

**NOTICE OF MEETING  
PLANNING AND ZONING COMMISSION  
CITY MUNICIPAL BUILDING, 2 NORTH MAIN STREET  
STAFF CONFERENCE ROOM, 1<sup>ST</sup> FLOOR  
FEBRUARY 21, 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, February 21, 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, 2<sup>ND</sup> FLOOR  
FEBRUARY 21, 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 February 6, 2012.

**B. ACTION ITEMS:**

**Item 2:** [Z-FY-12-31](#) - Consider and make recommendation on an Appeal of Standards in Sec. 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District including landscaping, building treatment, and parking lot additions for Starbucks Coffee, located at 111 N. General Bruce Drive.

**Item 3:** [Z-FY-12-28](#) - Hold a public hearing to discuss and recommend action on an amendment to Ordinance Number 2001-2778, originally approved July 5, 2001, Planned Development (Office One) District, to allow a fenced contractor storage and equipment yard on 0.91 acre ± situated in the Maximo Moreno Survey, Abstract 14, City of Temple, located at 3802 South 5th Street. (Applicant: Randy Fulton)

- Item 4:** [Z-FY-12-26](#) - Amendment to Ordinance No. 2003-3908, originally approved June 19, 2003, PD-C District with a CUP to allow the sale of alcoholic beverages for on-premises alcohol consumption where the gross revenue from the sale of alcoholic beverages is more than 75% of the total gross revenue for a proposed dance hall and restaurant located at 4984 West FM 93. (Applicant: Lorinda Baum for David Beevers)
- Item 5:** [Z-FY-12-25](#) - Discuss and recommend action on a rezoning from Two Family District (2F) to General Retail District (GR) on a 0.939 ± acres tract of land out of the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, located at 2102 Scott Boulevard. (Applicant: City of Temple)

**C. REPORTS**

- Item 6:** Receive and discuss the Planning Department's [Annual Report](#).
- Item 7:** Receive and discuss the [Planning Director's Report](#) containing items for future meetings regarding subdivision plats, zoning cases, conditional use permits, annexations, and proposed text amendments to the Unified Development Code. **(continued, if not completed in Work Session)**

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 2:00 PM, on February 16, 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  
FEBRUARY 6, 2012  
5:00 P.M.  
WORK SESSION**

**PLANNING AND ZONING MEMBERS PRESENT**

Chair Derek Martin

**COMMISSIONERS:**

David Jones  
Derek Martin  
Will Sears

Greg Rhoads  
Mike Pilkington  
James Staats

**PLANNING AND ZONING MEMBERS ABSENT:**

**STAFF PRESENT:**

Brian Mabry, Planning Director  
Trudi Dill, Deputy City Attorney  
Leslie Matlock, Senior Planner  
Tammy Lyerly, Planner  
Mary Maxfield, Planning Technician  
Leslie Evans, Administrative Assistant  
Jacob Calhoun, Planning Intern

**The agenda for this meeting was posted on the bulletin board at the Municipal Building 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., assigned the Invocation and Pledge, and asked Mr. Brian Mabry, Planning Director, to proceed.

Mr. Brian Mabry, Planning Director, stated the only Consent Item was the minutes from January 17, 2012 meeting.

The three Action items included a straight rezoning from 2F and GR at the old Pizza Hut at Avenue M and 53<sup>rd</sup>. Temple Collision Center would like to use that for parking their vehicles they work on. Mr. Jacob Calhoun, Planning Intern, has previously met with the applicant to discuss screening, landscaping, and paving requirements if approved. The current site has existing screening.

Vice-Chair Staats stated they continually wash vehicles and parts in front on Avenue M and all the solvents, paint chips, etc., goes down the gutter and into the creek. Vice-Chair Staats asked Code Enforcement to get involved but eventually it starts again. Vice-Chair Staats does

not believe this is good for the creek. Vice-Chair Staats stated TECQ kicked it back to the City of Temple since it involves the streets. Mr. Mabry will discuss this with Code Enforcement. Staff recommends approval.

Item three is an amendment to an existing PD approved originally in 2001 called Amy's Attic located on State Highway 317. They have an existing mini-warehouse facility and want to add on in the back four more buildings with storage units. A site plan will be shown with the new buildings. Staff recommends approval with additional conditions. When the first PD was approved and the business opened, some things were not completed. The sidewalk was never installed and Staff is requesting this to be built. The current trees along the front only have three trees and need two more. A portion of the north side of the property needs to have the fence extended along the boundary so it is no longer adjacent to the property. The applicant is aware of these provisions.

Item four is a new PD for Brooklawn Drive. The property is zoned GR and the surrounding properties are residential lots which are also zoned GR. The applicant proposes to do a PD on the property which include three residential buildings with two units each for a total of six units situated on half an acre. There is a site plan and elevations for this proposal which would become part of the Ordinance if approved.

Several comments have been received regarding this case: two were in favor and seven were opposed. This triggers a supermajority vote from City Council.

Mr. Mabry clarified these buildings would have two, two-story units per building, for a total of six units on the property

Landscaping shown on the site plan would exceed the City's minimum requirements. The Fire Department is satisfied with the fire access. The back two buildings are to be sprinklered with heads in the ceiling which the Fire Department supported and would help in solving truck access.

Handcarts that would be pushed to a waiting area at the front of the street would be used instead of dumpsters.

Mr. Mabry stated two more Commissioners were appointed: Chris Magana and Paul Erchinger.

Mr. Mabry requested deferral of the Planning & Zoning Commission Ordinance presentation until a later time when the new Commissioners can join in. The Ordinance summarizes parliamentary rules and procedures for the Commission. The Annual Report will be given at the same meeting. Mr. Mabry will present the Annual Report to the Commission and traditionally, the P&Z Chair presents it to City Council. If Chair Martin is unavailable, Vice-Chair Staats will present the Report.

Mr. Mabry presented the Director's Report.

Amendment to existing PD on S. 5<sup>th</sup> Street. The current operator of the business would like to add a screened contractor storage area.

Bo's Barn has relocated to Highway 93 in the old Ranch building. They currently have a CUP for less than 75% of revenue from alcohol and this CUP is a request to sell more than 75% of revenue from alcohol sales. This would include mixed drinks, beer, and wine.

Rezoning from 2F to GR on Scott Boulevard just past Scott and 31<sup>st</sup> St. This is a land swap between the City and Dr. Mahta.

## City Council Decisions:

UDC cleanup involving time limits to CUPs, add shelters as conditional uses in the use table, to increase TMED street tree setback by one foot, to deal with sidewalks and signs in I-35 and definitions. Everything was approved except signs on second reading. Signs were approved at third reading.

Final plat for Lake Pointe Phase II by Pea Ridge and Prairie View. The City Council approved the final plat but did not approve the exception to the public utility easement requested. The applicant will work with Oncor to draw in an easement on the plat.

Westfield Development Phase VIII abutting Pea Ridge Road was approved on first reading with the alternate internal sidewalk alignment that fees to the school. Mr. Kiella was requesting an exception to building a sidewalk along Pea Ridge Road.

Vice-Chair Staats asked about the I-35 appeal update and Mr. Mabry stated City Council voted at first reading to have any I-35 appeals go to P&Z for recommendation first and City Council would be the final decision maker. This would only be one meeting with P&Z and one meeting with City Council. P&Z will not be making final decisions on appeals.

Mr. Mabry stated Starbucks would be presenting an appeal at the next P&Z meeting. There is already an established site and the applicant would like to add additional landscaping in order to come more into compliance along with some remodeling of the building. Staff supports this appeal.

Discussion regarding I-35 overlay.

Discussion regarding three meeting absences from P&Z. Ms. Trudi Dill, Deputy City Attorney, stated the Ordinance is the same for all City Boards. Members have the option to reapply to the Board(s) if they are removed from a Board.

There being no further discussion, Chair Martin adjourned the meeting at 5:30 P.M.

**PLANNING AND ZONING COMMISSION  
FEBRUARY 6, 2012  
5:30 P.M.**

**PLANNING AND ZONING MEMBERS PRESENT**

Chair Derek Martin

**COMMISSIONERS:**

Will Sears	James Staats
H. Allan Talley	Mike Pilkington
David Jones	Greg Rhoads

**PLANNING AND ZONING MEMBERS ABSENT:**

**STAFF PRESENT:**

Brian Mabry, Planning Director  
Trudi Dill, Deputy City Attorney  
Leslie Matlock, Senior Planner  
Tammy Lyerly, Planner  
Mary Maxfield, Planning Technician  
Leslie Evans, Administrative Assistant  
Jacob Calhoun, Planning Intern

**The agenda for this meeting was posted on the bulletin board at the Municipal Building, February 2, 2012 at 8:15 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 5:38 P.M.

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

**A. CONSENT ITEMS**

**Item 1: Approval of Minutes:** Work session and the regular meeting of January 17, 2012.

Approved by general consent.

## **B. ACTION ITEMS**

**Item 2: Z-FY-12-22** - Hold a public hearing to discuss and recommend action on a rezoning from Two Family District (2F), General Retail District (GR), and General Retail with a Conditional Use Permit to Commercial District on Lots 9 – 12, Block 17, Temple Heights Addition, located at 1208 and 1210 South 53rd Street and 2702 and 2706 West M Avenue. (Applicant: Karl Miller)

Chair Martin stated since there were three action items on the agenda requiring public hearings, due to the amount of citizens in attendance, speakers should limit their comments to three minutes.

Mr. Jacob Calhoun, Planning Intern, stated the applicant is requesting a rezoning from General Retail (GR), GR with a Conditional Use Permit (CUP) and Two Family (2F) to Commercial (C) to expand his auto collision business. The applicant will be using the building stock with no addition planned at this time. The current plan is to use the land behind the Laundromat as a parking area for customers' vehicles. The CUP on the property was originally for the Catfish House back in the '80s. The applicant has agreed to new commercial development standards since this is a new commercial development.

The subject property (old Pizza Hut) is currently zoned GR. The properties to the south include GR, to the east is C (Temple Collision) and 2F and GR, to the north include C and the west is partially C and some GR.

The Trails and Thoroughfare Plan show Avenue M as a minor arterial with a proposed local connector trail on the east side of 51<sup>st</sup> Street. The Future Land Use and Character Map designates this area as Auto-Urban Commercial with a small neighborhood conservation area to the south. The utilities include proper water and sewer on site and a fire hydrant.

Sixteen notices were mailed out to surrounding property owners. Two were returned in favor of the request and one was in opposition.

Commercial zoning district permits all retail and most commercial land uses, including major and minor vehicle repair. For major vehicle repair all buildings must be set back a minimum of 20 feet from either residentially zoned or public property, such as school or park, and vehicle repair must be conducted within a building.

Staff recommends approval for the rezoning request from GR 2F, and GR CUP, to C since it complies with the Future Land Use and Character Map, Thoroughfare Plan and there are adequate public facilities to serve the site.

Commissioner Rhoads asked if there were plans for the building to come down. Mr. Calhoun stated the applicant would be using the existing building and surrounding the parking lot area with a fence.

Chair Martin opened the public hearing.

Ms. Barbara Carpenter, 536 Chatham Road, Temple, Texas, stated she owns property across the street and there is a lot of traffic up and down that street. Mr. Miller has a very nice fence around the house next door to Mr. Carpenter, however, there is a tremendous amount of traffic

from employees and loud music. It was a residential area at one time and is becoming more commercial. Ms. Carpenter did not feel 51<sup>st</sup> Street could handle any more traffic since it is already congested. Avenue M handles more traffic but there are three residential houses on the other side of the street.

Ms. Carpenter stated she receives complaints all the time from her rental tenants (at 1207 S. 53<sup>rd</sup> Street) regarding loud music, noise, and the amount of traffic. Ms. Carpenter feels the traffic would become even worse with more commercial in the area.

Ms. Carpenter gave a description of the local homes/businesses on the map and stated the Collision Center has a nice privacy fence around it.

Vice-Chair Staats asked about the loud music and if it was coming from the current business. Ms. Carpenter stated a lot of employees park up and down the street now and maybe that was it but could not state for certain where it came from. Ms. Carpenter has picked up trash, heard loud music and has seen employees park up and down the street.

Commissioner Talley asked if anyone has gone to the employer to talk about the parking or to the City to have No Parking signs installed. Ms. Carpenter stated no.

Chair Martin asked what Avenue M was classified as and Mr. Calhoun stated it was a minor arterial which does not hold as much traffic such as Adams Avenue, but higher than most residential roads.

Chair Martin asked what the procedure would be to have No Parking signs installed on the streets and Mr. Calhoun stated they would most likely have to talk with Public Works/Streets Department.

Mr. Karl Miller, 1358 Eagle Bluff Drive, Troy, Texas, is the applicant and stated the loud music always came from the Laundromat and what he claimed as drug dealers living across the street behind Sterling's sign business. The Police did come out several times regarding the music but none of his employees were ever caught playing loud music, and Mr. Miller would fire them if they did. Mr. Miller stated there is less traffic on the street since getting rid of the Laundromat because no traffic is coming in. The property will only be used for parking, nothing else. Mr. Miller plans on putting a new roof on the building along with white rock stone and make it look nicer. Mr. Miller claims he has cleaned up the neighborhood by tearing down the large house at 51<sup>st</sup> Street and two other houses he claimed were being used as drug houses.

Mr. Miller does not feel traffic will be an issue since the Laundromat no longer exists.

Commissioner Jones asked what type of fence would be installed and Mr. Miller responded a six foot wood fence around the entire area.

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

Vice-Chair Staats made a motion to approve Item 2, **Z-FY-12-22** and Commissioner Talley made a second.

*Motion passed: (7:0)*

**Item 3: Z-FY-12-23** - Hold a public hearing to discuss and recommend action to an amendment to Ordinance No. 2001-2748, originally approved March 1, 2001, Planned Development Neighborhood Service) District, to allow additional units and covered RV parking on Lot 1, Block 1, Johnson Lone Star Properties Addition, located at 7950 North State Highway 317. (Applicant: Doyle Spigener for RAS Investments)

Ms. Leslie Matlock, Senior Planner, stated this Planned Development (PD) amendment was for Amy's Attic Storage Warehouses and would be heard at City Council on March 1<sup>st</sup> for first reading and March 15<sup>th</sup> for second reading.

Surrounding properties include Windmill Farms Subdivision to the west, vacant residential house on acreage to the north, and vacant undeveloped land to the east and south.

The applicant's proposed site plan, if recommended and approved, would become part of the Ordinance. Ms. Matlock explained that the retaining wall now being built on the subject property is for site drainage and not part of this PD amendment.

The original PD Ordinance called for three things that are not built at this time. The new site plan shows these items except for the extension of the six foot wooden buffer fence. There should be five conforming trees and should be planted along the right-of-way as well as a six foot wide sidewalk across the frontage. Current conditions show no sidewalk installed and there are three trees instead of the required five. Two more trees should be planted and the sidewalk needs to be built. The use is expanding beyond the current units and there should be an extension of the buffer fence.

On the applicant's proposed plans the rear storage building which is eight and a half feet tall, extends across the entire property line adjacent to the residential homes on the west. The unit will be placed two feet higher than shown, plus the eight and a half feet will put the back storage unit approximately as high as the fences of the adjacent residential homes. Normally applicants are requested to put a six to eight foot buffer of a masonry fence or row of closely spaced hedges, 6 ft tall when planted. In this case, the additional fence or landscaping would not be visible as a buffer from the houses and the blank wall would be just as effective.

Twenty-eight notices were mailed out: three notices were returned in opposition and one notice in favor of the request.

State Highway 317 is classified as a major arterial and can support this commercial development, it complies with the Thoroughfare Plan, and public and private facilities extend to the site and appear adequate for use.

Staff recommends approval of this amendment subject to the revised site plan and the following conditions:

1. Extend the northern fence buffer along the remainder of the residential property line;

2. There be two additional, two to three inch caliper, 65 gallon oak species trees planted along the right-of-way; and
3. A six foot sidewalk be installed as shown on the original planned development site plan.

Chair Martin asked if Staff has discussed these requested items with the applicant and Ms. Matlock stated yes.

Commissioner Talley asked if the owner has had any contact with the residents who objected to this request. Ms. Matlock stated these requests were received late last week and the applicant has not yet received copies.

Commissioner Rhoads asked who was responsible for maintenance of the small piece of property between Windmill Farms and the fence. Ms. Matlock stated that belonged to the property owners of the residences. Vice-Chair Staats stated the retaining wall was entirely on the property of the residential landowners. Photo was shown for explanation.

Commissioner Pilkington asked about the sidewalk not being built previously but they are operating their business. Ms. Matlock stated it was required in 2001 when the PD was approved but for some reason did not get built so Staff is asking for the sidewalk to be installed. Vice-Chair Staats asked if there were a reason given for not complying with original PD. Ms. Matlock stated the land was sold several years ago and the new owners wanted to expand and would not have known what happened. Commissioner Pilkington asked if Staff would be monitoring this closely and not allowing a C.O. until everything is done and Ms. Matlock said they would do their best.

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

Commissioner Talley had a concern about not complying the first time and with the number of complaints, something was wrong. Chair Martin stated if this passed, he hoped the City would follow up and make sure everything is complied with and installed as instructed.

Commissioner Rhoads made a motion to approve Item 3, **Z-FY-12-23**, and Commissioner Jones made a second.

*Motion passed: 7:0*

**Item 4: Z-FY-12-24** - Hold a public hearing to discuss and recommend action on a rezoning from General Retail District (GR) to Planned Development (Multiple Family One) District (PD-MF1), on Lot 10, Block 1, Elmwood Addition, located at 4011 Brooklawn Drive. (Applicant: Patrick Guillen for Oak Park United Methodist Church)

Ms. Lyerly stated this case is scheduled for City Council on March 1<sup>st</sup> for first reading and March 15<sup>th</sup> for second reading.

The subject property is zoned GR which allows retail uses such as stores, restaurants, and gas stations. The applicant is requesting a rezoning from GR to a PD-MF1. GR district does not allow any type of multi-family development, however, it does allow a single duplex on a lot. The applicant proposes three residential structures, each structure with two dwelling units

equaling six dwelling units on the subject property. This odd shaped property is located along Brooklawn Drive.

Surrounding properties include some residential to the north, east, and south with vacant land to the west.

Elevations of proposed structures were shown and dimensions were given. These would be two story structures with a single garage; one building in the front area and two buildings at the rear. The sides would be full brick on the sides and Hardi Shingle Siding on the front of the second story. The only entrance into the development would be off of Brooklawn Drive, with a proposed drive aisle of 24 feet that wraps around with a hammerhead turnaround. This portion of Brooklawn Drive does not have any curbing, only edge of pavement, and the applicant proposes to add curbing along the front of the property which would improve the area. Some of the existing trees will be preserved on the property and ornamental trees will be added, along with ground cover plantings. A crushed granite trail along the south will allow residents to take individual trash receptacles down the path to an area designated for pickup. No dumpster will be on site. The rear two buildings (Building 2 and 3) will both be sprinklered (a sprinkler system installed inside the buildings) and the Fire Department liked this idea for fire prevention. Sidewalk areas will be internal for residents and a six foot high privacy fence adjacent to the residential uses would be built. Any exterior lights will be pointing downward.

Commissioner Talley asked why Building 1 would not have a sprinkler system. Ms. Lyerly explained it was not close to another structure and nearer to the entrance so there is no problem with the Fire Department. The sprinkler systems in the rear buildings were safer because they are within five feet of each other and located at the back of the lot.

Vice-Chair Staats asked about on-street parking inside the development. Ms. Lyerly stated they would have a garage area and another parking area next to it, making two parking spaces per dwelling unit. The applicant is meeting the drive aisle standards as far as being 24 feet wide and the aisles would not accommodate parking, only two-way traffic.

Chair Martin asked for confirmation that the current zoning of GR allowed for a developer to build a two story nonresidential building and Ms. Lyerly stated GR allowed for a three story building, however, the applicant's PD-MF1 would only allow a two story structure.

The Future Land Use and Character Map designates the area as Neighborhood Conservation. The applicant's request for multi-family development fits into a residential use which brings the property more into compliance with the Land Use and Character Map versus General Retail which is what the property currently is zoned.

Commissioner Talley asked what the square footage was for Building 1. Ms. Lyerly stated each unit was approximately 2,310 square foot including the front porch. Commissioner Rhoads asked why Oak Park Methodist Church was involved and Ms. Lyerly stated they owned the property.

Ms. Lyerly stated there was a six-inch sewer line along the property's rear side and a six-inch water lines along Brooklawn so utilities are available.

Nineteen notices were sent out: two were received in favor of the request and seven responses were in opposition. With the negative responses equaling 20.92% of opposition, a supermajority vote will be required at City Council level in order for this item to be approved.

Staff recommendation is for approval of the requested rezoning of PD-MF1 since the request brings the property into more compliance with the Future Land Use and Character Map, complies with the Thoroughfare Plan, public facilities are available to serve the property, and since this is a PD, the site plan and elevations shown would track with the Ordinance if approved meaning any development on this property would have to follow the site plan submitted.

Chair Martin asked about the sewer line and the ability to handle the additional buildings. Ms. Lyerly stated she alerted Public Works to research this matter after receiving the comments regarding the sewer lines.

Commissioner Jones asked if anything had been discussed with the owners regarding the maximum allowed vehicles in the development, per family, or to allow emergency vehicles. Ms. Lyerly stated the applicant met with Staff, including the Fire Marshall, at Development Review Committee (DRC) regarding the site plan. Traffic flow was a major concern and the property was redesigned to increase circulation and better maneuverability for emergency vehicles. The parking was reconfigured to allow more parking space and maneuverability and the applicant has met the minimum requirements.

Commissioner Jones asked if the families would be limited on the amount of cars allowed. Ms. Lyerly stated the development only allowed two parking spaces per dwelling unit, which is the minimum allowed. Commissioner Jones asked about the number of additional family vehicles allowed and if the quantity was discussed. Ms. Lyerly stated no, they just looked at the site plan and were going with minimums and how they could fit on the space.

Vice-Chair Staats asked if the entire drive would be redlined as a fire lane. Ms. Lyerly stated she did not believe it would be redlined as a fire lane. It exceeds the 21-foot width for a fire lane and is going to be 24 feet wide. If the Commission wanted to add conditions, those conditions could be part of the Ordinance. Vice-Chair Staats stated he did not feel there was enough parking for visitors and at least one side should be redlined. He stated the parking looks ill-conceived.

Ms. Lyerly stated the whole area is zoned GR. When Ms. Lyerly spoke with some of the property owners, they were surprised to find out the area was zoned GR. It allows single family development but this area has been GR since the 1960's. The property belonged to the Cater Family who set up a lot of the development before the homes were built. Several of the homes were built around 1963.

Chair Martin opened the public hearing.

Mr. Paul Contrucci, 4013 Redbird Lane, Temple, Texas, stated his entire house was flooded through sewage and he spent \$25,000 to \$30,000 fixing it and now these three buildings may be added. There are already nine cars parked every night on the street adjacent to another house on Redbird and sometimes he has difficulty getting out of his driveway because it is blocked. Mr. Contrucci stated the sewage lines in the area are old.

Mr. Contrucci stated this matter had ethical values not being observed by the Church for them to do this to a community. It is a single family residence neighborhood and that is the way it was set up originally by Mr. Cater. Mr. Contrucci does not know what the City has done since 1963 to change it, but "all of a sudden this stuff happens." Legally the City can be correct; ethically there are problems.

Enterprise Rental Car has cars parked there already every morning and traffic comes through the neighborhood to avoid I-35 so plenty of traffic is on the street already. Someone moving into the development will add four or five more families with even more cars.

Mr. Contrucci stated he did not receive a notice letter and Ms. Lyerly informed him he was outside of the 200 foot radius. Mr. Contrucci stated people 300 and 400 feet away were affected by what is happening just as much as the 200 foot homes.

Commissioner Rhoads asked Mr. Contrucci if he knew where the nine cars came from he mentioned earlier. Mr. Contrucci stated they were from people that stay there overnight. Mr. Contrucci also stated they have been talking with the City for four years and nothing has been done.

Mr. Asa Hall, 4006 Redbird Lane, Temple, Texas, stated he did not understand how three multi-family dwellings could fit onto half an acre. Building Two is against his back fence. Mr. Hall has a single story house and even if a six foot privacy fence were built, with a two story house they will be able to look right into his home and he will have no security or privacy. Mr. Hall stated his home was 1600 square feet, has a little over half an acre, and the house takes up most of the property. He did not see how three buildings would fit on the subject lot.

Mr. Hall stated the sewage is already a problem and the possibility of adding six more families will make it even worse. Ms. Lyerly stated the pipe was six inches.

Mr. Hall's concerns were privacy and security. The buildings will be literally against his back fence.

Chair Martin agreed with Mr. Hall but stated since the area is zoned GR, a developer could come in and build a two story GR nonresidential building because it would be allowed. Mr. Hall stated when he purchased the home six years ago he was informed he could not run a business out of his home. Since the area is zoned GR, Mr. Hall felt he should be able to do that. According to Mr. Hall, this stipulation was written into his deed/contract work when he purchased the house but does not know who put it in the paperwork. Vice-Chair Staats stated the seller can include whatever restrictions they want and if you sign the paperwork you have agreed to it. Mr. Hall stated if the area is zoned GR he should be able to run a business out of house. Vice-Chair Staats stated unless he agreed to the seller's stipulations. Mr. Hall stated once it was his property they had nothing to say about it. Vice-Chair Staats stated that was not true; once Mr. Hall agreed to a certain contractual obligation when the property was purchased, it extends to the life of Mr. Hall's ownership.

Mr. Hall's main concern was the privacy factor. Even with a six foot fence he will have no privacy.

Commissioner Sears asked if Mr. Hall's home had had sewage backup as well. Mr. Hall stated he has had four instances in the six years he has lived in the home with sewage backing up in

his bathtub/shower stall. Mr. Hall stated Roto-Rooter was out recently to fix another problem in the bathroom and admitted it was partly his line underneath his patio. The City "supposedly" replaced the sewer line to his house prior to him purchasing the home. When asked if this problem was Mr. Hall's or the City sewer lines, Mr. Hall stated this backup was his problem. Mr. Hall stated the problems the neighbors are having are from City sewage.

Commissioner Jones asked about the privacy issue. Commissioner Jones stated he drove by Mr. Hall's home and could look into his back yard from Brooklawn. Mr. Hall stated there were enough bushes and trees there. Commissioner Jones stated there were very few and was curious about the privacy issue and why Mr. Hall had not put up a fence in six years when anyone driving by could look. Mr. Hall stated driving by a house was different than sitting at a window looking into a back yard.

Mr. Robert Ranly, 4010 Redbird Lane, Temple, Texas, stated he purchased his lot in 1963 and the abstract stated it was single family; nothing says GR for any of the property. Mr. Ranly built his home in 1964.

Chair Martin asked if Mr. Ranly had any sewage issues and he said no, but further down there were a lot of problems. The easement runs alongside Mr. Ranly's property.

Mr. Ranly did not feel the lot was big enough to put three buildings on it and have enough parking spaces.

Mr. Joe Vargas, 4005 Redbird Lane, Temple, Texas, stated his main concern was the parking issue. There is no room for parking now and additional visitors will be a problem. Enterprise Rental Car has cars that make it a bit difficult in the mornings and afternoons and visitors will make it more difficult. If young couples with children move in, there are no slow signs or speed bumps, and people drive through there very fast. Traffic and parking are big concerns.

Mr. Greg Lewis, 2928 Avenue P, Galveston, Texas, stated he is working with Mr. Guillen on this project and would like to address the concerns brought up. The sanitary sewer issues need further investigation; however, at this time they have been told it is ok.

Mr. Lewis stated there would be no problem red stripping the lanes for emergency vehicles to keep people from parking on the streets.

Mr. Lewis stated since the road into the development is a dead end, the back two buildings would be sprinklered which made the Fire Department more comfortable.

Mr. Lewis stated the buildings were rearranged and staggered, the drive aisle was widened from 21 feet to 24 feet for better access, a single-car garage in every unit, two for each building, space for a car in the driveway, plus two parking places close to the front of the street. The minimum requirements have been met plus an additional two spaces.

Mr. Lewis stated there were things that could be done to address the privacy concerns such as high windows, opaque glass, etc.

Commissioner Rhoads asked if the three buildings would fit on the property based on the site evaluation and the way it is designed. Mr. Lewis stated yes, each building is a two-story unit about 1600 square feet a piece, 24-foot access drive with a turn-around space for the end units, the two rear buildings are as close as possible (approximately five feet apart), a firewall

will be there, and the rear buildings are as close to the back fence as possible with 24% of the land left for landscaping, which is more than required. They also made space off the street along the front for the trash receptacles so they do not sit on the street.

Commissioner Jones asked Mr. Lewis if he would be willing to meet with the residents to discuss and address the privacy issues before the Commission voted on the item. Mr. Lewis said they could sit down and look at the elevations and see if something could be determined.

Commissioner Jones asked if there were some way to limit, regulate, or address the amount of vehicles the residents owned or parked there overnight on a permanent basis.

Mr. Lewis suggested a property management company or Home Owners Association (HOA).

Commissioner Talley asked if there would be a HOA with this and will there be a covenant. Mr. Lewis stated that would be questions for the potential property owners developing this.

Mr. Patrick Guillen, 1618 W. Avenue M, Temple, Texas, stated he did not want to create bad feelings and welcomed a mutual working relationship with the residents. Mr. Guillen lives in the subject area and called about the property when he found it. Mr. Guillen's company does multi-family investing and would like to do something with the subject property.

Mr. Guillen stated a garden or gated community was discussed and they are aware of the additional parking. Right now it seems when residents have guests over, they tend to park on the street. Mr. Guillen stated if someone had an event, the guests would probably park along Brooklawn and walk over to the residence.

Mr. Guillen wants to work with the residents. The rents on the proposed properties would be somewhere between \$900 to \$1200 a month rent and would be a quality residential development.

Commissioner Talley asked who owned the land and Mr. Guillen stated they had it under contract from the Church and would like to develop the land.

Vice-Chair Staats asked Mr. Guillen to consider two things for the long-time residents living there. On the sides of the buildings that face the property either eliminate windows or make them high windows. The residents need their privacy. On the lane coming into the development, eliminate or restrict the parking on one side in order to have enough room.

Mr. Guillen stated they were very flexible with the project and do whatever they needed.

Commissioner Sears asked if any type of feasibility study to do two units instead of three on the property and Mr. Guillen stated they looked at that but with the asking price of the land and what it would cost at this time would not work otherwise they would do two.

Commissioner Rhoads asked if the buildings were going to be put up one at a time or all at once. Mr. Guillen stated they would build one and once it is leased out, do the second, then the third.

Mr. Paul Contrucci returned to the podium and stated no matter how nice it sounds it will not work. It is all about making a buck and ruining the neighborhood. The car situation is already bad and more would be coming in. Mr. Contrucci stated he was surprised and never knew this

before and felt no one had a chance to do anything prior to this meeting. Ms. Lyerly explained the rezoning and public hearing process. P&Z would make a recommendation to City Council and City Council has a public hearing for comments at the first reading and the second meeting would be the actual decision. The process is set up for the public to attend two separate public hearings.

Mr. Contrucci did not understand how different zoning districts could be done the way they are and they do not make sense.

Mr. Asa Hall returned to the podium and asked what the setback was on this property, how far back does the house have to be from the property line. The Ordinance used to state a minimum of ten feet from the property line to the eave of the house. There is not enough room for the property line and the edge of the house.

Mr. Hall stated now he has to contend with noise, dirt, and grime three times over from building the separate buildings.

Ms. Lyerly stated the setback for the development was five feet. There was also a five-foot wide utility easement along the perimeter of the property. Mr. Hall asked if the buildings would be five feet from his property line and Ms. Lyerly stated yes, and the fence would be along the property line, but the setback is five feet.

Mr. Robert Ranly returned to the podium and stated that five feet is not on the abstract; it says ten feet from his house to the property line and does not know where the five feet comes from, the whole thing was zoned single family housing.

Vice-Chair Staats asked when the GR zoning was established for the area. Ms. Lyerly stated it was done prior to 1967 and believed to have been done before the Caters actually sold the property. *(Ms. Lyerly puts a research document—an old city map used in 1967 and prior years--on the screen for the Commission).* The checkered area on the map indicates the applicant's property which was designated as a retail and commercial center in the 60s. The prior zoning would have been Agricultural because a lot of it was out of the city limits.

Vice-Chair Staats asked if the ten-foot setback Mr. Ranly referred to was some type of subdivision ordinance and Ms. Lyerly stated that was more likely in the covenants (restrictions that were created when the development was created. When one purchases land in the area, they receive a list of allowed setbacks, etc., if covenants were created).

Mr. Isaac Schlebech, Real Star Property Management 7407 Wind Chime Way, Temple, Texas, stated he manages the properties for Guillen Partners. Mr. Schlebech stated it would be an improvement to the property and parking can be restricted in the lease(s) to prevent tenants from having four or five cars permanently parked, even if guests were there. Commissioner Talley asked how that would be enforced. Mr. Schlebech stated there would be a fine or an eviction since the plan was to have them as rentals.

Mr. Schlebech understood about the privacy issue but did not understand the difference if someone went in and built a two story home since it would have the same effect as a two story duplex. The privacy issue would still be there.

Mr. Schlebech stated it is currently a vacant lot and this would improve the area. Guillen Partners builds nice homes and these would rent out around \$1000 to \$1200 per duplex, per unit.

Mr. Contrucci returned to the podium and stated the parking is not being enforced now and did not understand how it would be enforced when the structures were built. Mr. Contrucci felt the lot was nice with the trees and did not feel the buildings would improve the area.

Vice-Chair Staats asked if Enterprise was using public streets for inventory storage. Ms. Lyerly stated the City was not aware of this but could request Code Enforcement be sent out to investigate. Vice-Chair Staats stated no matter what happened, that matter should be looked into since it seems to be an issue for the residents who feel some of the cars are from Enterprise.

Commissioner Jones stated he saw the cars parked to the north side of Enterprise, not down on Brooklawn.

Chair Martin closed the public hearing.

Chair Martin stated he was a pro small business supporter, however, the subject property is not much bigger than many of the other lots with single family homes and felt it was injurious to the property to have that many structures on that lot. Commissioner Sears agreed with Chair Martin and stated he could understand the idea better if it were just two units with more parking. Enforcement of parking issues does not seem feasible and parking will occur on the streets. Commissioner Sears stated this does not fit the area. Commissioner Talley also agreed but commented this area has had a history of sewage problems. It does not make sense.

Discussion about Bird Creek pipes and sewage issues.

Vice-Chair Staats had an issue with the parking arrangement. The buildings looked very nice but the clustering is not a good arrangement for this piece of property.

Commissioner Pilkington agreed it was a tight fit. If it were single-family they could get that close to the property line. Commissioner Pilkington stated the sewer line issues could be fixed since the lines are probably old and sized wrong, however, this would add to the problem right now.

Commissioner Jones agreed and stated privacy and sewer were important issues and encouraged the audience to call Public Works. This was too much for that size lot in the area. He also had concerns about the cars and controlling the issue.

Vice-Chair Staats made a motion to deny Item 4, **Z-FY-12-24**, for reasons stated and Commissioner Talley made a second.

*Motion passed: (6:1)*

Commissioner Rhoads 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 7:14 p.m.

Respectfully submitted,  
Leslie Evans



# PLANNING AND ZONING COMMISSION AGENDA ITEM

02/21/11  
Item 2  
Regular Agenda  
Page 1 of 6

**APPLICANT:** Tim Lyssy, of CMA Architects, on behalf of Starbucks Coffee Company

**CASE MANAGER:** Leslie Matlock, AICP, Senior Planner

**ITEM DESCRIPTION:** Z-FY-12-31 - 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 including landscaping, building treatment, and parking lot additions for Starbucks Coffee, located at 111 N. General Bruce Drive.



**BACKGROUND:**

The owner of Starbucks Coffee proposes to remodel the inside of the building and add exterior improvements such as a new alignment for the drive-through lane, paint for the exterior, and a pergola over the exterior patio. The property is in the PD-GR, CP-106, General Retail zoning district and in the City Entry sub-district of the I-35 overlay. This Conditional Use Permit (CUP) was approved

for the former owner, Taco Cabana, in 1992, for on-premise alcohol service of 75% or less of revenue. The CUP remains with the land, but Starbucks does not sell alcohol in Temple.



The cost of the proposed exterior and interior improvements, as compared to the assessed value of improvement to the property, is greater than 50% of that value. This threshold triggers the entire I-35 overlay zoning district requirements, which are:

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

The Applicant requests relief from complying with these standards in the form of this appeal. While the building is surrounded by attractive mature landscaping, the site has constraints along the I-35 frontage where the 25-ft. landscape buffer is required to be placed. The site plan additions are the Applicant's attempt to come as close to the spirit of the overlay district as possible given the property issues found and mature landscaping already existing on the site.



*Guide to Current Site Photos*



*Front Patio on western front façade of building*



*Side Patio on South Entrance façade looking east*



*Southern façade of building with entrance*



*View to the west along the south façade of building*



*View west from front patio looking at drive and I-35 frontage (indicated with arrow)*



*The current drive-thru aisle configuration at rear of building, looking north with mature ornamental trees on landscaped parking divider*

**I-35 APPEAL:** Below is a summary of the General and the City Entry sub-district standards in the I-35 Overlay and how the applicant's submittal compares with them.

I-35 Requirements/City Entry Additional Requirements	Submitted Plan and Elevations Show	Meets Requirements?
<b>Landscaping (General)</b>		
Areas not covered by building or pavement must be landscaped	No additional areas need pavement or landscape cover on this fully urbanized site	Yes
15% of entire site must be landscaped (8,245 sf)	18% of entire site landscaped (~9,900 sf )	Yes
Foundation plantings required along 70% of the length of any façade visible to public	71%, of foundation plantings on the visible side façade to grow up and on to pergola	Yes
25' landscape buffer along front street	Drive aisle prevents anything but the existing 3' wide planting bed which is planted with new Dwarf Burford Holly shrubs	No
20% of required landscape buffer must have native grass beds or wildflowers	Width of buffer along drive aisle is consumed by proposed shrubs	No
Landscaping is required within parking area in the form of islands and medians – one island per 10 spaces and 1 median per 3 parking rows	2 new islands proposed. More were originally proposed in the back of the property near Barton but Staff preferred enhanced architectural elements in exchange for these rear islands	No
<b>Landscaping (City Entry Sub-District)</b>		
Additional 10% vegetation required in landscaped area	Width of buffer along drive aisle is consumed by proposed shrubs	No
Additional ornamental trees in buffer per 30 linear feet of frontage (10 required)	3 additional ornamental trees proposed near I-35 driveway. Site constraints prevent more.	No
One three-inch caliper tree per 25 feet street frontage (12 along I-35 and 6 along Barton)	7 new or existing trees along I-35, 2 existing along Barton. Site constraints prevent more.	No
Berming required in 50% of the landscape buffer (700')	None proposed. Narrow planting bed prevents berm.	No
Parking area must be screened by a continuous hedge or shrubs, berm, or retaining walls	Shrub buffer proposed	Yes
50% Enhanced paving at throat of entrance driveway	None proposed	No
<b>Architecture (General)</b>		
Building entrances must be articulated six feet	Proposed entrance meets requirements	Yes

I-35 Requirements/City Entry Additional Requirements	Submitted Plan and Elevations Show	Meets Requirements?
Buildings must have one articulation element (canopy, arcade, articulated cornice line, accent materials, etc.)	Proposed pergola near to entrance and over sidewalk serves as articulation element	Yes
<b>Architecture (City Entry Sub-District)</b>		
Earth-Toned color	Building is to remain stucco, and will be re-painted in two earth-toned colors	Yes
No single material may cover more than 80% of façade	Large stucco wall on south side. Will be backdrop for new wooden pergola to match existing pergola on front façade. Will be planted with 3 wisteria vines.	Yes
Approved accent materials must be provided between 10 and 30% of facades (wood is an approved accent material)	Decorative wooden panels and metal awnings will be inset and installed over each window	Yes
<b>Screening and Walls (General)</b>		
Garage & service bays must be located to rear of building or on side not visible to traffic flow on abutting side of I-35.	NA	NA
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	Even though rear service area is not visible from public street, it is being screened with 6-ft. wooden privacy fence and planted with 5 Texas sage bushes	Yes
<b>Parking (General)</b>		
Curb & gutter, 6 inches in height, required around perimeter of parking area and all landscaped parking islands	Curbing proposed and exists	Yes
Parking aisles must be perpendicular to the front of the principal building	No change proposed to existing parking aisles, some are parallel and some perpendicular	Partially
Parking areas must be planned so that vehicles are not required to back out directly into a public or private street	No backing motions proposed	Yes
<b>Lighting (General)</b>		
Light sources must be housed in full cut-off fixtures	New lighting is shown as full cut off	Yes

I-35 Requirements/City Entry Additional Requirements	Submitted Plan and Elevations Show	Meets Requirements?
<b>Utilities (General)</b>		
All wires & cables on property must be located underground	No above ground utilities proposed	Yes

**Staff Analysis:** The Starbuck’s building and surrounding landscaped parking lot is comparatively attractive to other similar businesses along the highway and is maintained in the spirit of the I-35 overlay district. The addition of supplementary landscaping, new architectural elements, screening, parking islands and lighting has brought this mature and atypically-shaped lot and building to an even more attractive level.

**STAFF RECOMMENDATION:** Staff recommends approval of this Appeal of the I-35 Corridor Overlay standards for Z-FY-12-31 as the Applicant has met the intent of the general I-35 overlay zoning district standards with the condition that bushes be extended across the existing islands on the Barton Street ROW.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Applicant’s Appeal Request Letter \(5 pages\)](#)

[Applicant’s Site Plans \(7 pages\)](#)



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Bruce M. Carlson, AIA  
Patrick G. Brees, AIA

January 30, 2012

Ms. Leslie Matlock, Senior Planner  
City of Temple  
2 North Main Street  
Temple, TX 76501  
(254) 298-5561

**RE: Design Review Appeal Request- Statement of Compliance** Project #: 11104.106

Dear Ms. Matlock:

I am writing to you in regards to the Starbucks located at 111 N. General Bruce Dr. in the City Entry District, within the I-35 Design Overlay District. We are requesting a design appeal due to the lack of a ROW buffer at the area contiguous to the Starbucks property line and the I-35 Frontage Road.

On January 25<sup>th</sup>, we met with the Design Review Committee; they recommended that we make improvements to our existing site plan in order to satisfy the city design requirements. The following is a list of improvements that we have made to the site in order to comply with the city:

- We have added a 10 foot wide parking island at the south-facing parking row near the frontage road, as well as an 18 foot wide island at the east-facing parking row. Each parking island will be equipped with an irrigation system and will be landscaped with native grasses and a yaupon holly tree.
- The existing sidewalk and foundation plantings at the southern-facing façade are to remain. In order to improve this area of the facade, we are adding a canopy/trellis structure over the sidewalk and planting wisteria vine at the existing plant bed. Wisteria vine will also be planted at the canopy/trellis over the outdoor patio.
- Three new crape myrtle trees will be placed on the landscape tongue located at the front of the building directly in front of the outdoor seating area. Also, there is a new yaupon holly tree located in the green space in front of the new sidewalk trellis.
- The green space between the frontage road and the Starbucks property line will be landscaped with native grasses and new Burford Holly plants. These plants will act as a hedge between the I-35 frontage road and the entry drive. Also, dead plant material at the existing landscape bed farthest from the drive-thru entry will be removed and filled in with new Burford Holly.
- New Burford Holly plants will be added to the west facing rear parking area under the existing yaupon holly trees.

Fort Worth, TX

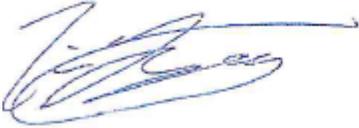
Minneapolis, MN

Dallas, TX

Please feel free to contact us if you have any questions or further information is required.  
Thank you for your time.

Sincerely,

CMA

A handwritten signature in blue ink, appearing to read 'Tim Lyssy', with a long horizontal flourish extending to the right.

Tim Lyssy, Project Manager

TL/hh

Type of Improvement Required	General Overlay Requirements	Additional City Entry District Requirements	Total Minimum Required	Total Provided and/or Needed at Site	Architect Response
Construction Documents	No apparent water, sewer or electrical distribution lines being added or changed. Interior changes are not in this set and not needed for this review. Costs are added into the above improvements value above according to applicant.			1-3-12 Plans provided 1-13-12 Additional revised plans received colors and screening fence altered slightly	
Tree Preservation	Any trees should be preserved if possible.			No existing trees are identified on site plan nor are they apparently being removed. Please show all existing trees with caliper-number of canes, and if removing any, show the area of replanting or mitigation along with caliper mitigated.	ALL TREES TO REMAIN
Parking	A. Every 3rd full double row of parking shall have a continuous row of landscaping between next row. B. Every 10 parking spaces shall have an approved tree island. C. Terminal island located at end of each parking row.		A. N/A B. One island per each 10 linear arranged spaces is required with tree. C. Terminal islands at end of rows required with tree.	A. Less than 3 aisles B. Need to add 2 curbed islands on eastern rear property parking row. C. 1 curbed terminal island on western facing rear parking row, and one curbed island on the southern facing parking row. 1. Each island should have an approved tree and ground cover/bushes, grassed, planted, and irrigation provided. 2. Each island should be minimum 10 ft wide. Provide species and size of proposed trees.	A. N/A B. N/A (ADDED SHADE STRUCTURE INSTEAD) C. NEW 10 FT. WIDE CURBED ISLAND AT PARKING ROW ALONG FRONTAGE ROAD WITH 10 PARKING SPACES ON EITHER SIDE . NEW 18 FT. WIDE CURBED ISLAND AT PARKING ROW ALONG EAST SIDE (CLOSEST TO CHICK-FIL-A) 1. EACH ISLAND WILL HAVE NATIVE GRASSES AND A YAUPON HOLLY TREE. ALSO, EACH ISLAND WILL BE EQUIPPED WITH AN IRRIGATION SYSTEM. 2. YAUPON HOLLY TREES GROW TO BE AT LEAST 10 FT TALL AND ARE APPROX 15 FT WIDE.
Screening & Mail Standards	A. Adjacent residential zoning district shall be screened. B. Service area shall be screened. C. Machinery and utilities shall be screened and possibly landscaped with evergreen species. D. If Drive-Thru window and vehicle maneuvering or parking lot visible from row-screening mandatory.			A. No adjacent residential district. B. Rear service area of building is being screened with wooden fence and planted with Texas Sage (evergreen) on 6ft centers and turf. C. Need to see location of existing and proposed ground and roof mounted machinery with any plans for conforming screening with wall and vegetation or with parapet on roof mounted. D. Drive Thru is buffered with mature hedges, but is not visible to row. See Maneuvering screening analysis in A below.	A. N/A B. SERVICE ENTRANCE AT BACK SCREENED WITH FENCE AS WELL AS TEXAS SAGE AND NATIVE GRASSES C. SHOWN ON ROOF, TRELLIS, AND AWNING PLAN: SHEET A-3 OF THE DESIGN REVIEW

<p style="text-align: center;"><b>Landscaping</b></p>	<p>A. 25 foot tree and landscape buffer with berms along adjacent row.        B. 1.3-in-cal, approved tree per 30 feet of row frontage planted in clusters, 60% evergreen species.        C. 6' wide bed of foundation plantings for 70% of any facade visible to public.        D. Provide irrigation.</p>	<p>Total of 15% of site must minimally be landscaped.        1. Additional 10% landscaping in 25-ft row buffer (bushes, grasses, seasonal flowers).        2. Additionally in landscaped buffer - 1,2- in ornamental trees per 30-ft 3. 1.3 inch tree per 25ft of landscaped buffer instead of 1 per 30 linear ft in general requirements.</p>	<p>A1. 233 feet frontage. 1.3 inch tree per 25 ft of landscaped buffer.        B1. =18 trees (13) 10 shade trees and (2) 8 ornamental trees in buffer. 10% more under planting.        D1. Northwest facade is only one without foundation plantings.</p>	<p>A. Required 25ft landscape buffer is not possible with configuration of existing vehicle maneuvering area/entrance, leaving 3' permeable land contiguous to property line and row. (see comment 1 below) Additionally, shade trees are less viable in smaller areas. Lot is also required to have buffer at any vehicle maneuvering or parking areas visible from row, which includes the entry drive to the site from the 1-35 frontage road.        1. Bushes/grasses and ornamental Trees (wax or crepe myrtle, redbud, possum haw, mountain laurel, vitex, yaupon) should be shown in a casual arrangement with irrigation to mitigate lack of required buffer. They should be shown near as possible (given space restraints) to the amount of all trees that are required for the 25ft buffer in the city entry district.        2. Additional trees could be placed on landscape tongue in front of building. 3. Final 60 ft, furthest from driveway entry on frontage road, has area that could be planted from the 2 existing trees to the property corner and 25ft deep back into the area of the dead bushes with a partial buffer area.        4. The area adjacent to city row at north parking area has mature yaupon holly trees. Buffer according to ordinance would also require shrubs in a 25 foot buffer.        5. Add note that irrigation will be provided to all required landscaping.        D. It appears that the side walk along the east side of the southern facade is being removed and planted in turf with crepe myrtles. Please retain sidewalk connection on this building face.        E. Provide inventory of current trees planted with caliper and amount of canes in order to show provided trees that are already provided for amount of trees required.        F. Show foundation planting on at planting area adjacent to south flat facade of building.</p>	<p>A. NEW HEDGES TO BE PROVIDED ALONG 1-35 IN AREA BETWEEN FRONTAGE ROAD AND ENTRY DRIVE        1. NEW HEDGES        2. THREE NEW CRAPE MYRTLES        5. IRRIGATION NOTE ADDED TO PLANS        D. SIDE WALK IN FRONT OF BUILDING IS TO REMAIN AS IS WITH NEW TRELLIS STRUCTURE        E. EXISTING TREES SHOWN ON LANDSCAPE PLAN        F. FOUNDATION PLANTINGS ARE TO REMAIN, NEW WISTERIA VINES AND NEW TRELLIS</p>
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Architectural Details		1. Articulated entrances and 3 structural elements provided at main entrance.		<p>1. Door is inset at angle with a building formed canopy/arcade.</p> <p>-Entrance is proposed to be accented with wood inserts.</p> <p>- One additional feature should be provide or another feature be added on this entrance side.</p> <p>* Canopy that covers the sidewalk along the wall east of the entrance could be substitutes for this requirement.</p> <p>* Leave sidewalk in front of southern wall east of entrance and add a matching canopy/awning above it where crepe myrtles are called out.</p> <p>This canopy could be regarded as the additional feature of the entrance. Move crepe myrtle to green area south of sidewalk.</p> <p>-Plans providing an outdoor shade structure at front of building over existing outdoor patio and canopies on north and south windows.</p>	<p>1. THERE IS A NEW CANOPY/TRELIS STRUCTURE AT ENTRANCE WHICH COUNTS AS ONE ADDITIONAL FEATURE</p> <p>- CREPE MYRTLES HAVE BEEN TRANSFERRED TO LANDSCAPE TONGUE NEAR DRIVE-THRU, NEW YAUPON HOLLY IN FRONT OF CANOPY STRUCTURE IN GREEN AREA</p>
Building Materials and Colors (Accents)		<ul style="list-style-type: none"> <li>- Earth tone color palette and sample boards with elevations</li> <li>3 materials.</li> <li>- No one material more than 80% of any building facade (not including windows)</li> <li>-Min 10% / max 30% accented with listed materials.</li> </ul>		<p>Appears as Earth-toned paint.</p> <p>N and S windows accented with wood insert on building.</p> <p>Show and provide calculations to demonstrate that the building facade are maximum of 80% on type of finish</p>	<ul style="list-style-type: none"> <li>- EARTH-TONED PAINT ON EXTERIOR STUCCO</li> <li>- WOOD INSERTS AT WINDOWS</li> <li>- CALCULATIONS PROVIDED ON PLANS</li> </ul>
Signs		Ornamental or decorative		Signs not being changed. Adding directional and menu board.	N/A
Lighting	Directional control light trespass reasonable intensity.			Is the new sconce lighting being added feature focused full cut off? Give tear sheet or state in note.	CUT SHEET PROVIDED
Utilities				Is any new utility being added?	NO



2 I-35 CORRIDOR OVERLAY ZONING DISTRICT  
SCALE: NOT TO SCALE



3 OVERLAY DISTRICT MAP  
SCALE: NOT TO SCALE

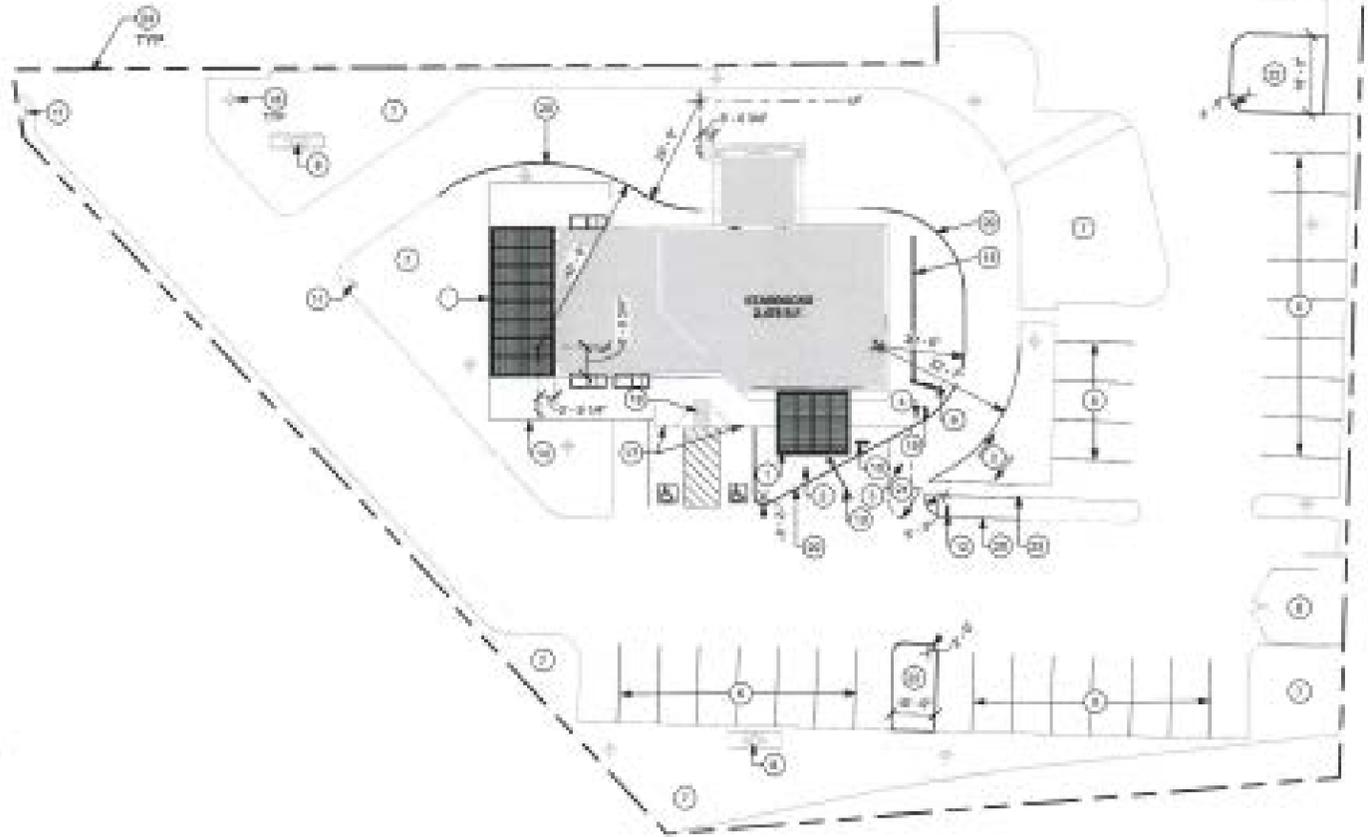
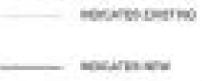
**KEYED NOTES:**

- 1 NEW TREES
- 2 NEW LANDSCAPING TO BE CONFORM TO MC BOND PLANS, BY MINIMUM HEIGHT, COORDINATE WITH LANDSCAPE FOR SPECIES
- 3 RELOCATED DRIVE THRU EQUIPMENT INCLUDES VEHICLE DETECTION LOOP, WIRELESS COMMUNICATION AND NON-STOP COORDINATED BY STAFF/SCS CONSTRUCTION MANAGER NEW BUILDING
- 4 LANDLORD TO REEVALUATE PARKING LOT
- 5 EXISTING TRASH ENCLOSURE
- 6 EXISTING LANDSCAPE
- 7 EXISTING Pylon SIGN
- 8 RELOCATED SIGN BOARD
- 9 NEW PRE-ORDER MONO SIGN
- 10 EXISTING DIRECTIONAL SIGNAGE
- 11 RELOCATED DIRECTIONAL SIGNAGE
- 12 RELOCATED CLEARANCE SIGN
- 13 EXISTING WALLS
- 14 NEW 4" TALL RED CROWN FENCE
- 15 EXISTING MAINT
- 16 EXISTING AC PARKING SIGN
- 17 EXISTING SITE LIGHTS
- 18 RELOCATED ORDERING KIOSK
- 19 NEW CURB AND PARKING LOT AREA OF DRIVE, TRUCK DEMOLITION TO MATCH EXISTING
- 20 PATCH AND REPAIR PAVEMENT AREA OF DRIVE, ORIGINAL WITH NEW TO MATCH EXISTING MATERIAL, TEXTURE, AND SLOPE
- 21 NEW CURB AND DRIVE-UP PARKING, PATCH AND REPAIR EXISTING CONCRETE TO PROVIDE LIKE NEW CONDITION
- 22 EXISTING DRAINAGE COLLECTOR TO BE EXTENDED
- 23 PROPERTY LINES

**OVERLAY DISTRICT MAP LEGEND:**



**OVERALL SITE PLAN LEGEND:**



1 OVERALL SITE PLAN  
SCALE: 1" = 200'



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SEATTLE, WASHINGTON 98134  
(206) 316-1575

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DESIGN REVIEW  
DATE: 11/11/2019  
BY: [Signature]

**DESIGN REVIEW**

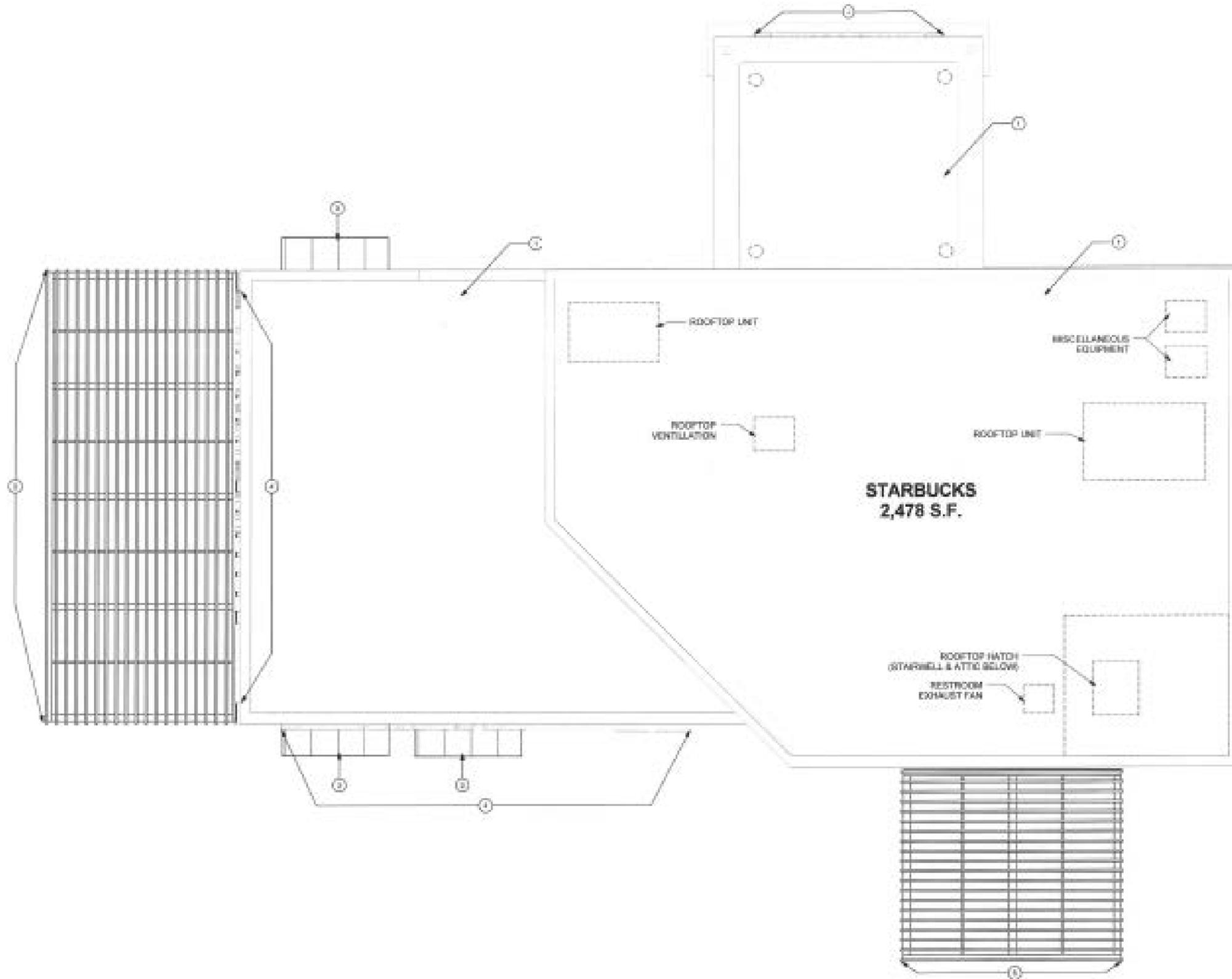
NO.	DATE	BY	DESCRIPTION

PROJECT NAME: I-35 AND HWY 53  
PROJECT ADDRESS: 111 N GENERAL BRUCE DRIVE  
TEMPLE, TEXAS 76703  
COUNTY: BELL

STORE #: 0402  
CPN #: 05100-028  
CMA PROJECT #: 11194130  
REGIONAL ARCHITECT: [Signature]  
SUBMITTED TO: [Signature]  
DATE: 11/11/2019

**OVERALL SITE PLAN**

C:\Users\m\Documents\11104\_135\_I-35 & Hwy 53\11104\_135 & Hwy 53\_A\_2019\_11.rvt



1 ROOF PLAN  
Scale: 1/8" = 1'-0"

**KEYED NOTES:**

- 1 ROOFING ROOF AND ROOF FOR EQUIPMENT TO REMAIN UNCHANGED
- 2 NEW PERMANENT TRELLIS STRUCTURE AT OUTDOOR SEATING AREA TO PROVIDE SHADING. IT IS TO BE CONSTRUCTED WITH WOOD COLUMN BEAMS AND PURLIN.
- 3 NEW AWNING OVER STOREFRONT EXTERIOR TO BE CONSTRUCTED WITH TUBE STEEL AND METAL PANEL ROOF.
- 4 EXISTING AWNING ADJUSTED AS SHOWN TO REMAIN.
- 5 NEW PERMANENT TRELLIS OVER CTS BE AT EXISTING ROOF AND PAVY TO PROVIDE SHADING. IT IS TO BE CONSTRUCTED WITH WOOD COLUMN, BEAM, AND PURLIN.

**LEGEND:**

- ROOFING EXISTING
- ROOFING NEW



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DESIGN REVIEW

**DESIGN REVIEW**

DATE:	10/11/2011		
PROJECT:	11104		
SCALE:	1/8" = 1'-0"		
<b>REVISION SCHEDULE</b>			
NO.	DATE	BY	DESCRIPTION

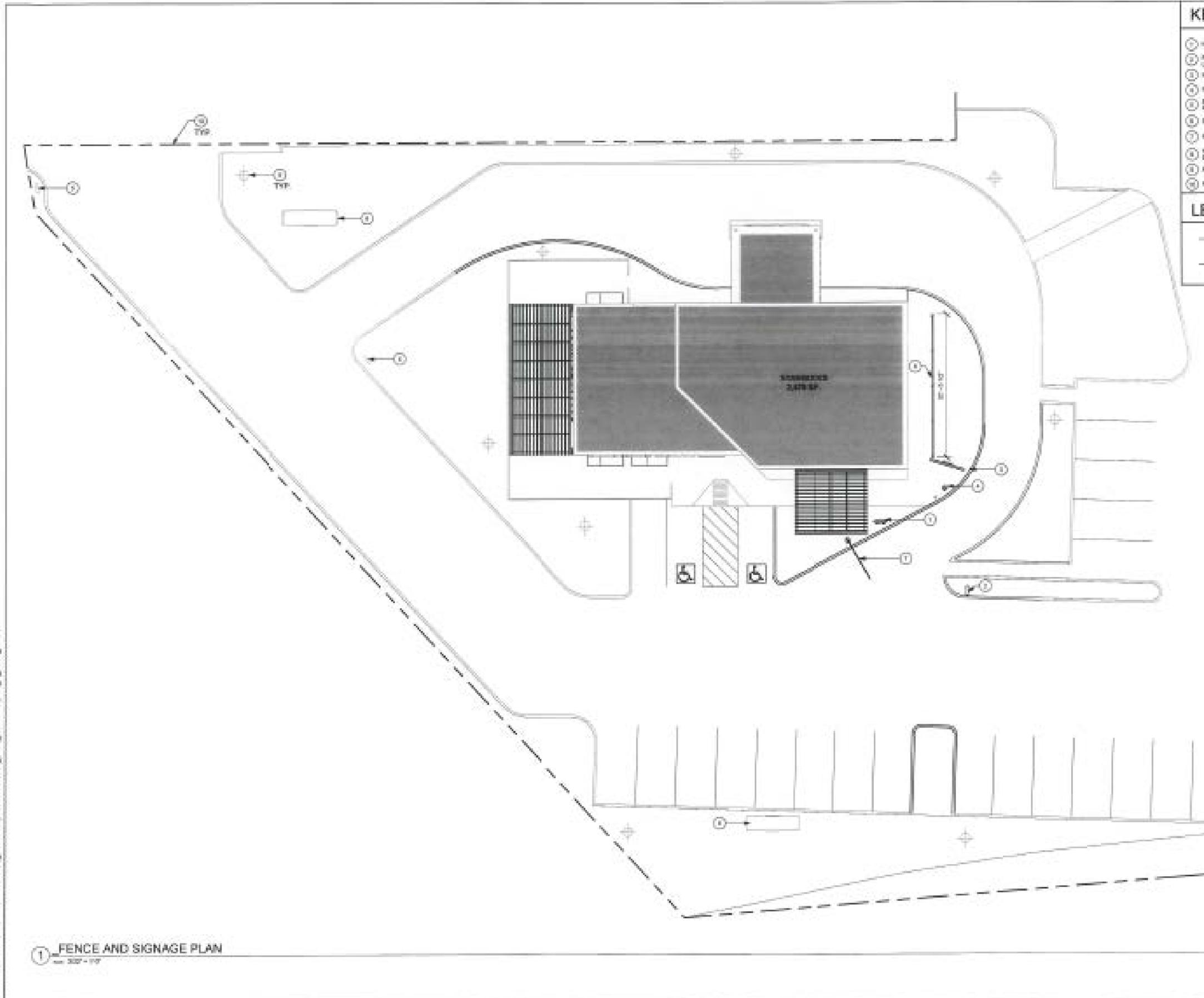
PROJECT NAME:  
**I-35 AND HWY 53**  
PROJECT ADDRESS:  
111 N GENERAL BERKE DRIVE  
TEMPLE, TEXAS 76788  
OWNER:  
BELL

STORE # 0405  
CPN # 0900-028  
GMA PROJECT # 11104-100  
DESIGNER: REGIONAL RECORDS  
DRAWN BY: ELIZABETH TROTT  
CHECKED BY: VICTOR MELANCON

**ROOF, TRELLIS, AND AWNING PLAN**

**A-3**





**KEYED NOTES:**

- 1 RELOCATED MENU BOARD
- 2 RELOCATED DIRECTIONAL SIGNAGE WITH NEW LOGO PLACEMENT
- 3 RELOCATED MENU BOARD
- 4 RELOCATED SPANDED POST
- 5 RELOCATED DIRECTIONAL SIGNAGE WITH NEW LOGO PLACEMENT
- 6 EXISTING POLE SIGN TO REMAIN
- 7 RELOCATED CLEARANCE SIGN
- 8 NEW 4'x12' TALL, 8'x12' DEEP SIGNAGE PANEL AT EXISTING UTILITY ENTRANCE
- 9 EXISTING LIGHT POLES
- 10 PROPERTY LINES

**LEGEND:**

- PROPOSED SIGNAGE
- PROPOSED SIGN



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**DESIGN REVIEW**

DATE:	11/11/2024	
BY:	11/11/2024	
FOR:	11/11/2024	
<b>ISSUE SCHEDULE</b>		
NO.	DATE	DESCRIPTION
<b>REVISION SCHEDULE</b>		
NO.	DATE	DESCRIPTION

PROJECT NAME:  
**I-35 AND HWY 53**  
 PROJECT ADDRESS:  
 111 N GENERAL BRUCE DRIVE  
 TEMPLE, TEXAS 76788  
 COUNTY:  
 BELL

STORE # 6482  
 CPM # 0010-028  
 CMA PROJECT # 11114 00  
 REGIONAL MANAGER: ELIZABETH WOLFF  
 VICE PRESIDENT: VICTORIA LARSON

**FENCE AND SIGNAGE PLAN**

REVISION: **A-5**

**1 FENCE AND SIGNAGE PLAN**  
 REV. 11/11/24

C:\Users\jgarcia\OneDrive\Documents\11114\11114\_00\Fence and Signage Plan.dwg  
 11/11/2024 11:11:11 AM  
 11114\_00\Fence and Signage Plan.dwg  
 11/11/2024 11:11:11 AM  
 11114\_00\Fence and Signage Plan.dwg  
 11/11/2024 11:11:11 AM

C:\Users\jhammond\Documents\1104\_100\_1-20\_8 Hwy\_32011-104-108\_8462\_105 & Hwy 320\_8\_2020\_101.rvt



2 WEST ELEVATION  
SCALE: 1/8" = 1'-0"



1 SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"

**KEYED NOTES:**

- 1 EXISTING ROOF
- 2 EXISTING STORMWATER
- 3 NEW PERMANENT SHADE STRUCTURE AT TO BE CONSTRUCTED WITH ACQU COLUMN, BEAM, AND PURLIN
- 4 NEW WINDUP OVER STORMWATER CONSTRUCTED WITH TUBE STEEL AND METAL PANEL ROOF
- 5 NEW ACQUENT PANEL
- 6 EXISTING BRICK/CLAY BUILDING FINISH
- 7 NEW ACQU BOARD WITH 1 TO MATCH ACQU FRAMES OF SHADE STRUCTURE
- 8 EXISTING WIND BOARD TO BE RELOCATED
- 9 NEW WIND BOARD
- 10 EXISTING GUARANTEE WAY TO BE RELOCATED
- 11 EXISTING SPEAKER POST TO BE RELOCATED
- 12 NEW SIGNAGE
- 13 NEW SIGNAGE ON EXTERIOR FACADE
- 14 EXISTING SIGNAGE TO REMAIN AROUND OUTDOOR SEATING
- 15 PLANT PANEL SYSTEM WITH TALLER GREENWALL AS A SECOND SCREEN AROUND WAY END OF THE BUILDING
- 16 EXISTING STUCCO CHALK BOARD OF BUILDING TO BE REPAIRED
- 17 NEW EXTERIOR SECURITY LIGHT

**PAINT LEGEND:**

- [000102] BURNED WILLAM DRIFT PAPER (ACCENT PANEL)
- [000103] BURNED WILLAM WOOD GRAY

**WEST ELEVATION**

24.4% GLAZING  
7.6% WOOD INSERTS  
1.5% DOORS  
66.5% STUCCO

**SOUTH ELEVATION**

10.4% GLAZING  
10.6% WOOD INSERTS  
5.6% DOORS  
73.4% STUCCO



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(206) 318-1075



DESIGN REVIEW

**DESIGN REVIEW**

REV	DATE	BY	DESCRIPTION

PROJECT NAME:  
**I-35 AND HWY 53**  
PROJECT ADDRESS:  
111 N GENERAL BRUCE DRIVE  
TEMPLE, TEXAS 76788  
COUNTY:  
BELL

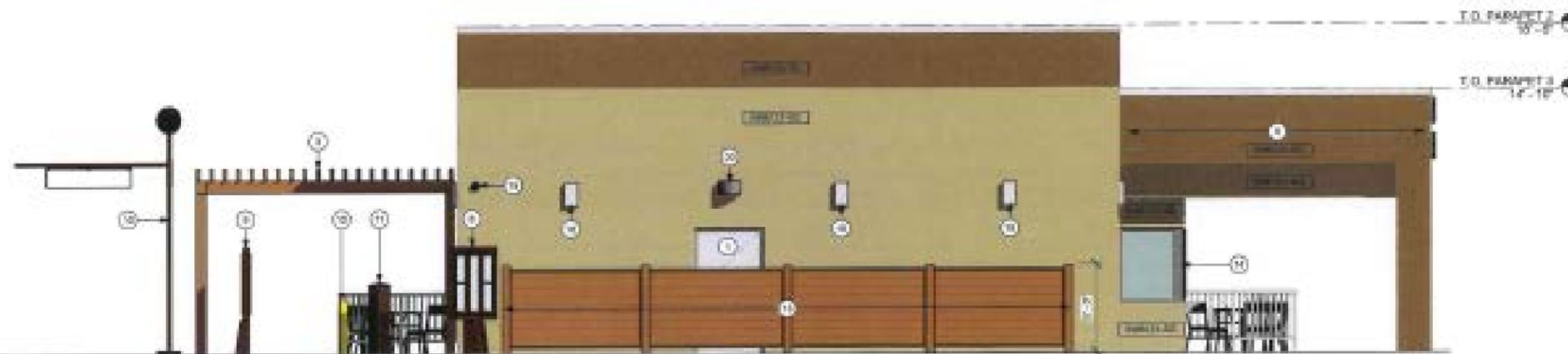
STORE # 6436  
CPM # 02100-028  
OMA PROJECT # 1104-101  
REGIONAL ARCHITECT  
STARBUCKS COFFEE  
VECTOR MARKING

**EXTERIOR ELEVATIONS**

SCALE: A-6



1 NORTH ELEVATION  
Scale: 1/8" = 1'-0"



2 EAST ELEVATION  
Scale: 1/8" = 1'-0"

**KEYED NOTES:**

- 1 EXISTING SIGN
- 2 EXISTING STOREFRONT
- 3 NEW PERMANENT SIGN STRUCTURE TO BE CONSTRUCTED WITH FOOD VOLUMES, SIGNS, AND PURLIN
- 4 NEW SIGNAGE (WOOD STOREFRONT) LOCATED AT 1'S WITH TUNE KEYS AND WITH PANEL ROOF
- 5 NEW ACCESS RAMP ON EXISTING SIGNAGE
- 6 EXISTING SIGNAGE AT BUILDING FRONT
- 7 NEW WOOD SIGNAGE TO BE ADDED AND FINISHING OF SIGNAGE STRUCTURE
- 8 EXISTING SIGNAGE TO BE RELOCATED
- 9 NEW TUNE KEYS SIGNAGE
- 10 EXISTING CLEARANCE BAR TO BE RELOCATED
- 11 EXISTING SPEAKER POLE TO BE RELOCATED
- 12 NEW PURLIN
- 13 REMOVE TALL RED CEDAR PANEL SIGNAGE EXISTING UPSTAIR ENTRANCE
- 14 EXISTING DRIVE THRU WINDOW
- 15 CURB CUT RAMP TO REMAIN ABOVE OUTDOOR SEATING
- 16 PLANT SIMILAR TO EXISTING BUT TO BE TALLER AND WIDER AT LOW END, SUSTAINABLE AND LOW END OF THE BUILDING
- 17 EXISTING STUCCO ON EXTENSION OF BUILDING TO BE REPAIRED
- 18 NEW SIGNAGE ON EXTERIOR FACADE
- 19 EXISTING DRIVE THRU WINDOW
- 20 NEW EXTERIOR SECURITY LIGHT

**PAINT LEGEND:**

- STUCCO - BROWN ALLIUM "OLDTOWN" ACCENT TONE
- STUCCO - BROWN ALLIUM "INDUSTRIAL"

**NORTH ELEVATION**

9.5% GLAZING  
1.7% WOOD INSERTS  
2.2% DOORS  
86.6% STUCCO

**EAST ELEVATION**

1.8% GLAZING  
0% WOOD INSERTS  
3.4% DOORS  
94.8% STUCCO



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Architect of Record



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**DESIGN REVIEW**

DATE:	11/11/09		
BY:	SHANE		
FOR:	STARBUCKS		
PROJECT:	1154-135		
REV.	DATE	BY	DESCRIPTION

PROJECT NAME:  
**I-35 AND HWY 53**  
PROJECT ADDRESS:  
111 N GENERAL BRUCE DRIVE  
TEMPLE, TEXAS 76703  
COUNTY:  
BELL

STORE #	560
CS#	05102-020
GMA PROJECT #	1154-135
DESIGNER	REGINAL HODSON
ARCHITECT	GLOBBETH FROST
DATE	VICTOR MOLINA

**EXTERIOR ELEVATIONS**

Sheet Number: **A-7**  
Date: 11/11/09





## PLANNING AND ZONING COMMISSION AGENDA ITEM

---

2/21/12  
Item 3  
Regular Agenda  
Page 1 of 5

**APPLICANT:** Randy Fulton, Owner

**CASE MANAGER:** Leslie Matlock, AICP, Senior Planner

**ITEM DESCRIPTION:** Z-FY-12-28 Hold a public hearing to discuss and recommend action on an amendment to Planned Development Ordinance 2001-2778, PD-92 for O1 and specific uses, originally approved July 5, 2001, to allow a fenced contractor storage and equipment yard on ±0.91 acres of land being a part of the Maximo Morino Survey, Abstract 14, City of Temple, Bell County, Texas, more commonly known as 3802 S. 5<sup>th</sup> Street.

**BACKGROUND:** This lot is located at the northwest corner of two arterials and currently contains what was originally a large single-family home. The building has been converted by zoning and by interior remodel to an office use and initially housed a temporary employee service and a small beauty salon, which are part of the original Planned Development (PD) ordinance's site plan.

The building currently contains the applicant's contracting office. The parcel has three driveways for access, one at the rear yard accessing Marlandwood Road, and two driveways, which form a circle drive, opening onto S. 5<sup>th</sup> Street.

The Applicant is requesting that the rear portion of this property be allowed to become the storage and equipment yard for his construction and contracting business, storing large equipment and materials onsite. The Applicant has been using the approximately 12,500 square-foot rear yard of his property as contractor storage and equipment yard for about one year.

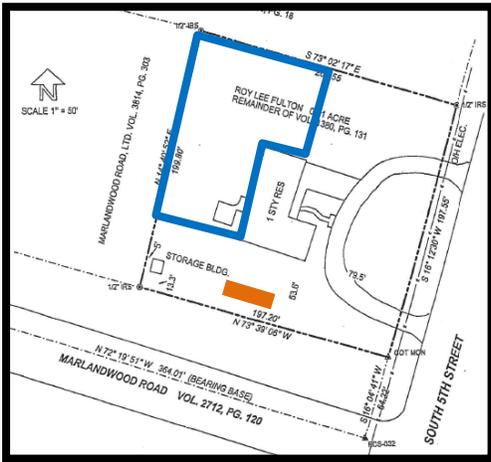
He was told by the City of Temple Code Enforcement to remove the material and equipment or to discuss options with the Planning Department to determine the appropriate steps to bring his site into compliance. The contractor storage and equipment yard is not allowed in his existing zoning.

The applicant met with the Planning Department to determine what options are available to solve the code violation. The Planning department provided three options as follows:

- Remove the construction materials and equipment to an off-site location
- Request Commercial zoning which would allow the use and conform to the outdoor screening requirements or
- Request an amendment to the original PD which would allow this specific additional use only and conform to the outdoor screening requirements.

After discussion the Applicant requested the third option to amend the PD very specifically to allow the contractor storage and equipment yard.

If the Planned Development request is not approved the applicant will be given 30 days to remove all construction materials and equipment from this location. The office use could remain.



-  Location of Fulton Construction Company Sign
-  Outline of Proposed 12,500 sq. ft. screened Construction Yard

**Surrounding Property and Uses**

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

Direction	Zoning	Current Land Use	Photo
Subject Property	PD-O1	Vacant Retail/Office (Single Family Converted House)	
North	SF1	Single-Family Home	

Direction	Zoning	Current Land Use	Photo
South	C	Convenience Store with Fuel Sales & Restaurant (across Marlandwood Rd.)	
East	O1	Agricultural / Texas A&M AgriLife Extension (Across S. 5 <sup>th</sup> St.)	
West	O1	City Spine Trail & Undeveloped	

**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	Suburban Commercial	No**
CP	Map 5.2 - Thoroughfare Plan	S. 5 <sup>th</sup> Street – Major Arterial Marlandwood Drive - Minor Arterial.	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities.	Surrounding Arterials can support non-residential development	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 north and east is compatible to C-Commercial zoning. Vacant and agricultural land to north and west.  Zoning and Uses to the north are currently residential on larger lots, similar to the original use of this structure.	Partial**
STP	Page F3- A city wide spine trail is built parallel to the west side of S. 5 <sup>th</sup> Street	Directly west of this property	n/a

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

Contractor storage and equipment yards are only allowed by right in C, Commercial, CA, Central Area, LI, Light Industrial and HI, Heavy Industrial Zoning Districts. These districts are associated with the more intense Future Land Use and Character Map (FLUCM) designations of the Comprehensive Plan such as Auto Urban Commercial, Industrial and Business Park. Retail and office uses are more associated with the Suburban Commercial designation. Across S. 5<sup>th</sup> Street is shown as future TMED, Temple Medical Educational District, and will be subject to those special district zoning regulations should the zoning be changed. The FLUCM shows the area directly behind the subject property as Parks and Open Space.

Location for these uses and districts are intended to be near larger thoroughfares in order to serve citywide or regional service areas. Adjoining zoning districts should be carefully selected to reduce environmental conflicts. This intersection is at the corner of a major and a minor arterial road, South 5<sup>th</sup> Street and Marlandwood Drive, and would support a Commercial district as far as having appropriate infrastructure. The land is adjacent to a flood prone area and the trail system, and so runoff should be appropriately managed.

The SF1, single family one zoning district is adjacent directly to the north and across the street to the east. All other adjacencies to the west are Office related. Friars Creek Walking Trail is adjacent to the west of this lot and is used by residents as an exercise and natural area. The direct corner across Marlandwood to the south is the only exception, and is zoned C, Commercial zoning. It contains a convenience store with fuel sales and a restaurant. Fuel sales use requires this C district.

**Planned Development Site Plan Review:**

If the Planning and Zoning Commission recommends and City Council approves this PD amendment request, this case must have standards and a site plan that are agreed to by the Applicant.

The Applicant has stated that he will conform to the Zoning requirement for a new development of this type. That would included paved surfaces, screening of the construction storage yard area and landscaping.

Mitigation, or easing of any negative impacts of the use on surrounding properties, would be needed in this PD, if allowed, because of the more intense nature of the business relative to the surrounding uses; the outdoor bulk storage of materials, the appearance of the heavy construction machinery and heavy trucks.

Screening would be required for the area which would be a solid 6 to 8-foot fence or wall. Landscaping would also be required; however this lot is full of mature trees and has the look of a residential yard. What is currently landscaped would suffice to fulfill the minimum 5% landscaped area and the one tree per 40 linear feet of street frontage on this property. Approximately 400 linear feet of property is adjacent to the ROW, and would require a minimum of 10 conforming trees between the building and the ROW. It appears that there are more than 10 mature oak and other trees in this space.

The P&Z and Council may impose additional conditions on the Planned Development that will be required of the contractor yard operations at this site.

**STAFF RECOMMENDATION:** Staff recommends approval of the requested amendment to the subject PD to add Contractor Storage and Equipment Yard as an allowed use subject to the following conditions:

- a. Development of the subject property must be in accordance with the approved site plan attached to the Ordinance that approves the PD amendment.
- b. The contractor storage yard must be completely enclosed with a solid wood fence six to eight feet in height.
- c. The office building and all future structures built on the site must maintain a residential character with brick exteriors on all sides, pitched roofs and a maximum height of one story.
- d. The trees in place on the subject property on the effective date of the Ordinance that approves the PD amendment must be preserved and may not be removed without an amendment to the associated PD site plan. Normal maintenance is allowed without an amendment to the PD site plan.

**FISCAL IMPACT:** Not Applicable

**PUBLIC NOTICE:**

Seven notices of the Planning and Zoning Commission public hearing were sent to surrounding property owners. As of Wednesday, February 15<sup>th</sup> at 12 PM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on Friday February 10, 2012, in accordance with state law and local ordinance.

**ATTACHMENTS:**

[Aerial, Thoroughfare and Sidewalk and Trails Plan Map](#)

[Zoning and Notice Map](#)

[Utility Map](#)

[Future Land Use and Character Map](#)

[Original Planned Development Ordinance 2001-2778, PD-92 for O1 & Specific Uses](#)

[Proposed PD Site Plan](#)

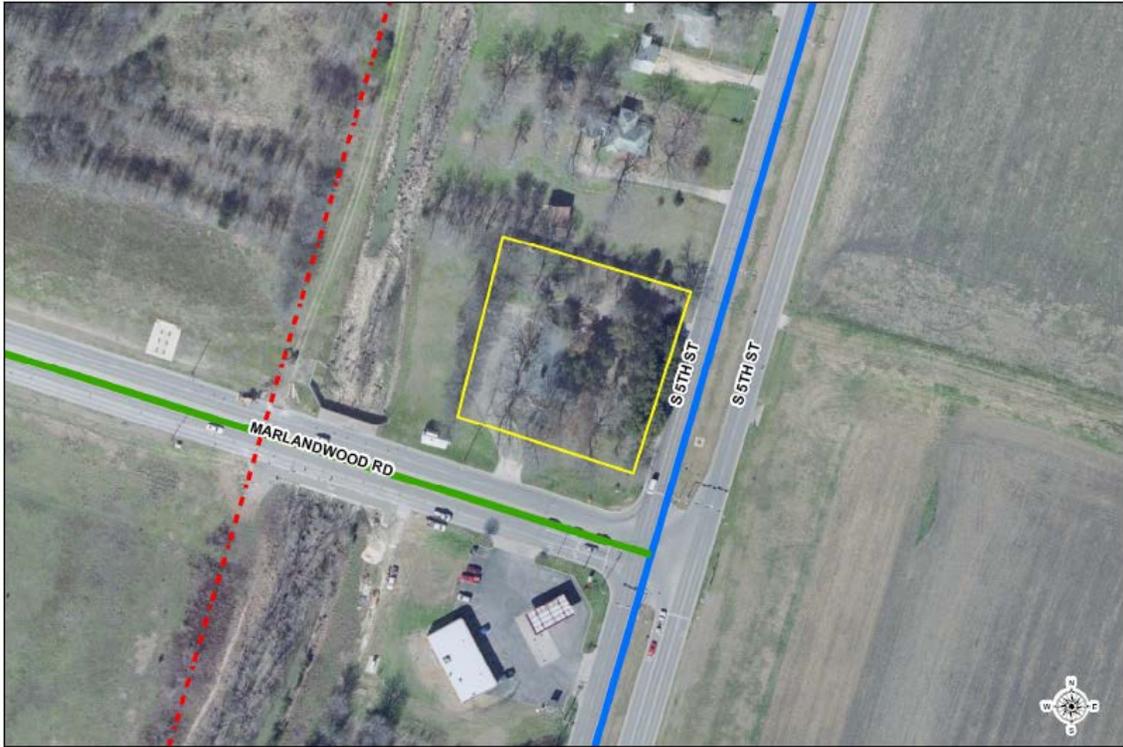
[Responses](#)



Z-FY-12-28

PD-O1 Amendment  
Adding Construction Yard as a Permitted Use

3802 South 5th Street



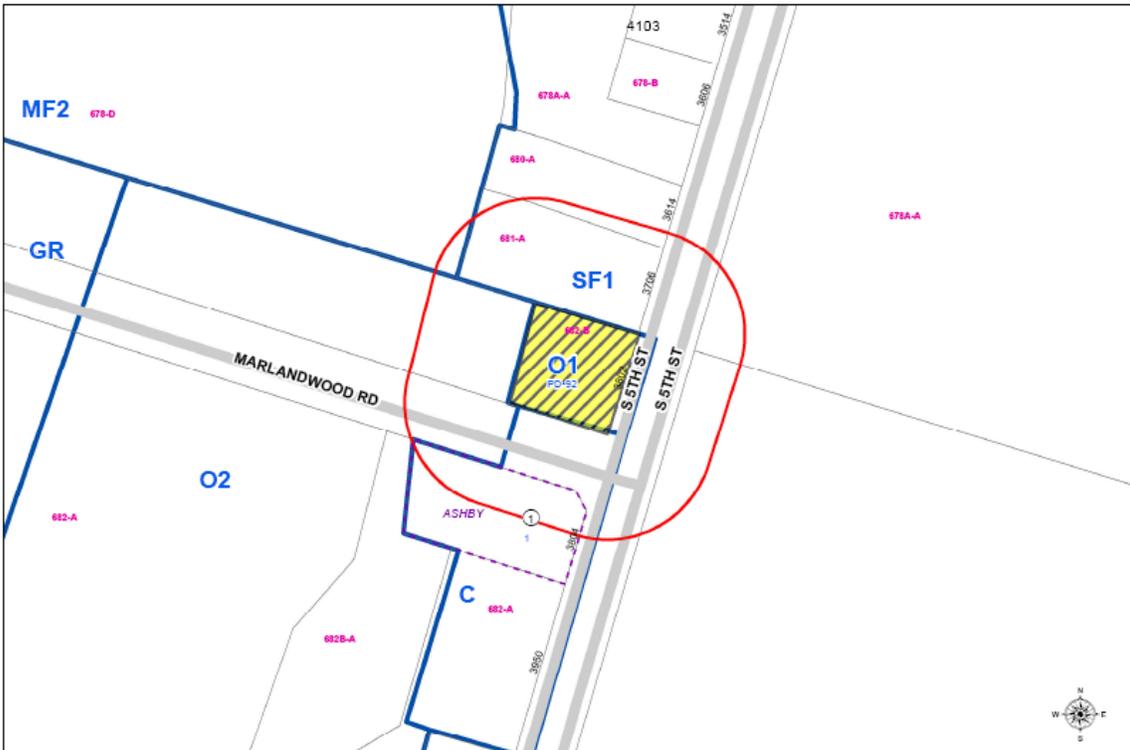
ZFY 12-28	Major Arterial Street	City Limits	Feet 0 100 200 300
2010 Bell County Aerial	Connector Classed Street	Proposed City Wide Spine Trail	LMatlock 01.31.12



Z-FY-12-28

PD-O1 Amendment  
Adding Construction Yard as Permitted Use

3802 South 5th Street



ZFY 12-28	200-foot Notification Buffer	Zoning District Line	1818 Address	Feet 0 100 200 300
2010 Bell County Aerial	Subdivision	9876-A Outblock		LMatlock 01.31.12



Z-FY-12-28

PD-O1 Amendment  
Adding Construction Yard as a Permitted Use

3802 South 5th Street



ZFY 12-28  
 Domestic Water Lines  
 Sanitary Sewer Lines  
● Propc Fire Hydrant

2010 Bell County Aerial Feet 0 100 200 300  
 LMatlock 01.31.12



Z-FY-12-28

PD O1 Amendment  
Adding Construction Yard as a Permitted Use

3802 South 5th Street



ZFY 1228, PD O1  
 Agricultural/Rural  
 Auto-Urban Commercial  
 Auto-Urban Mixed Use  
 Auto-Urban Multi-Family  
 Auto-Urban Residential  
 Estate Residential  
 Industrial  
 Business Park  
 Neighborhood Conservation  
 Parks & Open Space  
 Public Institutional  
 Suburban Commercial  
 Suburban Residential  
 Temple Medical Education District  
 Urban Center

1 inch = 200 feet  
 LMatlock Planning 01.31.12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM OFFICE ONE DISTRICT (O1) TO PLANNED DEVELOPMENT OFFICE ONE DISTRICT (PD-O1) ON 0.91 ACRE OF LAND AT 3802 SOUTH 5<sup>TH</sup> STREET, IN ACCORDANCE WITH SECTIONS 7-500 THROUGH 7-509 OF THE COMPREHENSIVE ZONING ORDINANCE; PROVIDING CONDITIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the owner of the property described as approximately 0.91 acre of land located at 3802 South 5<sup>th</sup> Street, has requested a zoning change from Office One District (O1) to Planned Development Office One District (PD-O1); and

**Whereas**, the City Council, after notice and a public hearing, finds that it is in the public interest to authorize this action.

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

**Part 1:** The zoning classification of the property described as approximately 0.91acre of land located at 3802 South 5<sup>th</sup> Street, more fully described in Exhibit "A," attached hereto and made a part hereof for all purposes, is changed from Office One District (O1) to Planned Development Office One District (PD-O1).

**Part 2:** In accordance with Sections 7-500 through 7-509 of the Comprehensive Zoning Ordinance of the City of Temple, Texas, Ordinance No. 91-2101, is amended by changing the zoning classification of the property described in Part 1 above, to Planned Development Office One District (PD-O1), and shall comply with all applicable sections of the Code of Ordinances of the City of Temple, Texas, and all local, State and Federal laws and regulations as they may now read or hereafter be amended, including but not limited to the following conditions:

- |  |
|--|
| <ul style="list-style-type: none"><li>(a) The use of the property shall conform to all requirements of the Office One District (O1) with the added permitted use of beauty and barber shop;</li><li>(b) The development of the property shall conform to all requirements of the Office One District (O1) and in accordance with the site plan which is attached hereto as Exhibit "B;" and</li><li>(c) Any exterior changes that differ from the attached site plan will require approval of the Planning and Zoning Commission and the City Council.</li></ul> |
|--|

These conditions shall be expressed conditions of any building permit issued for construction on the property which may be enforced by the City of Temple by an action either at law or in equity, including the right to specifically enforce the requirements of the ordinance, and these requirements shall run with the land.

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

**Part 4:** If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

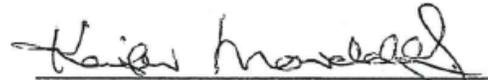
**Part 5:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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

PASSED AND APPROVED on First Reading on the 21<sup>st</sup> day of June, 2001.

PASSED AND APPROVED on Second and Final Reading on the 5<sup>th</sup> day of July, 2001.

THE CITY OF TEMPLE, TEXAS

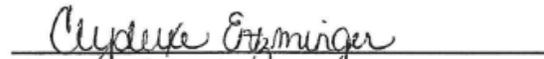
  
KEIFER MARSHALL, JR., Mayor

APPROVED AS TO FORM:

  
Jonathan Graham  
City Attorney

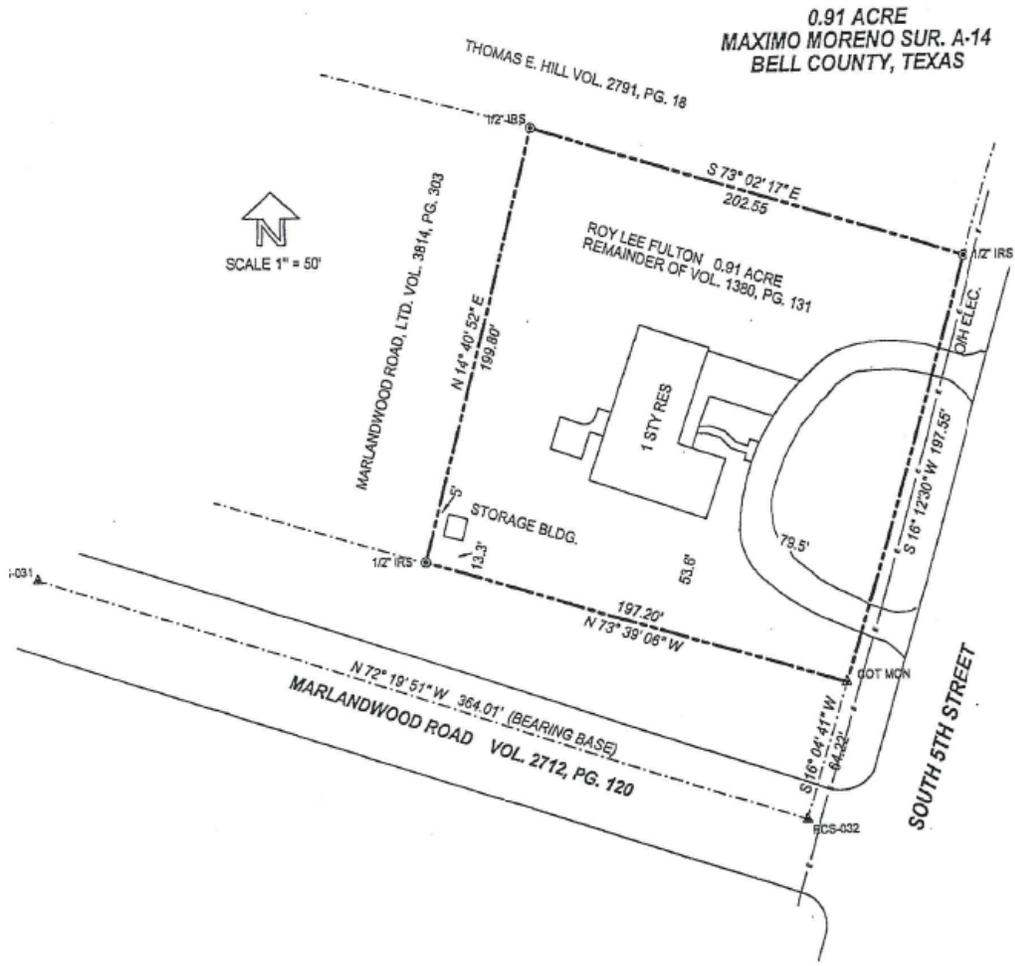
ATTEST:



  
Clydette Entzminger  
City Secretary

# Original PD Site Plan

**0.91 ACRE  
MAXIMO MORENO SUR. A-14  
BELL COUNTY, TEXAS**



Being a 0.91 acre tract of land situated in the Maximo Moreno Survey, Abstract 14, City of Temple, Bell County, Texas and being the remainder of a tract of land conveyed to Roy Lee Fulton by deed recorded in Volume 1380, Page 131, deed records of Bell County, Texas:

Beginning at a City of Temple Monument found at the intersection of the north line of Marlandwood Road as described in Volume 2712, Page 120, deed records of said county and the west line of South 5<sup>th</sup> Street as established by found monuments, being the southeast corner of the herein described tract:

Thence N 73° 39' 06" W – 197.20' (record Vol. 2712, Pg. 120 – S 71° 36' 37" E 197.08'), along the north line of Marlandwood Road, to a ½" iron rod set for a corner:

Thence N 14° 40' 52" E – 199.80' (record Vol. 3814, Pg. 303 – N 17° 06' 01" W 199.42'), along the east line of the Marlandwood Road, LTD. Tract described in Volume 3814, Page 303, deed records of said county, to a ½" iron rod found for a corner:

Thence S 73° 02' 17" E – 205.55 (record Vol. 1380, Pg. 131 – S 71° E), along the south line of the Thomas E. Hill tract described in Volume 2791, Page 18, deed records of said county, to a ½" iron rod set for a corner:

Thence S 16° 12' 30" W – 197.55', along the west line of South 5<sup>th</sup> Street, to the Point of Beginning and containing 0.91 acre of land.

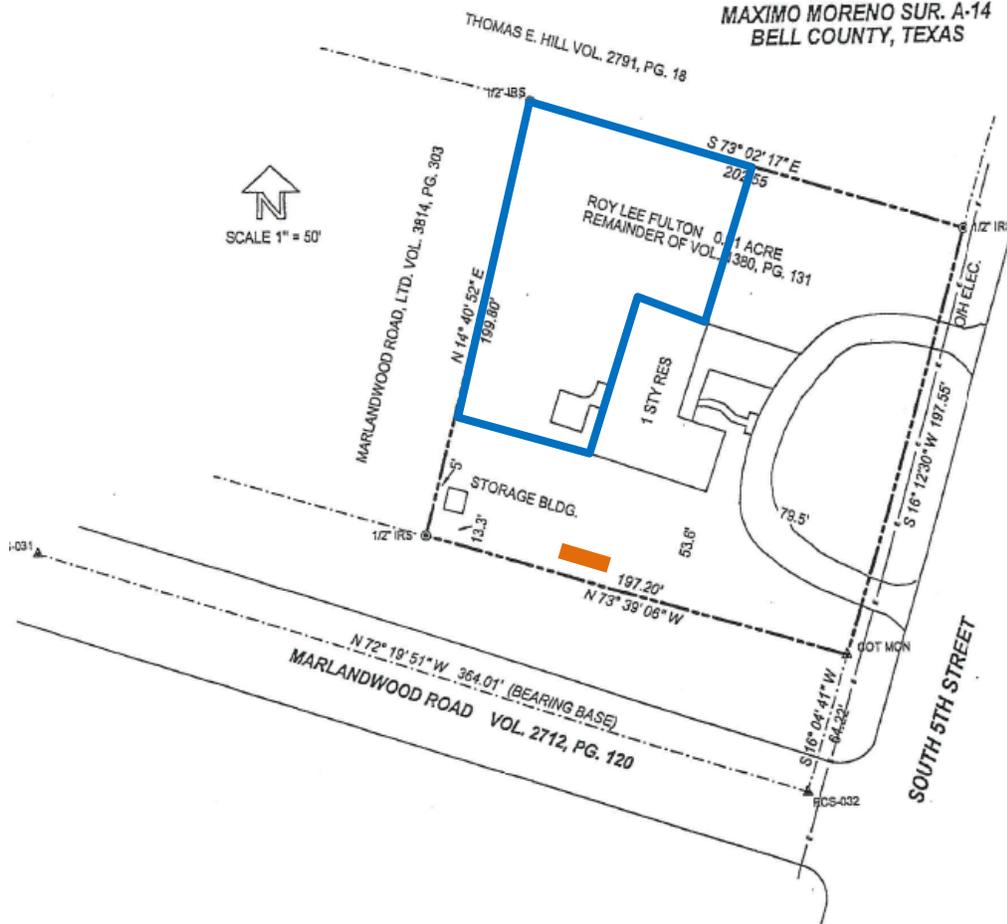
THIS SURVEY WAS MADE ON THE GROUND. THERE IS NO VISIBLE EVIDENCE OF CONFLICTS OR EASEMENTS, EXCEPT AS SHOWN HEREON.

*Ronald E. Owens*  
RONALD E. OWENS, RPLS 4029  
JULY 18, 2000

FILE NO. 9504

# Proposed PD Site Plan

0.91 ACRE  
 MAXIMO MORENO SUR. A-14  
 BELL COUNTY, TEXAS



-  Location of Fulton Construction Company Sign
-  Outline of proposed 12,500 sq. ft. construction storage yard with 6-8' solid wood fence

**APPLICANT:** Lorinda Baum of Bo's Barn Dancehall and Restaurant, on behalf of David Beevers of Ron's One Stop, Owner

**CASE MANAGER:** Leslie Matlock, AICP, Senior Planner

**ITEM DESCRIPTION:** Z-FY-12-26 Hold a public hearing to discuss and recommend action on a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption with more than 75% revenue from alcohol sales in an existing bar and restaurant on 5.68 acres of Outblock 5008, City Addition, commonly known as 4984 W. FM 93.

**BACKGROUND:** This subject property is situated at the north side of W. FM 95 and is west of Witter Lane, south of Taylor Valley Road. The property has a one-story commercial building formerly used as the Ranch Steakhouse Restaurant. It has been vacant for some time. The site received a Conditional Use Permit (CUP) in June 2003 to authorize on-premise consumption of alcohol with 75% or less of the total gross revenue coming from alcohol sales.

This business, Bo's Barn, has been operating since mid-January at this location in conformance with State licensing procedures for a private club and under the approved CUP authorized in 2003. Staff met with the applicant and encouraged her to apply for this CUP in case she anticipated exceeding the 75% limit. This would avoid situations such as the City has experienced downtown with a bar that had been operating without the proper alcohol-related CUP. As a result of the meeting, the applicant is applying for this CUP in order to be able to receive more than 75% revenue from alcohol sales for on-premise consumption.

Surrounding Property and Uses

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

Direction	Zoning	Current Land Use	Photo
Subject Property	C CP152	Alcohol Service <75% of total revenue with Restaurant	

Direction	Zoning	Current Land Use	Photo
North	AG	Agricultural Land	
South	AG	Vacant Land	
East	C CP152	Concrete Batch Plant Business	

Direction	Zoning	Current Land Use	Photo
West	LI CP124	Vacant 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	Industrial	Yes
CP	Map 5.2 - Thoroughfare Plan	FM 93 is a Major Arterial.	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities.	6-inch water line serves this property; no public sewer is available. Septic system is existing.	Yes
STP	Page F3- A proposed city-wide spine trail is shown near the west side of this property	Trail is shown extending onto vacant land to west.	Yes

CP = Comprehensive Plan    STP = Sidewalk and Trails Plan

**PUBLIC NOTICE:**

Four notices of the Planning and Zoning Commission public hearing were sent to surrounding property owners. As of Wednesday, February 29<sup>th</sup> at 12 PM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on February 10, 2012, in accordance with state law and local ordinance.

**STAFF RECOMMENDATION:** Staff recommends approval of the requested CUP to allow gross revenues from alcohol of more than 75%, for on-premise consumption, rather than the existing 75% or less.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Aerial, Thoroughfare and Trail Map](#)

[Land Use and Character Map](#)

[Zoning and Public Notice Map](#)

[Utility Map](#)

[Original 2003 CUP Ordinance with Site Plan for the Ranch Steakhouse](#)



Z-FY-12-26

C-CP-152 to C-Cup  
for On Premise Alcohol > 75% Total Gross  
Bo's Barn Dance Hall and Restaurant

4984 W. FM 93



Major Arterial Proposed Major Arterial Collector Classed Street  
2010 Bell County Aerial Proposed City Wide Spine Trail

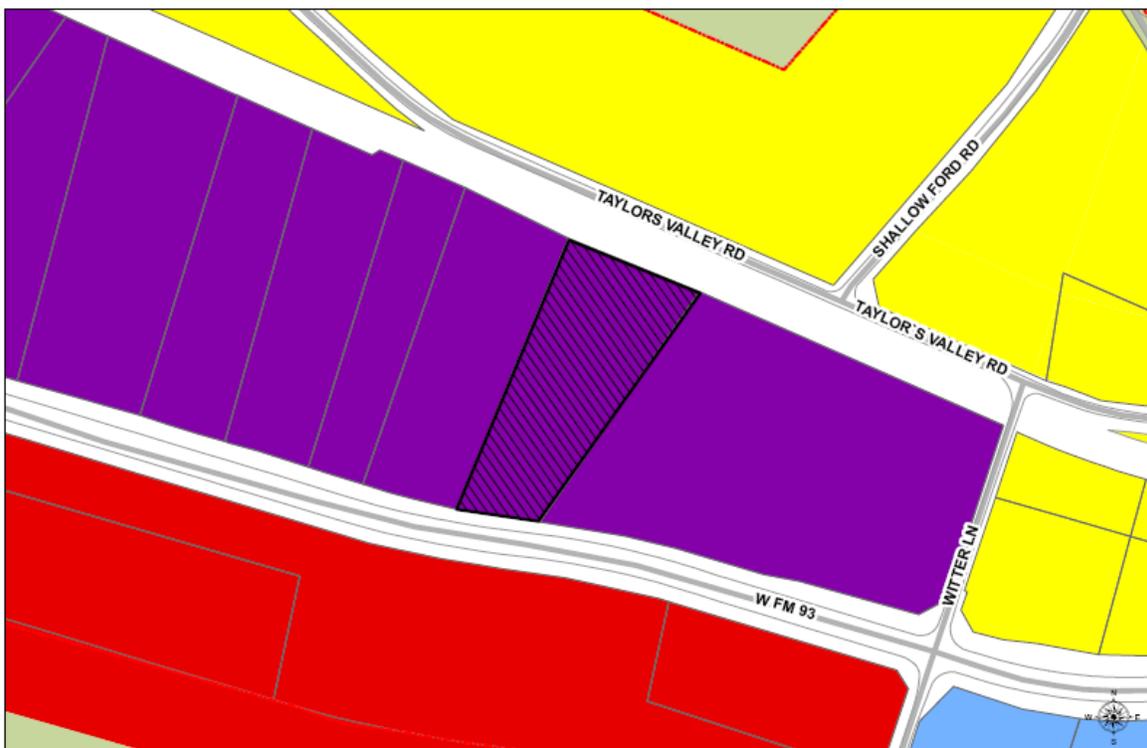
Feet 0 100 200 300  
LMatlock 01.19.12



Z-FY-12-24

C-CP-152 to C-CUP  
for On Premise Alcohol >75% Total Gross  
Bo's Barn Dance Hall and Restaurant

4984 W. FM 93



ZFY 1226, C-CP-152	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	

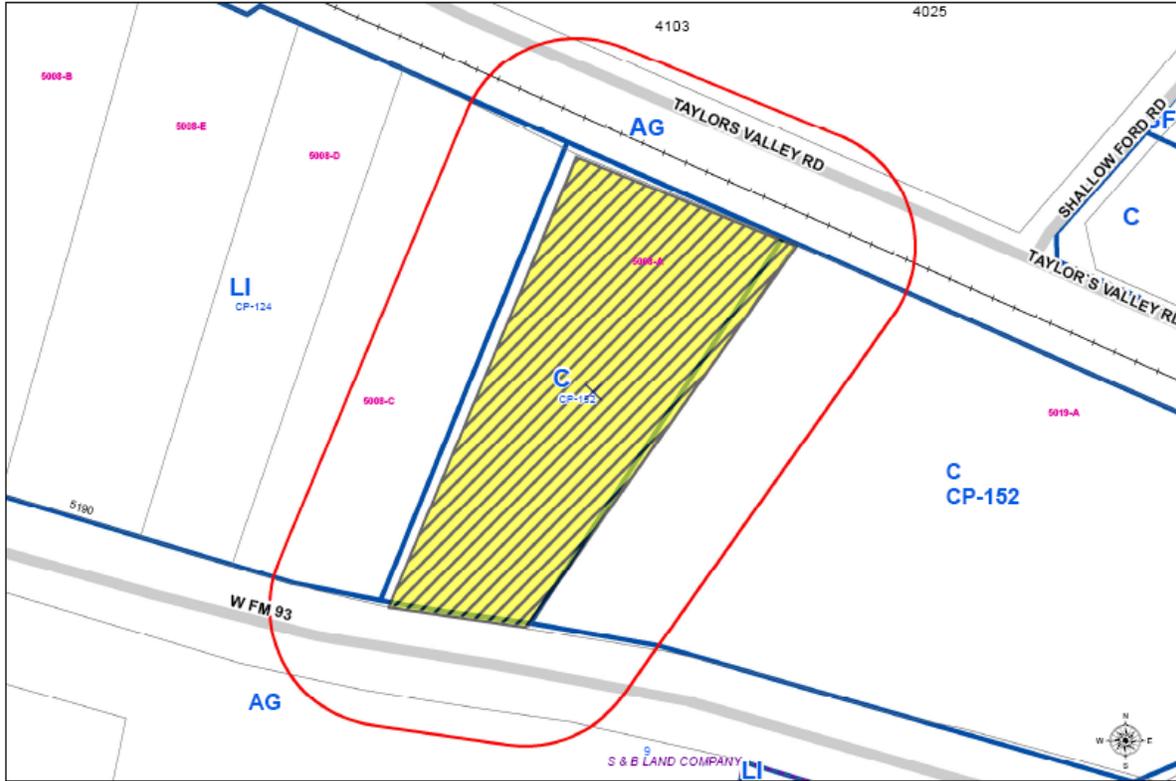
1 inch = 313 feet  
LMatlock Planning 01.19.12



Z-FY-12-26

C-CP-152 to C-Cup  
for On Premise Alcohol > 75% Total Gross  
Bo's Barn Dance Hall and Restaurant

4984 W. FM 93



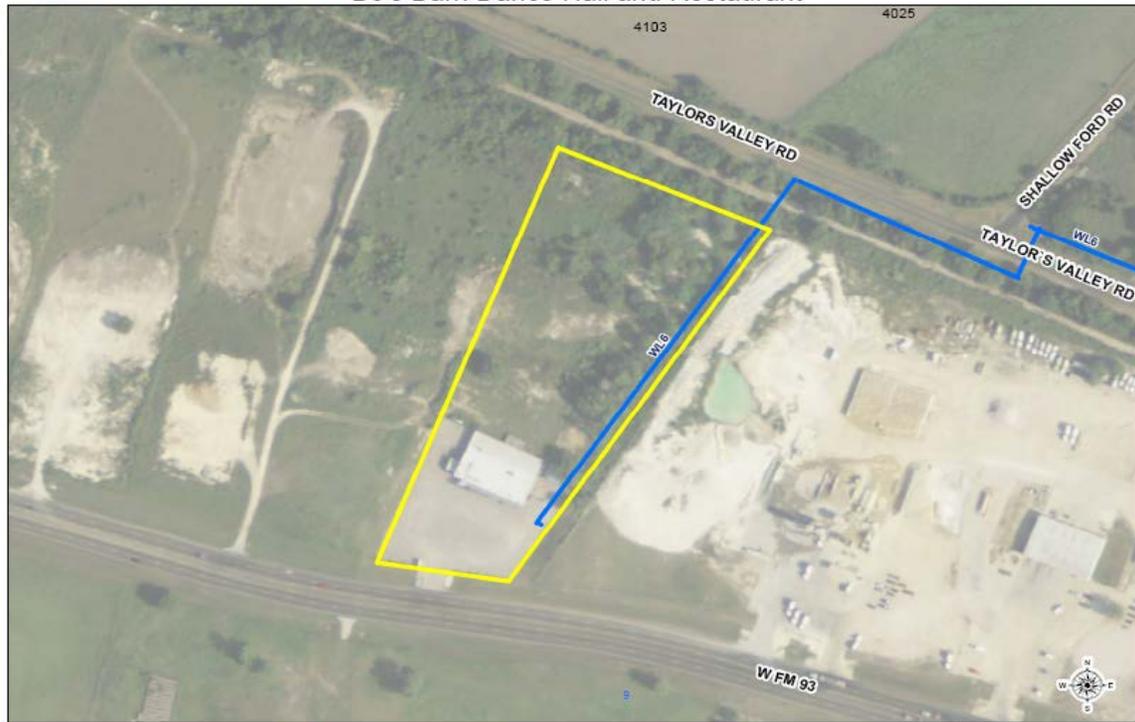
— 200 ft notification buffer   
  ZFY 1226, C-CP-152   
 — Zoning District  
 1234 Addresses   
 8878-B Outblocks   
 Feet 0 100 200 300   
 LMatlock 01.19.12



Z-FY-12-26

C-CP-152 to C-Cup  
for On Premise Alcohol > 75% Total Gross  
Bo's Barn Dance Hall and Restaurant

4984 W. FM 93



— Domestic Water Service   
 — ZFY 12-26  
 2010 Bell County Aerial No City Sewer Service at this location   
 Feet 0 100 200 300   
 LMatlock 01.19.12

ORDINANCE NO. 2003-3908

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONING CHANGE FROM LIGHT INDUSTRIAL DISTRICT (LI) WITH A CONDITIONAL USE PERMIT FOR A CONCRETE/ASPHALT BATCHING PLANT, SAND, GRAVEL PROCESSING PLANT, WITH ASSOCIATED MATERIALS STORAGE TO COMMERCIAL DISTRICT (C) WITH A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES ALCOHOL CONSUMPTION WHERE THE GROSS REVENUE FROM THE SALE OF ALCOHOLIC BEVERAGES IS LESS THAN 75% OF THE TOTAL GROSS REVENUE FOR A PROPOSED STEAKHOUSE ON APPROXIMATELY 5.68 ACRES OF LAND, LOCATED ON THE NORTH SIDE OF FM 93, MOST COMMONLY REFERRED TO AS A PORTION OF OUTBLOCK 5008, CITY ADDITION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Whereas**, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the location and zoning classification of the establishment, has recommended that the City Council approve this application; and

**Whereas**, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted concerning the proposed steakhouse on approximately 5.68 acres of land, located on the north side of FM 93, and has heard the comments and evidence presented by all persons supporting or opposing this matter at said public hearing, and after examining the location and the zoning classification of the establishment finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

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

**Part 1:** The City Council authorizes a zoning change from Light Industrial District (LI) with a conditional use permit for a concrete/asphalt batching plant, sand, gravel processing plant, with associated materials storage to Commercial District (C) with a conditional use permit to allow the sale of alcoholic beverages for on-premises consumption where the gross revenue from the sale of alcoholic beverages is less than 75% of the total gross revenue for a proposed steakhouse on approximately 5.68 acres of land, located on the north side of FM 93, most commonly referred to as a portion of Outblock 5008, City Addition, more fully described in Exhibit "A," attached hereto and made a part hereof for all purposes.

**Part 2:** The owners/applicants, their employees, lessees, agents or representatives, hereinafter called "permittee" shall comply with the following developmental standards and conditions of operation:

- A. The sale and consumption of alcoholic beverages (beer and mixed drinks) shall occur within the restaurant, in accordance with the site plan attached as Exhibit "B."
- B. Hours of operation will be 9:00 a.m. to 12:00 p.m.
- C. Number of employees shall be 12-18.
- D. The establishments must provide adequate parking spaces to accommodate its members and their guests. Provided, however, the number of parking spaces shall never be less than the number required for similar uses in the zoning district where the establishment is located.
- E. The permittee shall be responsible for providing on-site security to the facilities in a manner which minimizes any conflict to the surrounding residential neighborhood. An adequate number of employees shall be provided for security purposes to adequately control the establishment's premises to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee shall consult with the Chief of Police, who shall act in an advisory capacity to determine the number of qualified employees necessary to meet the obligations hereunder.
- F. That the permittees shall make every reasonable effort to minimize the noise impact of this use to surrounding development.
- G. That the permittee must design and operate the establishment in such a manner that the proposed use or actual use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.

- H. That the permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within six (6) months from the date of the issuance of this conditional use permit by the City Council, such limitation in time being subject to review and possible extension by the City.
- I. That the permittee must maintain the premises in a manner that will not be detrimental to the public welfare of the citizens of the City.
- J. That the permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter, and odors on the establishments or in the surrounding area and shall operate the establishment in such a manner as to minimize disturbance to surrounding property owners.
- K. That the City Council may revoke a conditional use permit if it affirmatively determines that the issuance of the same is (1) incompatible with the surrounding uses of property, or (2) detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.
- L. That conditional use permit issued under this section runs with the property and is not affected by a change in the owner or lessee of a permitted establishment.
- M. That a conditional use permit may be canceled, suspended, or revoked in accordance with the revocation clause set forth in Section 7-609 of the Zoning Ordinance.

**Part 3:** The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

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

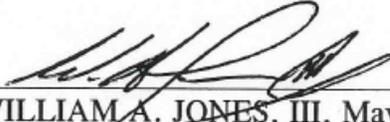
**Part 5:** This ordinance shall take effect ten (10) days after the land is sold to David Beavers.

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

PASSED AND APPROVED on First Reading on the 5<sup>th</sup> day of June, 2003.

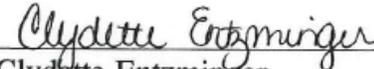
PASSED AND APPROVED on Public Hearing and Second Reading on the 19<sup>th</sup> day of June, 2003.

THE CITY OF TEMPLE, TEXAS

  
\_\_\_\_\_  
WILLIAM A. JONES, III, Mayor

ATTEST:



  
\_\_\_\_\_  
Clydette Entzminger  
City Secretary

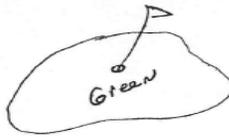
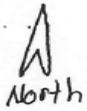
APPROVED AS TO FORM:

  
\_\_\_\_\_  
Jonathan Graham  
City Attorney



Project Concept

EXHIBIT  
"B"



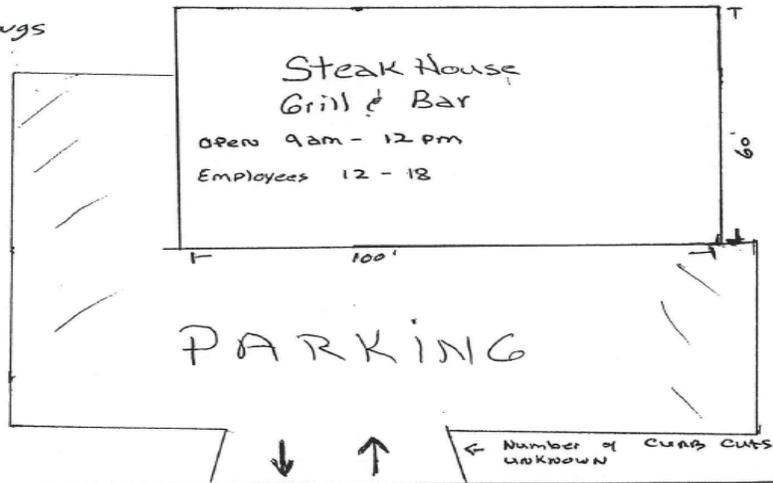
GOLF  
DRIVING RANGE



OUT DOOR  
PATIO AREA



Possible:  
Future mini storage Buildings



Belton ← HWY 93 → Temple



**RESPONSE TO PROPOSED  
PLANNED DEVELOPMENT AMENDMENT  
REQUEST  
CITY OF TEMPLE**

Nichols Acres LLC  
4205 Forrester Roadt  
Temple, Texas 76502

**Zoning Application Number:** Z-FY-12-26

**Project Manager:** Leslie Matlock

**Location:** 4984 West FM 93

The proposed amendment to allow the sale of alcoholic beverages more than 75% of the total gross revenue is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend  approval      ( ) denial of this request.

**Comments:**

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*Hubert A Johnson*  
**Signature**

Hubert A Johnson - Nichols Acres  
**Print Name**      *manager*

Please mail or hand-deliver this comment form to the address shown below, no later than February 21, 2012

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

**RECEIVED**  
FEB 14 2012  
City of Temple  
Planning & Development

Number of Notices Mailed: 4

Date Mailed: February 9, 2012



# PLANNING AND ZONING COMMISSION AGENDA ITEM

02/21/12  
 Item 5  
 Regular Agenda  
 Page 1 of 4

**APPLICANT:** City of Temple

**CASE MANAGER:** Brian Mabry, AICP, Planning Director

**ITEM DESCRIPTION:** Z-FY-12-25 Hold a public hearing to discuss and recommend action on a rezoning from Two Family District (2F) to General Retail District (GR) on a 0.939 ± acre tract of land out of the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, located at 2102 Scott Boulevard.

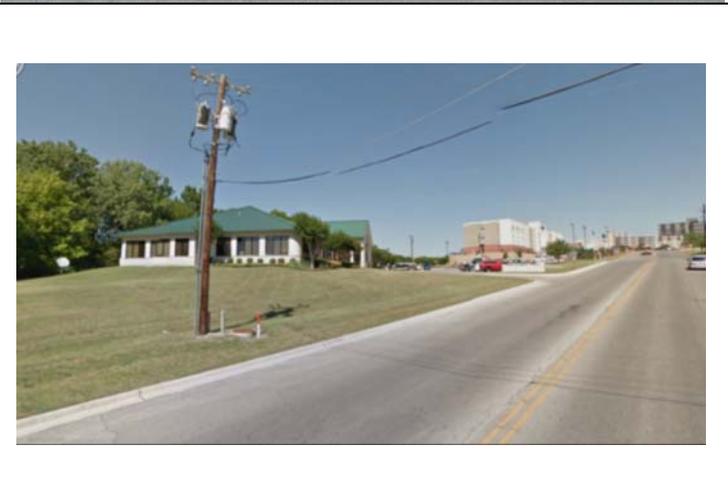
**BACKGROUND:** The City of Temple, which is the applicant for this case, is in the midst of a year-long process identifying properties which the City believes are no longer needed and should be disposed of. In order to bring the property into compliance with the Future Land Use and Character Map, expand the menu of possible uses that could take place on the property, and make the property more attractive to potential future owners, the City is applying for this rezoning. A rezoning from the 2F to the GR zoning district would allow many uses that would not have been allowed before. Those uses include, but are not limited to, the following:

- |                            |   |
|----------------------------|---|
| Lithographic or print shop | On-premise consumption of beer and wine - less than 75% revenue |
| Plumbing shop              | Restaurant  |
| Hospital                   | Car wash  |
| Office                     | Fuel sales  |
| Hotel or motel             | Auto sales, leasing, rental                                     |

**SURROUNDING PROPERTY AND USES:**

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

Direction	Zoning	Current Land Use	Photo
Subject Property	2F	Undeveloped Land	

Direction	Zoning	Current Land Use	Photo
North	T4	Undeveloped Land with Church in distance	
South	2F	Undeveloped	
East	C	Office	

Direction	Zoning	Current Land Use	Photo
West	2F	Single-family dwelling	

**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	Suburban commercial with Auto-Urban across street and Neighborhood Conservation to west	Yes
CP	Map 5.2 - Thoroughfare Plan	Scott Blvd. is a Collector Street	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities.	8" water line and 8" sewer line	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.	GR zoning would serve as a transition between C to the east and 2F to the west	Yes

CP = Comprehensive Plan

**DEVELOPMENT REGULATIONS:**

The requested GR zoning district is the standard retail district and allows most retail sales, restaurants, grocery stores, department stores, or offices and all residential uses except apartments, with a maximum building height of 3 stories. There is no minimum lot area, width or depth. The building setback for the front yard is 15 feet from the front property line. There is a minimum side yard setback requirement of 10 feet. If a residential use borders the subject property use, as in this case, then a 10-foot setback and fence or vegetative screening is required.

**STAFF ANALYSIS**

This undeveloped property is located on a heavily traveled collector street, Scott Boulevard. The C zoning district is to the east and the 2F zoning is to the west. The GR zoning district would be appropriate for the subject property so that the intensity of future nonresidential uses along Scott would decrease adjacent to the established residential neighborhood to the west.

**PUBLIC NOTICE:**

Staff mailed notices of the Planning and Zoning Commission's public hearing to the 12 property owners within a 200-foot radius surrounding the subject property. As of Wednesday, February 15, 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 February 10, 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 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](#)

[Future Land Use and Character Map](#)

[Utility Map](#)

[Zoning and Notice Map](#)

[Responses](#)



Z-FY-12-25

2F to GR  
0.9-acre Tract 1

2102 Scott Blvd.



Existing Collector Classed Street  
2010 Bell County Aerial

Proposed Local Connector Trail

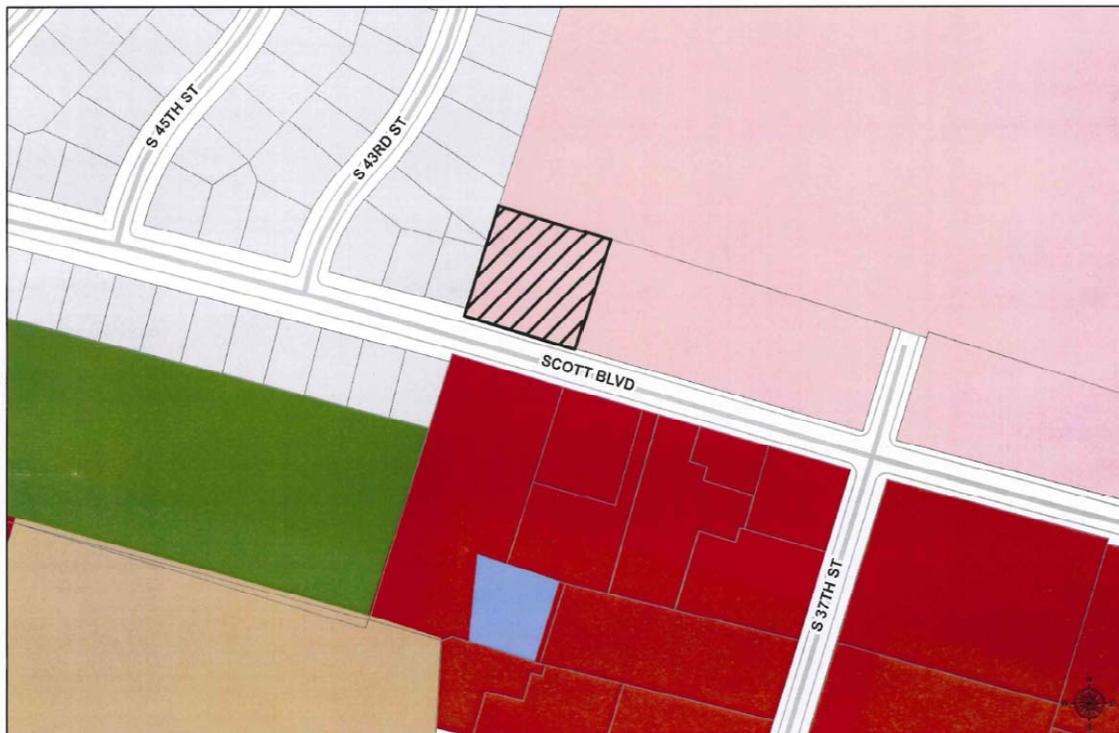
Feet 0 100 200 300  
LMatlock 01.18.12



Z-FY-12-25

2F to GR  
0.9-acre Tract 1

2102 Scott Blvd.



- ZFY 1225, 2F
- Agricultural/Rural
- Auto-Urban Commercial
- Auto-Urban Mixed Use
- Auto-Urban Multi-Family
- Auto-Urban Residential
- Business Park
- Estate Residential
- Industrial
- Neighborhood Conservation
- Parks & Open Space
- Public Institutional
- Suburban Commercial
- Suburban Residential
- Temple Medical Education District
- Urban Center

1 inch = 190 feet

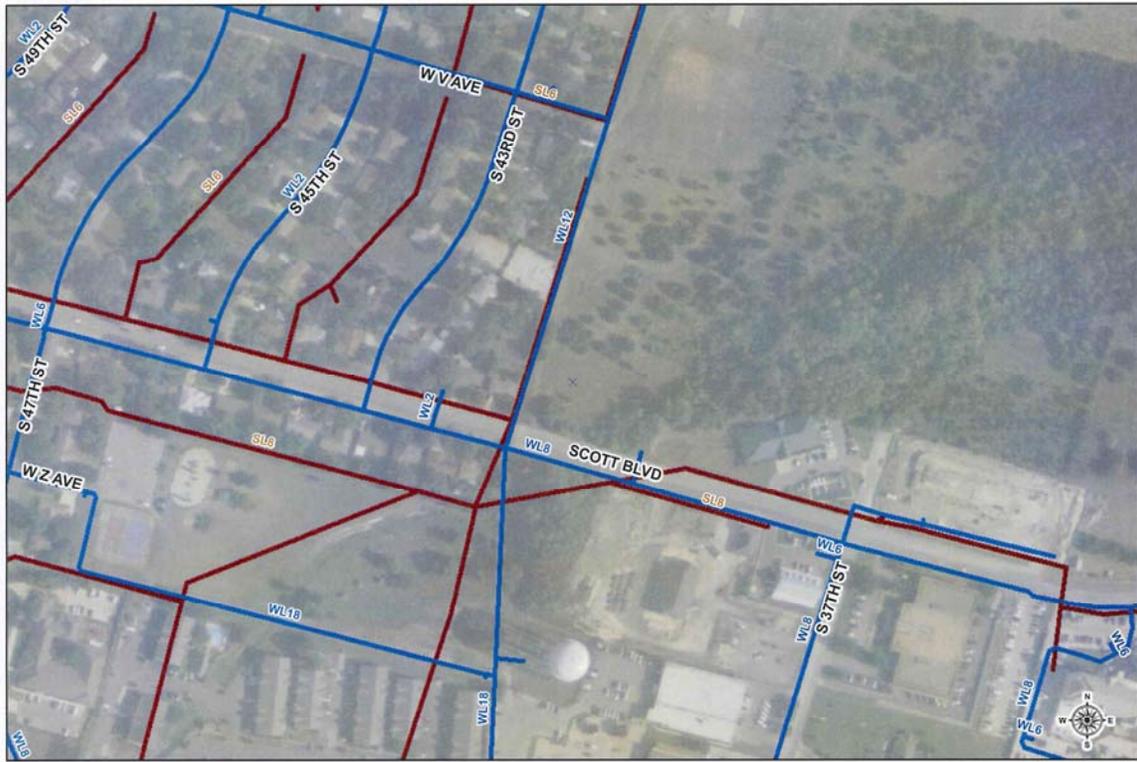
LMatlock Planning 01.18.12



Z-FY-12-25

2F to GR  
0.9-acre Tract 1

2102 Scott Blvd.



— Sewer Lines      ..... Water Lines  
2010 Bell County Aerial

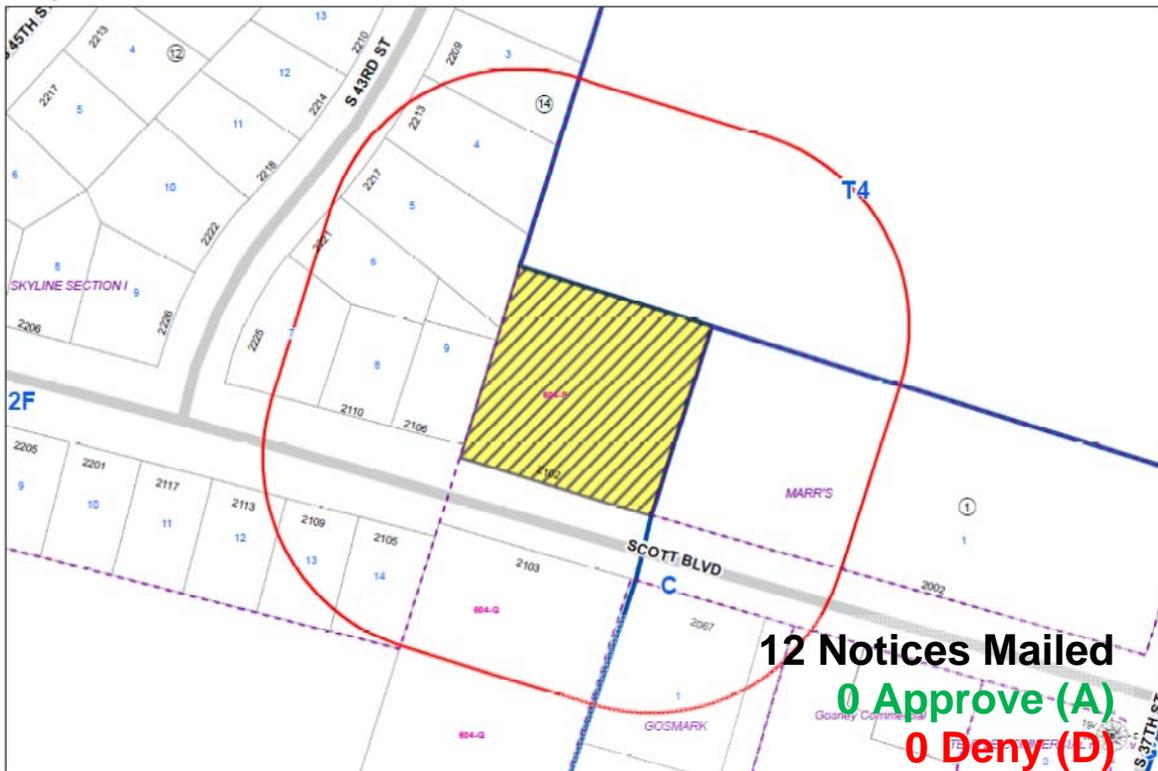
Feet 0 100 200 300  
LMatlock 01.18.12



Z-FY-12-25

2F to GR  
0.9-acre Tract 1

2102 Scott Blvd.



— 200 ft notification buffer      ZFY 12-25  
1234 Addresses      Subgate V Subdivisions

Feet 0 100 200 300  
LMatlock 01.18.12

**12 Notices Mailed**  
**0 Approve (A)**  
**0 Deny (D)**



## PLANNING AND ZONING COMMISSION AGENDA ITEM

2/21/12  
Item #7  
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
<b>Z-FY-12-32</b> - Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption less than 75% of the gross revenue in a restaurant, on Lot 1, Block 1, The Market Place Section One, located at 3008 South 31st Street.	DRC 2/22/12 PZC 3/19/12	For Smashburger
<b>Z-FY-12-30</b> - Rezoning from SF1 and SF2 to MF2 on a 15 ± acre tract of land out of the McKinney and Williams Survey, located on the north side of SW H K Dodgen Loop, west of Bird Creek Shopping Mall	PZC 3/5/12	Future multifamily development
<b>Z-FY-12-29</b> - Rezoning from Single Family One District (SF1) to General Retail District (GR) on Lot 3, Block 8, Parklawn Addition located at 2007 North 7th Street and 0.25 acres ± out of the Maximo Moreno Survey, Abstract 14, being a portion of North 7th Street adjacent to 2007 North 7th Street. (Scott Dye for Crispin Landeros)	PZC 3/5/12	Future retail development
City Council Final Decisions	Status	
No City Council Meetings since last P&Z		



**PLANNING AND ZONING COMMISSION  
MEETING EVALUATION  
February 21, 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?

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

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**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	P	P										3		
Mike Pilkington	P	P	P										3		
Allan Talley	P	P	P										3		
Derek Martin	P	P	P										3		
Will Sears	P	P	P										3		
Greg Rhoads	A	A	P										1	2	
David Jones	P	P	P										3		

	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