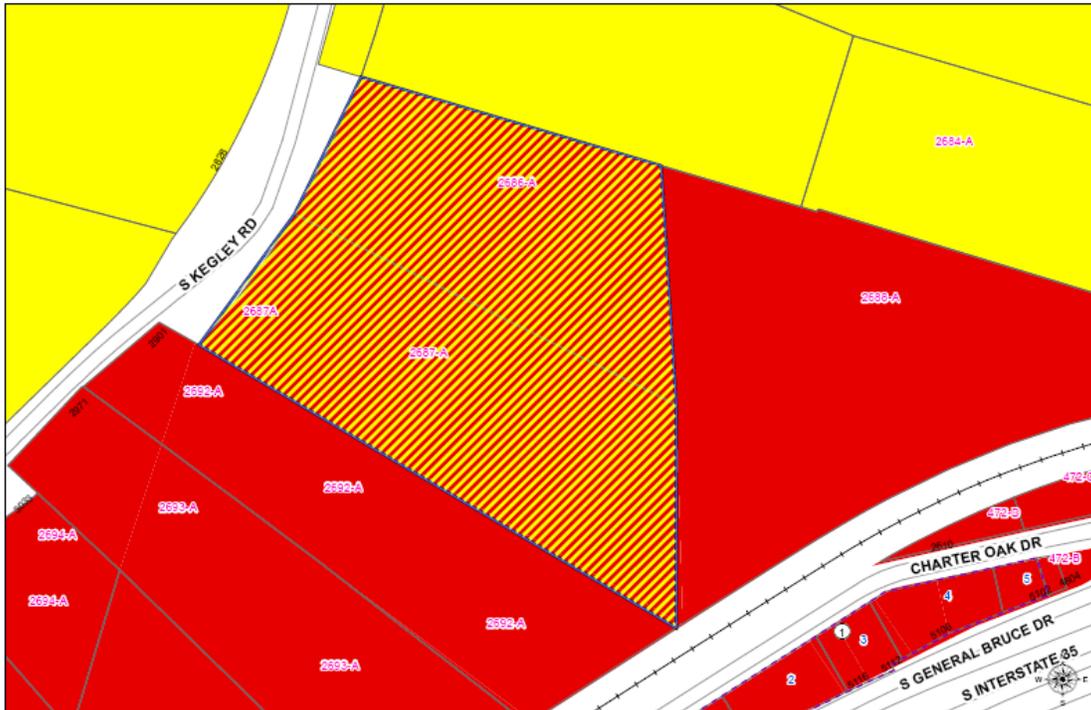
JCalhoun 12.21.11



Z-FY-12-21

AG to C - Tr. 1, 7.684-ac & Tr. 2, 5.779-ac
out of George Givens Survey and
Nancy Chance Survey #5

2700 and 2800 Block
of S. Kegley Road



- | | | | | | |
|--|--|--|--|---|---|
| ZFY 12-21 | 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 = 208 feet

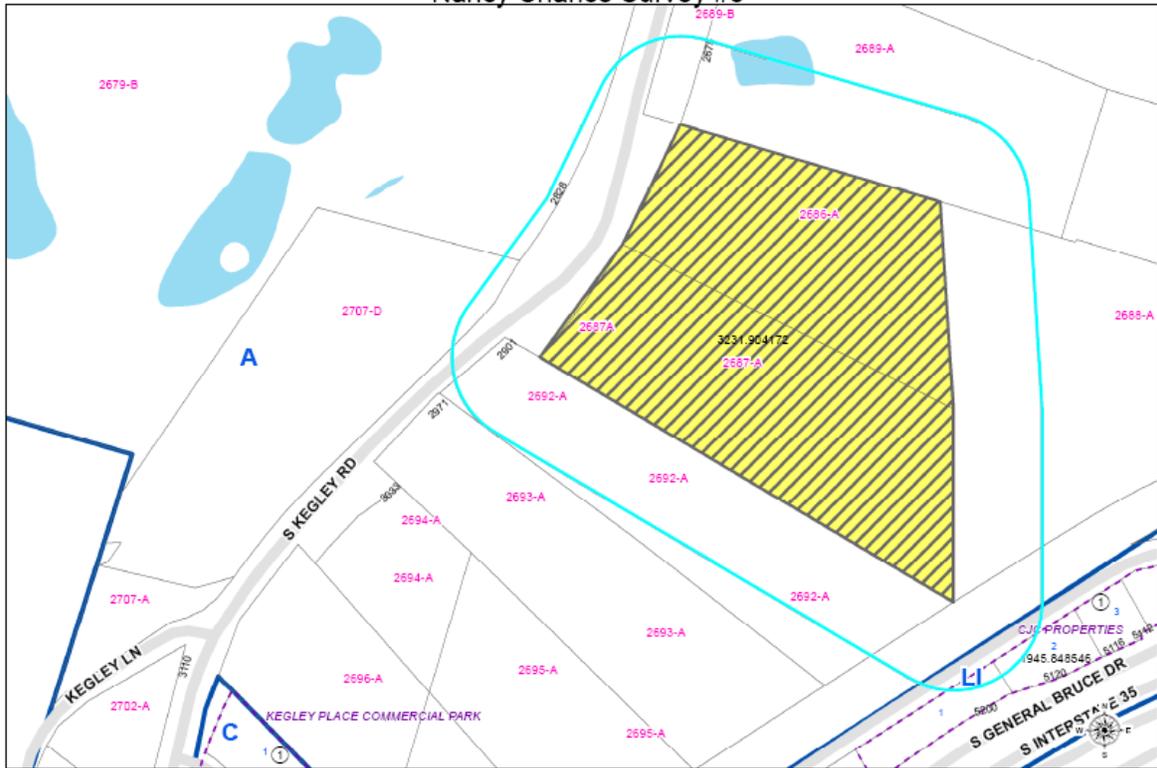
JCalhoun Planning 01.03.12



Z-FY-12-21

AG to C - Tr. 1, 7.684-ac & Tr. 2, 5.779-ac
out of George Givens Survey and
Nancy Chance Survey #5

2700 and 2800 Block
of S. Kegley Road



ZFY 12-21
 Subdivisions
 2211 Address
 zfy 1221 - 200-ft Notification Buffer
 229-Z Outblocks



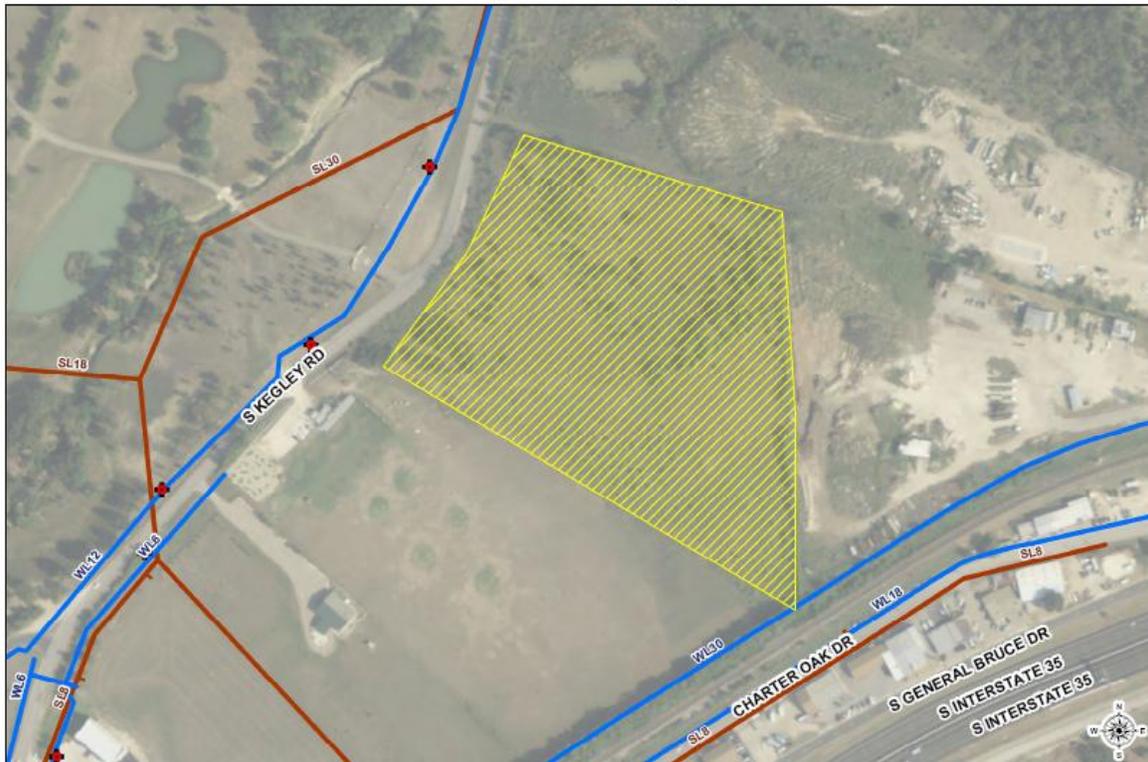
JMatlock Planning 12.20.11



Z-FY-12-21

AG to C - Tr. 1, 7.684-ac & Tr. 2, 5.779-ac
out of George Givens Survey and
Nancy Chance Survey #5

2700 and 2800 Block
of S. Kegley Road



ZFY 12-21
 Water Line
 Fire Hydrant
 Sewer Line



JCalhoun 12.21.11



PLANNING & ZONING COMMISSION ITEM MEMORANDUM

01/17/12
Item #3
Regular Agenda
Page 1 of 2

APPLICANT: City of Temple

DEPT. /DIVISION SUBMISSION & REVIEW: Autumn Speer, Director of Community Services

ITEM DESCRIPTION: Z-FY-12-19 Hold a public hearing to discuss and recommend action on an amendment to Ordinance 2010-4413, Temple Unified Development Code, Articles 5, 7, 8 and 11 of the Unified Development Code to: add “Kiosk” as permitted uses in the use table of certain zoning districts with specifications; remove “home occupation” as an allowable residential accessory use in the LI and HI zoning districts; Clarify all parking areas must be paved with either asphalt or concrete; Clarify that vehicular backing motions are prohibited into a public street from a parking area on all non-residential sites; Clarify utility poles or other obstructions are not permitted in sidewalks; and to establish or amend definitions related to such uses and 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 the use “Kiosk” to the use table in specific zoning districts.
2. Remove “Home Occupation” uses in the Light industrial (LI) and Heavy Industrial (HI) zoning districts.
3. Clarify all parking areas must be paved with either asphalt or concrete.
4. Clarify vehicular backing motions are prohibited into a public street from a parking area on all newly developed non-residential sites.
5. Clarify utility poles or other obstructions are not permitted in sidewalks.
6. Add definitions related to the above additions.

KIOSK USE (ATTACHMENT 1): This proposed amendment modifies Article 5 of the UDC. The proposed amendment adds the use “Kiosk”. Kiosks are defined as free-standing, non-manned, primary or accessory structures, within a pedestrian circulation or parking area, from which commercial activities are conducted. Examples include, but are not limited to, ice machines, automatic teller machines, and water vending machines. This definition does not include kiosk food sales. Kiosks are permitted in all non-residential zoning districts except Central Area with specific limitations.

HOME OCCUPATION IN LI AND HI ZONING DISTRICTS (ATTACHMENT 2): This proposed amendment modifies Article 5 of the UDC. The proposed amendment removes the ability for home occupation uses to be located in the Light Industrial (LI) and Heavy Industrial (HI) zoning districts. Residential uses were removed from these zoning districts several years ago and this change coincides with that previous amendment.

PARKING AREA MATERIALS REQUIRED (ATTACHMENT 3): This proposed amendment modifies Article 7 of the UDC. The proposed amendment clarifies all parking areas whether required or optional, must be paved with either asphalt or concrete.

BACKING MOTIONS IN PUBLIC ROW (ATTACHMENT 4): This proposed amendment modifies Article 7 of the UDC. The proposed amendment clarifies that vehicular backing motions are prohibited into public right-of-way from a parking area. All parking maneuvering must be provided for on site. This is a safety and traffic issue.

OBSTRUCTIONS IN SIDEWALKS (ATTACHMENT 5): This proposed amendment modifies Article 8 of the UDC. The proposed amendment clarifies utility poles or other obstructions are not permitted in sidewalks. ADA requirements must be met for these types of facilities.

DEFINITIONS (ATTACHMENT 6): This proposed amendment modifies Article 11 of the UDC. A definition for Kiosk has been included.

PUBLIC NOTICE: The newspaper printed notice of the Planning and Zoning Commission public hearing on January 5, 2012, in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of the proposed amendments.

FISCAL IMPACT: NA

ATTACHMENTS:

[Attachment 1: Article 5 Use Standards](#)

[Attachment 2: Article 5 Residential Accessory Uses](#)

[Attachment 3: Article 7 Parking Materials and Vehicular Backing Motions](#)

[Attachment 4: Article 8 Sidewalk Obstructions](#)

[Attachment 5: Article 11 Definitions](#)

Article 5: Use Standards

Sec. 5.1.1. 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
Discount or department store																	P	P	P	P	P	
Drug store or pharmacy															P	P	P	P	P	P	P	
Exercise gym	C										C	C	C			C	P	P	P	P	P	
Fabric store																P	P	P	P	P	P	
Florist or garden shop															P	P	P	P	P	P	P	
Food or beverage sales store without fuel sales																P	P	P	P	P	P	
Furniture and appliance sales and service																	P	P	P	P	P	
Greenhouse or nursery (retail)																P	P	P	P	P	P	
Handcraft and art objects shop															P	P	P	P	P	P	P	
Hardware store or hobby shop																	P	P	P	P	P	
Key shop															P	P	P	P	P	P	P	
Kiosk														L	L	L	L	L	L	L	L	<u>Sec. 5.3.24</u>
Laboratory medical, dental, scientific or research	C													C	P	C	P	P	P	P	P	
Laundry and cleaning (self-service)															P	P	P	P	P	P	P	
Medical appliances, fitting, sales or rental															P	P	P	P	P	P	P	
Mixed media store or newsstand															P	P	P	P	P	P	P	
Mortuary or funeral home															P	P	P	P	P	P	P	
Office supply store															P	P	P	P	P	P	P	
Pawn shop																	P	P	P	P	P	
Pet shop																	P	P	P	P	P	
Retail shop, gift, apparel, accessory and similar items															P	P	P	P	P	P	P	
Retail Sales and Service uses other than listed																P	P	P	P	P	P	

Article 5: Use Standards

Sec. 5.3. Specific Use Standards

5.3.24 Kiosk

A kiosk is permitted in accordance with the use table in Sec. 5.1 subject to the following standards:

- A. All of the Dimensional and General Development Standards in Article 4 and Article 7 of this UDC apply to a kiosk as if it were the principal use of the property.
- B. Drive-through kiosks must provide 3, 8-ft by 22-ft. queuing spaces per kiosk service window.
- C. Wall signs on the wall of a kiosk itself are the only sign type allowed for advertising the services of the kiosk. Wall signs on a kiosk are limited to a maximum of 25 percent of the surface area of each wall. Wall signs are permitted only on the sides of a kiosk that are visible from the public right-of-way.
- D. Pedestrian access to the kiosk use must be included from all pedestrian facilities, including but not limited to sidewalks.

Parking that serves as required parking for another use must not be used for either placement of the kiosk or for parking or vehicle maneuvering required by the kiosk unless additional parking exists for the adjacent use and a shared parking agreement is agreed upon by both property owners and submitted with the building permit application.

Article 5: Use Standards

Sec. 5.4. Accessory Uses and Structures

A. Residential Accessory Uses

P = Permitted by Right L = Permitted by Right Subject to Limitations
 [blank cell] = Prohibited C = Conditional Use Permit

Specific Use	A	UF	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
Accessory building (residential)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Accessory building (agricultural)	P	P	P	P	P																	
Accessory dwelling unit														L	L	L	L	L	L	L	L	5.4.3
Backyard compost operation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Home occupation	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	5.4.4
Stable, residential or noncommercial	L	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	5.4.5
Swimming pool, private	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	City Code Ch 34

.....

7.4.5 Off-Street Parking Design Standards

A. Dimensional and Access Standards

1. A typical 90 degree parking space must be striped and measure nine feet by 18 feet. ~~Such space must not be located on a public street or in an alley. Parking areas must be paved with either asphalt or concrete. A parking space or areas must include an asphalt or concrete driveway connecting the parking space or area with a street or alley permitting free ingress and egress to the street or alley.~~
2. Off-street parking spaces and areas must be designed so that a driver can exit the space or area without backing a vehicle into a public street, right of way or alley. This provision does not apply to residential uses in the following zoning districts: AG, UE, SF-1, SF-2, SF-3, SFA, SFA-2, SFA-3, 2-F, TH and MH.

~~B. Head-In Parking~~

1. ~~No off-street parking space or area may be designed to require or allow parking maneuvers to take place on the public street.~~
2. ~~The above provision does not apply to residential uses in the following zoning districts: AG, UE, SF-1, SF-2, SF-3, SFA, SFA-2, SFA-3, 2-F, TH and MH.~~

B. Material Standards

All parking areas (required and optional) must be paved with either asphalt or concrete. A parking space or area must include an asphalt or concrete driveway connecting the parking space or area with a street or alley permitting free ingress and egress to the street or alley.

8.2.3 Sidewalks

...

C. Dimensional and Construction Standards

1. Sidewalks along local and collector streets must be a minimum of four feet wide.
2. Sidewalks along arterial streets must be a minimum of six feet wide.
3. Sidewalks must be built in line with existing sidewalks. In the absence of an adjoining sidewalk, the edge of the sidewalk closest to the street must be a minimum of two feet from the curb. This section should not be construed to prohibit paving the area between the sidewalk and the street.
4. Sidewalks must be built in accordance with the Design and Development Standards Manual.
5. Construction plans must be submitted with the Building Permit application. Required sidewalks must be constructed before the Director of Construction Safety issues a Certificate of Occupancy.
6. Obstructions including, but not limited to utility poles and signs are not permitted in sidewalks.

Article 11: Definitions

Sec. 11.2. Defined Terms

...

Kiosk. A free-standing, non-manned, primary or accessory structure, within a pedestrian circulation or parking area, from which commercial activities are conducted. Examples include, but are not limited to, ice machines, automatic teller machines, and water vending machines. This definition does not include kiosk food sales.

Laundry and Cleaning (Self-Service). To be of the customer self-service type and not a commercial laundry or cleaning plant.

Layer: A range of depth of a lot within which certain elements are permitted. (Ord. 2010-4415)

Livestock Auction. Barns, pens and sheds for the temporary holding and sale of livestock.

Live/Work Unit: A mixed use unit consisting of both commercial and residential functions. The commercial function may be anywhere in the unit. It is intended to be occupied by a business operator who lives in the same structure that contains the commercial activity or industry. (Ord. 2010-4415)

Living Unit. The room or rooms occupied by a family and must include cooking facilities.

Loading Space. An off-street space or berth used for the loading or unloading of commercial or industrial vehicles.

Logo. Any registered trademark of an organization, individual, company or product that is commonly used in advertising to identify that organization, individual company or product.

Lot. An undivided parcel of land, identified by a number and designated as a distinct and separate property on a fully approved subdivision plat properly filed of record.

Lot, Corner. A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.

Lot Line. A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

Lot of Record. A lot that is part of a subdivision, the plat of which has been recorded in



PLANNING AND ZONING COMMISSION AGENDA ITEM

1/17/12
Item #4
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
Z-FY-12-24 - Rezoning from GR to PD-MF1, on Lot 10, Block 1, Elmwood Addition, located at 4011 Brooklawn Drive.	DRC 1/25/12	Applicant wants to do 3 duplexes (6 units in all) on a single lot. Existing zoning does not allow this because this is essentially a small apartment complex.
Z-FY-12-23 Amendment to Ordinance No. 2001-2748, originally approved March 1, 2001, Planned Development Neighborhood Service) District, to allow additional mini-storage units on Lot 1, Block 1, Johnson Lone Star Properties Addition, located at 7950 North State Highway 317.	DRC 1/25/12	Applicant wants to add additional storage units to this existing PD. Requires P&Z and Council approval to amend PD.
Z-FY-12-22 - Rezoning from 2F, GR, and GR with CUP to Commercial District on Lots 9 – 12, Block 17, Temple Heights Addition, located at 1208 and 1210 South 53 rd Street and 2702 and 2706 West M Avenue.	P&Z 02/06/12	Body shop next door wants to expand onto old Pizza Hut / Laundromat property.

City Council Final Decisions	Status
Z-FY-12-01 - Consider adopting an ordinance authorizing an amendment to Ordinance 2008-4230, Temple Comprehensive Plan, Section 3: Future Land Use and Character Plan Map, Figure 3.1.	APPROVED on 2 nd Reading
Z-FY-12-05(A) - Consider adopting an ordinance authorizing amendments to Articles 5, 6 and 11 of the Unified Development Code to add “Recreational Vehicle Park” as a Conditional Use in the use tables and to establish a definition related to such addition.	APPROVED on 2 nd Reading
Z-FY-12-06 - Consider adopting an ordinance authorizing 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.	APPROVED on 2 nd Reading
Z-FY-12-07 - Consider adopting an ordinance authorizing 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.	APPROVED on 2 nd Reading
Z-FY-12-08 - Consider adopting an ordinance authorizing an amendment to Ordinance 2008-4230, Temple Comprehensive Plan, Section 5: Transportation Plan Map, Figure 5.2, to designate the existing and future Westfield Boulevard from West Adams Avenue to State Highway 36 as an arterial road and to reclassify North Pea Ridge Road from West Adams Avenue to State Highway 36 from a minor arterial to a collector road.	APPROVED on 2 nd Reading
Z-FY-12-16 - Consider adopting an ordinance authorizing 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.	APPROVED on 2 nd Reading
Z-FY-12-05(B) - Consider adopting an ordinance authorizing 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 “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.	APPROVED on 1 st Reading



**PLANNING AND ZONING COMMISSION
MEETING EVALUATION
January 17, 2012**

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

2012															
	Jan 3	Jan 17	Feb 6	Feb 21	Mar 5	Mar 19	Apr 2	Apr 16	May 7	May 21	June 4	June 18	P	A	
James Staats	P												1		
Mike Pilkington	P												1		
Allan Talley	P												1		
Derek Martin	P												1		
Will Sears	P												1		
Greg Rhoads	A													1	
David Jones	P												1		

	July 2	July 16	Aug 6	Aug 20	Sept 4	Sept 17	Oct 1	Oct 15	Nov 5	Nov 19	Dec 4	Dec 17	P	A
James Staats														
Mike Pilkington														
Allan Talley														
Derek Martin														
Will Sears														
Greg Rhoads														
David Jones														

 not a Board member