

**NOTICE OF MEETING
PLANNING AND ZONING COMMISSION
CITY MUNICIPAL BUILDING, 2 NORTH MAIN STREET
STAFF CONFERENCE ROOM, 1ST FLOOR
APRIL 16, 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, April 16, 2012.
2. Receive and discuss the Planning Director's Report containing items for future meetings regarding subdivision plats, zoning cases, conditional use permits, annexations, and proposed text amendments to the Unified Development Code (UDC).

**NOTICE OF MEETING
PLANNING AND ZONING COMMISSION
CITY MUNICIPAL BUILDING, 2 NORTH MAIN STREET
CITY COUNCIL CHAMBERS, 2ND FLOOR
APRIL 16, 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 April 2, 2012.

B. ACTION ITEMS:

Item 2: [P-FY-12-18](#) Hold a public hearing to consider and take action on the Final Plat of RBA Third Street Subdivision, a 1.289 ± acre 1-lot, 1-block nonresidential subdivision located on the west side of North 3rd Street, south of an existing Family Dollar Store, being a replat of Lot 3, Block 8 and a portion of abandoned North 7th Street right-of-way, both shown on the Subdivision Plat of Park Lawn Addition according to the map or plat thereof recorded in Volume 384, Page 292, of the Deed Records of Bell County, Texas.

Item 3: [Z-FY-12-41](#) - Consider and make a recommendation on an Appeal of Standards in Sec. 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for sign requirements for Starbucks Coffee, located at 111 North General Bruce Drive.

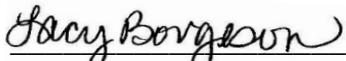
Item 4: [Z-FY-12-44](#) - Consider and make a recommendation on an Appeal of Standards in Sec. 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for the commercial property located at 2001 West Adams Drive.

Item 5: [Z-FY-12-04](#) - Discuss and make a recommendation on an amendment to the City of Temple Unified Development Code to amend Article 6 of the Unified Development Code to create an overlay called the 1st and 3rd Street Overlay and add standards for development in the specified area and consider a zoning map amendment defining the boundaries of the 1st and 3rd Street Overlay generally being defined as tracts of land that abut or adjoin South 1st Street from the north intersection of Avenue M to the south intersection of Avenue E and from the north intersection of Avenue E and South 3rd Street to the north intersection of S 3rd Street and Avenue D, generally following the curve where S 1st and S 3rd join and tracts of land that abut or adjoin North 3rd Street from the north intersection of Houston Avenue to the south intersection with West Bellaire North.

C. REPORTS

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 2:10 PM, on April 12, 2012.



Lacy Borgeson
City Secretary

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

I certify that this Notice of Meeting Agenda was removed by me from the outside bulletin board in front of the City Municipal Building at _____ the _____ day of _____, 2012. Title _____.

**PLANNING AND ZONING COMMISSION
MONDAY, APRIL 2, 2012
5:00 P.M.
WORK SESSION**

PLANNING AND ZONING MEMBERS PRESENT

Vice-Chair James Staats

COMMISSIONERS:

David Jones
H. Allan Talley
Bert Pope
Chris Magaña

Will Sears
Mike Pilkington
Greg Rhoads

PLANNING AND ZONING MEMBERS ABSENT:

Derek Martin

STAFF PRESENT:

Autumn Speer, Director of Community Services
Trudi Dill, Deputy City Attorney
Tammy Lyerly, Planner
Mary Maxfield, Planning Technician
Leslie Evans, Administrative Assistant

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, Vice-Chair Staats opened the work session at 5:00 p.m., assigned the Invocation and Pledge, and asked Ms. Autumn Speer, Director of Community Services, to proceed.

Ms. Speer stated the final plat of Fryer's Creek Medical Subdivision was on the Consent Agenda. Vice-Chair Staats stated he would need to abstain from this item so it would need to be pulled from the Consent Items. Commissioner Pilkington will act as Chair for this item.

A CUP for alcohol sales, more than 50% and less than 75%, for Spare Time Entertainment, proposed bowling alley to be located near Kegley and Adams. This is an economic development project and Staff recommends approval for the CUP. The landscaping plan is subject to change and Staff will ask Council if they would like the

landscape plan to come back before the Commission and City Council once it is finalized.

The 1st and 3rd Street Overlay project will come before P&Z tonight. A work session with P&Z was held approximately one month ago and a public meeting was held late March. The majority of questions were asked about South 1st Street.

Ms. Speer went through the Powerpoint presentation for this project. Ms. Speer briefly describes the process, the SWOT exercise with City Council, areas of review, and then the work shop with P&Z and finally the public meeting on March 27th.

The first part of the presentation dealt with residential properties. The only residential trigger would be new construction and those consist of General Standards and Public Frontage Standards. Public frontage standards deal with sidewalks and street trees and the General Standards is Article 4 of the Zoning District and Article 5, Use Standards.

For the residential section from Houston Street to Munroe, if building a new home, applicants would be required an eight foot landscaped strip at back of curb, a four to five foot wide sidewalk, and street trees behind the sidewalk. Currently, the trees are in between the sidewalk and street which is TxDOT right-of-way and trees may no longer be planted there.

Commissioner Sears asked how many lots were available for new construction and the response was not many. No percentage of remodeling will trigger any standards. Any new sidewalks would basically match what is currently installed in order to maintain the character of the area.

The next part of the presentation dealt with non-residential properties. The applicability formula is explained: Based on the Bell County Appraisal Value of improvements (not the land), take for example, \$50,000, plus the value of the proposed work to be done, for example, \$10,000, would equal 20 percent for applicable triggers. Staff heard many concerns about the non-residential triggers that were proposed at the public meeting and made several changes.

Interior or exterior maintenance will not trigger any standards.

Discussion regarding impervious lot coverage materials (paving, nonporous compacted material, etc.) maximum to 90 percent coverage being added.

The various percentages are covered and types of standards triggered.

There are three distinct public frontage areas which kick in at 50% plus:

Avenue M to the bridge requires eight foot sidewalk with concrete band and pavers and a four foot planting bed with street trees, shrubs and river rock. This matches the design from Avenue M to Avenue F, west side only. Come CDBG funding is available for this project;

Houston Street to Munroe; and

Munroe to the Mayborn Center, eight foot sidewalk and four foot landscaped strip.

Currently, the entire stretch requires a six foot sidewalk with new development, as is.

Ms. Speer completes description of various standards and applicable percentages.

Public frontage lighting was deleted from the standards altogether. The City will be responsible for the lighting standards if installed.

The overlay will have no effect on what type of building is built, the type of materials used, or the current uses, zoning, or buffer requirements.

Notification letters included 380 to property owners with six in favor and 17 denials.

Approximately 300 letters went to the 200 foot radius property owners with 15 in favor and nine denials.

Staff recommends approval along with the exclusion of a few properties inadvertently included. A downtown overlay will be coming in the future and these properties would probably be included at that time.

There being no further discussion, Vice-Chair Staats adjourned the meeting at 5:29 P.M.

**PLANNING AND ZONING COMMISSION
APRIL 2, 2012
5:30 P.M.**

PLANNING AND ZONING MEMBERS PRESENT

Vice-Chair James Staats

COMMISSIONERS:

Will Sears	Greg Rhoads
H. Allan Talley	Mike Pilkington
David Jones	Chris Magaña
Bert Pope	

PLANNING AND ZONING MEMBERS ABSENT:

Derek Martin

STAFF PRESENT:

Autumn Speer, Dir. of Community Services
Trudi Dill, Deputy City Attorney
Tammy Lyerly, Planner
Mary Maxfield, Planning Technician
Leslie Evans, Administrative Assistant

The agenda for this meeting was posted on the bulletin board at the Municipal Building, June 16, 2011 at 1:15 p.m. in compliance with the Open Meetings Law.

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

Due to Chair Martin's absence, Vice-Chair Staats called Meeting to Order at 5:32 P.M.

Invocation by Commissioner Pilkington; Pledge of Allegiance by Commissioner Magaña.

A. CONSENT ITEMS

Item 1: Approval of Minutes: Work session and the regular meeting of March 19, 2012.

Approved by general consent.

Item 2: P-FY-12-17: Consider and take action on the Final Plat of Fryers Creek Medical Subdivision, a 3.72 acres±, 2-lot, 1-block nonresidential subdivision, located at the northeast corner of South 13th Street and SW H K Dodgen Loop.

Vice-Chair Staats requested Item 2 be pulled off of Consent Items in order for him to abstain from the item.

B. ACTION ITEMS:

Item 2: P-FY-12-17: Consider and take action on the Final Plat of Fryers Creek Medical Subdivision, a 3.72 acres±, 2-lot, 1-block nonresidential subdivision, located at the northeast corner of South 13th Street and SW H K Dodgen Loop.

Commissioner Pilkington sits in as acting Chair for this item.

Ms. Tammy Lyerly, Planner, asked the Commission if they would like the entire presentation or to take a vote only. Acting Chair Pilkington asked for a motion and vote only.

Commissioner Talley made a motion to approve Item 2, **P-FY-12-17**, and Commissioner Jones made a second.

Motion passed: (7:0:1)

Chair Martin absent; Vice-Chair Staats abstained

Vice-Chair Staats is reseated as Acting Chair.

Item 3: Z-FY-12-33: Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow the sale of alcoholic beverages for on premise consumption of more than 50% and less than 75% of the gross revenue for Spare Time Entertainment, on Lot 5, Block 1, Friendship Plaza, located at 5434 205 Loop.

Ms. Lyerly stated this case would go forward to City Council for first reading on April 19th and second reading and final action on May 3rd.

The subject property is zoned Commercial (C) district and the request is for a CUP for the sale of alcoholic beverages on premises consumption more than 50% and less than 75% of gross revenue for Spare Time Entertainment Center.

The proposed hours of operation for Spare Time are Sunday through Wednesday from 11:00 a.m. to 11:00 p.m.; Thursday and Friday from 11:00 a.m. to 1:00 a.m.; and Saturday from 9:00 a.m. to 1:00 a.m. The proposed hours for alcohol sales would be Sunday through Friday from 12:00 p.m. (noon) to 12:00 a.m. and Saturday from 12:00 p.m. (noon) to 1:00 a.m.

Surrounding properties include a retirement center to the north, mostly undeveloped property to the south and west, and Summit Ridge apartments to the east.

The Future Land Use and Character Map show this area as Suburban-Commercial so the proposed request is in compliance.

The utility map shows sewer and water facilities to serve the proposed business.

Alcohol CUPs must exceed the 300 foot distance requirement from all public schools, hospitals, and places of worship. The proposed business exceeds the required boundary distance.

The proposed site plan is shown. Ms. Lyerly stated the property is also part of the economic development area so the landscaping may be subject to change based on those requirements.

If approved, Spare Time Entertainment would require all servers and bartenders to successfully complete TABC training. Tips/group training for responsible alcohol serving will be conducted on a quarterly basis. Guests that are of drinking age and consuming alcohol on the lanes and/or in the game room will have wrist bands applied indicating they are legal.

Seven notices were mailed out. Two notices were received in favor, zero in opposition.

Staff recommends approval of this requested CUP to allow the sale of alcoholic beverages for on premise consumption, more than 50% and less than 75% of the gross revenues, in the Spare Time Entertainment center for the following reasons:

The request is compatible with the Future Land Use and Character Map;

It complies with the Thoroughfare Plan;

There are public facilities available to serve the property; and

The landscaping plan meets current requirements; however, it may be subject to change depending on development standards and Staff would bring it back for P&Z review should City Council require it.

Vice-Chair Staats opened the public hearing. There being no speakers, the public hearing was closed.

Commissioner Pope made a motion to approve Item 3, **Z-FY-12-33**, as presented, and Commissioner Talley made a second.

Motion passed: (8:0)

Chair Martin absent

Item 4: Z-FY-12-04: Hold a public hearing to discuss and consider action on an amendment to the City of Temple Unified Development Code to amend Article 6 of the Unified Development Code to create an overlay called the 1st and 3rd Street Overlay and add standards for development in the specified area and consider a zoning map amendment defining the boundaries of the 1st and 3rd Street Overlay generally being defined as tracts of land that abut or adjoin South 1st Street from the north intersection of Avenue M to the north intersection of Avenue D and tracts of land that abut or adjoin North 3rd Street from the north intersection of Houston Avenue to the south intersection with West Bellaire North.

Ms. Autumn Speer, Director of Community Services, stated an overlay is a planning tool used to put standards in place for specific areas. It is a special zone which may be used on top of

existing zoning or in place of. In this instance, it has been placed on top of the existing zoning and the change would be to add a boundary called the 1st and 3rd Street Overlay.

A SWOT (strength, weakness, opportunity, threat) exercise was done with City Council in January 2012. City Council and Staff brainstormed on issues and concerns, along with positive things, for the area. That information was then put into a Summary of Findings which was presented to City Council on February 2nd, along with a Visual Preference Survey (VPS) as a follow-up. From that information, City Council chose several things they were interested in seeing in the subject area.

The P&Z Commission had a work shop on this issue on March 5th and a public hearing was held on March 27, 2012.

The boundary for this overlay would be 1st Street from Avenue M up to the bridge, North 3rd Street, Houston to Munroe, is predominately residential, and from Nugent to the Mayborn Center is a mixed use area.

Residential: The only time anything in the proposed ordinance would apply is with brand new construction. If a house is torn down and a new one rebuilt, or if a vacant lot is being built on, the proposed ordinance would apply. The items that would specifically apply are General Standards and Public Frontage Standards.

General Standards deal with Article 4, Zoning District of the UDC, and the use standards.

Public Frontage is an eight foot landscaped strip, back of curb, a five foot sidewalk, and street trees behind the sidewalk. The City would like to maintain the existing character and feel of the area.

Non-residential properties have applicability triggers. New construction requires compliance with all of the new standards.

Ms. Speer gives the formulas for applicability and describes what changes have been made from the Special Meeting held on March 27th due to public comment.

At 50 percent or more, or a change in use from residential to non-residential, the following standards will apply:

- General Standards
- Landscaping
- Screening
- Public Frontage
- Circulation
- Signs

Twenty-five to 49 percent:

- General Standards
- Private property landscaping
- Screening

Ten to 24 percent requires compliance to General Standards only.

Interior or exterior maintenance with like or similar materials, no standards apply.

General Standards: (10 to 24%) deal with Article 4 of the Zoning District (the only addition is the maximum impervious (paved or built upon) lot coverage of 70 percent; Article 5, Use Standards, there are no changes and Article 7, General Development Standards.

Landscaping (25 to 49%) ratios are given.

Screening and Fencing (25 to 49%) is required for HVAC, waste containers, loading docks, etc. New chain link fences are prohibited for both residential and non-residential uses.

New outdoor storage will not be permitted in the proposed overlay. Any current outdoor storage is permitted to remain.

Outdoor retail display is provided for in the Ordinance.

Public Frontage (50%+) includes sidewalks and street trees.

From Avenue M to the bridge, a required eight foot sidewalk with a concrete band on both sides and pavers, and a four foot planting bed with street trees, shrubs and river rock. This matches the design the City will be installing on the west side only from Avenue M to F.

From Munroe to the Mayborn Center is an eight foot sidewalk (reduced from ten feet) and a four foot landscaping strip with street trees.

If parking is in between the building and street, shrubs are required for the street scape area.

Circulation standards also apply at 50%. Cul-de-sacs and flag lots are prohibited.

Existing businesses are permitted one 24 foot curb cut per street frontage unless they take up the entire block.

Sign standards kick in at 50%+ or if a new sign is needed. Only monument signs are permitted freestanding signs in the overlay district.

Public frontage lighting has been removed from the requirements after the public meeting. If installed it will be included by the City, not the developer(s).

Underground utilities apply to 50%+ for non-residential which is standard practice.

Approximately 380 notification letters were mailed to property owners. Six responses were received in favor, eight responses were received in opposition, along with an additional nine denial responses received after the packet was sent out, equaling 17 responses opposed. Approximately 306 notification letters were mailed to 200 foot radius owners with 15 responses received in favor and nine opposed.

Staff recommends approval of Unified Development Code Amendment Article 6, the map change as shown with the exclusion of properties at 307, 319, 401, 405, 409 and 415 S. 1st Street. This section was added to the proposal and Staff would like to exclude it.

The next step for this process is a public hearing on April 19th with City Council.

Commissioner Sears asked Ms. Speer to be more specific about the recommendation for the exclusion. Ms. Speer stated the original overlay proposal was intended to take into account property that fronted South 1st and North 3rd. These properties were added in because it was believed they were part of the view corridor, but they are not. These properties may make more sense to include them in a downtown study which would be more appropriate.

Chair Staats opened the public hearing and stated stipulations for speaking.

Mr. Scot Andrews, 319 S. 1st Street, Temple, Texas, stated this proposal was detrimental to business and property owners and will achieve the opposite of what is intended. The area is already developed and lots are built and limited in space. There is on-street parking and buildings located on property lines and some businesses would not be able to meet these standards. This type of legislation has discouraged Mr. Andrews from building outside the lot and/or purchasing additional nearby property.

This area needs new construction, new buildings, people to come in and make investments, but people will not invest if they have to ask for variances. Mr. Andrews is opposed to a grandfathering effect, a variance effect, and legislation that has to be treated that way. Mr. Andrews strongly encouraged the Commissioner to consider another approach.

Mr. Andrews stated if he did something to their building that triggered the ten percent variance (less than what the expense was for the EFIS on the front of their building) they would have to ask for variances to establish what they wanted to do, plus expenses. At a 25 percent improvement they would incur approximately \$18,000 of expense on a \$300,000 property, plus having to ask for variances. At 50 percent, they are looking at approximately \$40,000 expense, in addition to remodeling, plus they lose their parking, and there is no other parking available.

These types of examples will discourage building and investment in the area.

Mr. Andrews asked the Commission to oppose this Ordinance as written and the property owners are willing to work with the City in other ways to achieve a better outcome.

Mr. Randall Simmon, 816 S. 1st Street, Temple, Texas, stated his property has been a family business for approximately 50 years and was thankful to Staff for delineating and/or removing some items from the meeting held on March 27th.

Businesses will not be able to do improvements since it would be too costly. The same plan for I35 will not work for this area. South 1st Street is its own entity. The buildings and small businesses have been there for years. North 3rd is a residential area and is a completely different neighborhood. These two areas cannot be lumped together since they are vastly different. The economics do not fit with this area.

Mr. Simmon stated he would like to wait and see what happens with the funding for sidewalks that are to be located on the west side only. See how that project goes through, and then take another look at South 1st Street.

Mr. Simmon would like South 1st Street taken off this project at least until it has been looked at individually and the sidewalk project has been completed. Mr. Simmon stated the vast majority of property owners on South 1st Street were opposed to this project.

Ms. Nancy Taylor, 1314 N. 1st Street, Temple, Texas, stated her property adjoined the subject property. Ms. Taylor asked about the sidewalks and only new construction would be required to put in eight foot sidewalks. Ms. Speer stated it depended on where one was located; if residential it would be for new construction and would be a five foot sidewalk in order to match what is currently there. The South 1st and North 3rd section north of that has new eight foot sidewalks. The trigger would be 50 percent of the value.

Ms. Taylor stated she did not see many vacant lots for starting businesses nor a lot of people buying up small lots to put in a new development. It will be spotty. Ms. Taylor asked what property people are coming in to purchase and putting in new sidewalks?

Mr. Dan Kacir, 1304 N. 1st Street, Temple, Texas, asked from Munroe to the Mayborn Center which side the sidewalks would be located. Ms. Speer stated sidewalks would be required on both sides of the street in the entire district. The City has a funded project for just the west side from Avenue M to Avenue F and the sidewalk description is a little different. The rest of the sidewalks would be dependent on new development. Ms. Speer gives the Family Dollar as an example for new sidewalks. The North 3rd area has several opportunities for redevelopment. Almost all of the residential part already has sidewalks and the overlay matches the same sidewalks. Ms. Speer also stated south of Avenue M in the TMED district (Temple Medical Education District), there is a lot of activity and TMED has similar but more requirements for development. Surplus Warehouse and Family Dollar have complied with the standards in effect.

Mr. Steven Drake, 804 N. 1st St., Temple, Texas, asked if there was any plan outside of new construction for North 1st Street going in to change the look of the street. Ms. Speer stated this does not apply to North 1st (north of downtown). North 3rd is the area that is involved. Mr. Drake probably received a 200 foot notification letter since his property adjoins.

Ms. Kristy Andrews, 319 S. 1st St., Temple, Texas, stated she has researched property values through Bell Cad along South 1st Street (mostly commercial development) required to incur costs if remodeling or improvements occurred. Most of these values range from \$20,000 to \$50,000. The 10 percent trigger would kick in on a \$20,000 property if \$2,000 of improvements were done. These amounts are cumulative over a period of 15 years. Ms. Andrews stated the implications of this proposal are fairly stringent and cumbersome for small business owners.

Mr. Eddie Cox, 608 S. 1st Street, Temple, Texas, asked why this proposal was occurring. Ms. Speer responded the City adopted a Comprehensive Plan in 2008 which is a long range plan for the City. The Comprehensive Plan addresses issues such as transportation, land use, water, etc., and this is one of the items listed. This item came to Staff under City Council's direction early in 2012. This is an important corridor into downtown from both the north and south.

Mr. Cox stated his disappointment about the Avenue H Corridor and many improvements the City has made or suggested in the past. Mr. Cox asked why sidewalks were so important; he

did not understand it. Mr. Cox asked if more sidewalks and concrete were needed and does this really beautify Temple.

There being no further speakers, Vice-Chair Staats closed the public hearing.

Commissioner Pope stated he was just finishing his second term on the Commission. Commissioner Pope was raised in Temple and remembers different businesses being located along 1st Street at the time he grew up. He stated the City needs to start somewhere and improve parts of the City that have been neglected and/or left behind and it was time to address these issues and fix them. Commissioner Pope thanked the public for their concern and opinions on the matter but felt some changes were needed at some point.

Commissioner Pope responded to the comment about sidewalks and stated many of them should be removed because they were dangerous and many were cracked and in need of repair. The P&Z Commission is trying to help the City by being involved and helping all citizens of Temple and there has to be a starting point or nothing will ever change.

Commissioner Sears stated agreed with Commissioner Pope and stated he has only been in Temple since 1998. From a business perspective, Commissioner Sears stated some businesses can be lost by the aesthetics of a community and some residential increase can be lost by not having the businesses and people not wanting to live in the community and going somewhere else. Commissioner Sears has adopted Temple as his home and likes the changes that have been made. On this particular corridor, Commissioner Sears is not certain it would be successful without more incentives and tax plans, however, he is in favor of the overall plan.

Vice-Chair Staats stated he was a big proponent of sidewalks, especially for people using wheelchairs, motorized wheelchairs, ladies with baby strollers, people out walking, etc., and sidewalks provide a certain amount of safety as opposed to walking in the streets. They are not all pretty but this effort would enhance their appeal. Vice-Chair Staats stated no one really likes change and like leaving things alone, however, age renders things obsolete and requires them to be changed to improve the City.

Vice-Chair Staats stated even though this would affect the business owners directly, it would also affect the entire community of Temple, its longevity, and what people think of Temple overall when they drive through, visit, etc. Vice-Chair Staats asked that the public think about the far-reaching effects of this matter. If change does not take place, the City will die.

Vice-Chair Staats reopens the public hearing for rebuttal comments.

Mr. Randall Simmon returned and stated in this case, starting somewhere is stopping somewhere. Putting the percentage numbers on their properties, they will not be improved and progress will stop. This is not a good plan.

Mr. Steve Drake returned and asked what the City's public investment would be to coincide with what they are expecting businesses to do for the improvements. It seems to Mr. Drake the City is waiting for the backs of the businesses to improve the City but the City is doing nothing to help.

Ms. Speer stated the City would be doing the west side project. Also, there is a grant program through the City on a first come-first served basis with matches for façade and repair improvements and several properties along the South 1st Street area have been helped.

Mr. Drake asked what the City's plan was for improvements and maintenance of those public spaces (sidewalk or road improvements). Ms. Speer responded the streets are all TxDOT right-of-way which would be their roads to maintain. The City is working with TxDOT on a project on the Loop to improve sections and the City is working on a project to fund sidewalks for a portion of this. There is also funding for the Avenue M to Avenue F project on the west and the City is making strides in that project. In the same regard, the development community also needs to help in order to obtain the end goal, maintain property values and keep interest in the City for people to remain living here and/or move here.

Mr. Scot Andrews returned and stated he appreciated the Commissioner's comments but they were wrong. On these properties with this type of ordinance, nothing will get developed as needed. The TMED project has federal money. The I35 project has outside money. Temple does not have this type of money. There needs to be something to coordinate with the property owners to do this in a way it does not rely on the backs of the property owners. Mr. Andrews stated there were properties just sitting because of these types of ordinances and no one wants them if they have to spend extra money to fix them. Mr. Andrews strongly opposes this proposal.

Mr. Eddie Cox returned and stated he was very interested in the incentive programs along 1st Street a couple of years ago. Mr. Cox spoke with someone in the City office, made some contacts and plans, and was told by the City they would come out, see the property, and help out with the advancement and improvements. Mr. Cox stated it never happened.

Commissioner Sears asked if there was a dollar limit on the current matches by the City. Ms. Speer stated she thought there was but could not state what it is.

Vice-Chair Staats closed the second public hearing.

Commissioner Sears stated part of his concern was not the actual ordinances since he liked the desired effect. His concern was that the Ordinance would not achieve the desired effect without more incentive programs and he would be interested in learning what the financial incentives were for construction improvements.

Ms. Speer stated the City Manager's office handles grant applications. Commissioner Pilkington stated he would like to obtain more information if it is available.

Commissioner Pope made a motion to approve Item 4, **Z-FY-12-04**, amendment to the Unified Development Code to amend Article 6 and create an overlay called 1st and 3rd Street Overlay and add standards for development and defining the boundaries, including removal of the South 1st Street addresses previously mentioned.

No second made so no action was taken.

Commissioner Pilkington made a motion to table the Item 4, **Z-FY-12-04**, until the April 16th P&Z meeting in order to obtain additional information of cost incentive programs and Commissioner Sears made a second.

Motion passed: (8:0)

Chair Martin absent

Ms. Speer explained to the public audience that this item would not go forward to City Council on April 19th but would return to the P&Z Commission on April 16, 2012 at 5:30 p.m.

Commissioner Jones asked if this information would be available on the City's website for the public to view. Ms. Speer stated it was currently available and located on the 1st and 3rd Street Overlay website under Planning Department section.

C. ACTION ITEMS

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)***

Ms. Speer gives a brief overview of the upcoming cases:

A rezoning from Agricultural (AG) to General Retail (GR) located at 5412 North SH 317.

City Council recent decisions are given.

Vice-Chair Staats thanked the citizens for attending and sharing their opinions and the Staff for their hard work.

There being no further business, Vice-Chair Staats adjourned the meeting at 6:50 p.m.

Respectfully submitted,

Leslie Evans



PLANNING AND ZONING COMMISSION AGENDA ITEM

4/16/12
Item #2
Regular Agenda
Page 1 of 2

APPLICANT / DEVELOPMENT: Scott Dye for Crispin Landeros

CASE MANAGER: Tammy Lyerly, Planner

ITEM DESCRIPTION: P-FY-12-18 Hold a public hearing to consider and take action on the Final Plat of RBA Third Street Subdivision, a 1.289 ± acre 1-lot, 1-block nonresidential subdivision located on the west side of North 3rd Street, south of an existing Family Dollar Store, being a replat of Lot 3, Block 8 and a portion of abandoned North 7th Street right-of-way, both shown on the Subdivision Plat of Park Lawn Addition according to the map or plat thereof recorded in Volume 384, Page 292, of the Deed Records of Bell County, Texas.

STAFF RECOMMENDATION: Staff recommends approval of the Final Plat of RBA Third Street Subdivision, subject to City Council's approval of rezoning case Z-FY-12-29, on April 19, 2012.

BACKGROUND: The Development Review Committee reviewed the Final Plat of RBA Third Street Subdivision on March 21, 2012. It was deemed administratively complete on March 27, 2012.

Texas Local Government Code 212.014 (replatting without vacating preceding plat) requires a public hearing for this replat. This includes a portion of Lot 3, Block 8, Park Lawn Addition, as well as an abandoned portion of North 7th Street.

A portion of the subject property is involved in rezoning case Z-FY-12-29, a rezoning request from Single Family One District (SF1) to General Retail District (GR). A Dollar General store is proposed for this property.

The property will be served by an 8-inch sewer line and a 6-inch water line.

A 6-foot wide sidewalk is required along North 3rd Street, an arterial. This requirement is reflected in a plat note with mentions if the City of Temple requires a wider sidewalk, the City of Temple shall pay for the additional sidewalk width.

The plat reflects a vehicular non-access easement along the abandoned portion of North 7th Street.

The Planning and Zoning Commission is the final plat authority since the applicant has not requested any exceptions to the Unified Development Code.

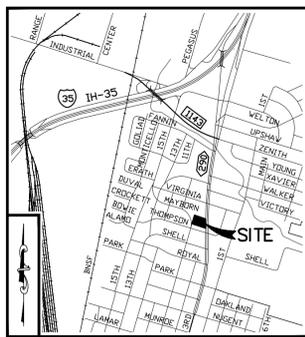
PUBLIC NOTICE:

Staff mailed notices of the public hearing for the proposed replat to twelve property owners within the Park Lawn Subdivision. As of Thursday, April 12, 2012 at 10:00 AM, one notice was returned in favor of the replat and none were returned in opposition to the replat.

The newspaper printed notice of the Planning and Zoning Commission's public hearing for this plat on March 31, 2012, in accordance with state law and local ordinance.

ATTACHMENTS:

[Plat](#)



VICINITY MAP
1"=2000'

NOTES:

SURVEYOR'S NOTE: BEARING BASIS - SOUTH 71 DEG. 03 MIN. 24 SEC. EAST. OF RECORD IN VOLUME 4742, PAGE 580, REAL PROPERTY RECORDS OF BELL COUNTY, TEXAS.

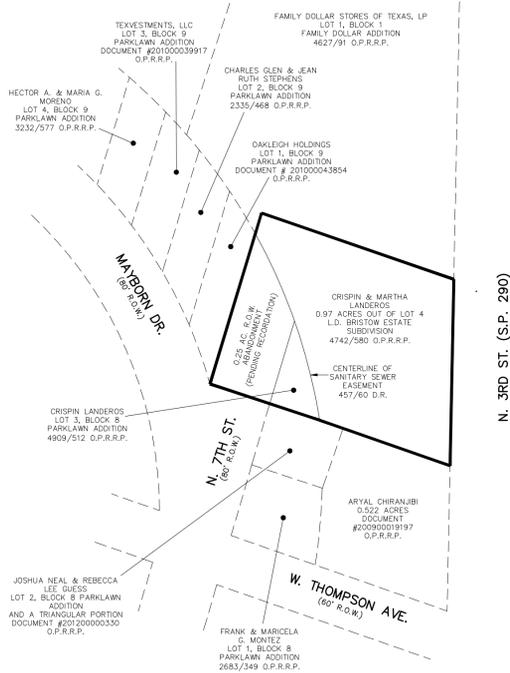
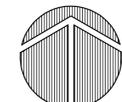
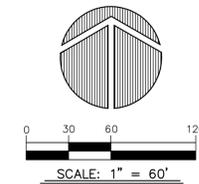
FLOODPLAIN NOTE: THE SUBJECT PROPERTY IS NOT LOCATED IN ANY SPECIAL FLOOD HAZARD ZONES AS DEFINED BY THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) OR THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AS SHOWN ON MAP ON PANEL NUMBER 480272100SE, DATED SEPTEMBER 26, 2008.

CITY OF TEMPLE NOTE: A 6-FOOT WIDE SIDEWALK SHALL BE CONSTRUCTED ALONG N. 3RD ST. IF THE CITY OF TEMPLE REQUIRES A WIDER SIDEWALK, THEN THE CITY OF TEMPLE SHALL PAY FOR THE ADDITIONAL SIDEWALK WIDTH.

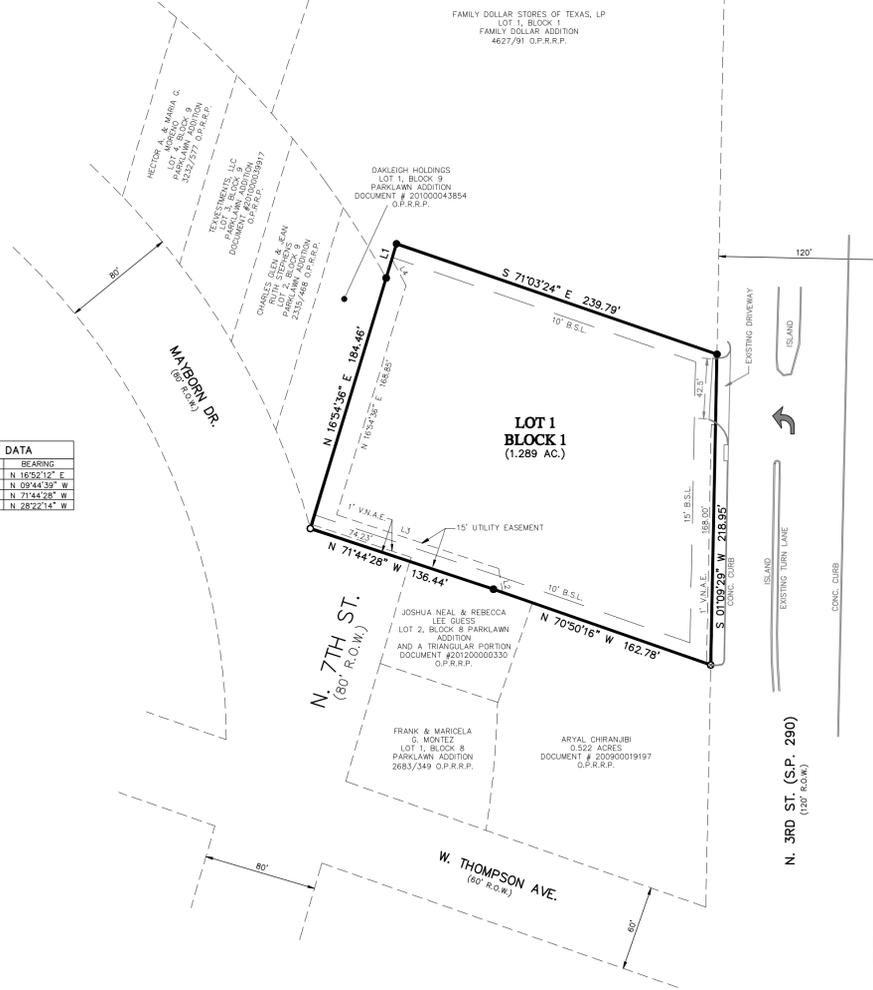
SUBDIVIDER:
RBA INVESTMENTS, LLC
1598 IMPERIAL CENTER, SUITE 2001
WEST PLAINS, MISSOURI 65775

LEGEND

- 1/2" IRON PIN FOUND
- *X" FND. IN CONCRETE
- 1/2" IRON PIN SET
- 735 EXISTING CONTOUR
- D.R. DEED RECORDS OF BELL COUNTY, TEXAS
- O.P.R.R.P. OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BELL COUNTY, TEXAS
- B.S.L. BUILDING SETBACK LINE
- V.N.A.E. VEHICULAR NON-ACCESS EASEMENT



LINE	LENGTH	BEARING
L1	25.17'	N 16.52°12' E
L2	171.11'	N 89.44°29' W
L3	120.66'	N 71.44°28' W
L4	21.12'	N 28.22°14' W



AREA BEING REPLATTED THRU PUBLIC HEARING WITH WRITTEN NOTIFICATION

AREA BEING REPLATTED IS A TOTAL OF 1.289 ACRES, BEING A PART OF LOT 4, L.D. BRISTOW ESTATE, ACCORDING TO MAP OR PLAT THEREOF RECORDED IN VOLUME 124, PAGE 433, DEED RECORDS OF BELL COUNTY, TEXAS. SAID 1.289 ACRE TRACT ALSO BEING COMPRISED OF THAT CERTAIN TRACT CALLED 0.97 OF AN ACRE DESCRIBED IN CONVEYANCE IN VOLUME 4742, PAGE 580, OFFICIAL PUBLIC RECORDS OF BELL COUNTY, TEXAS, ALL OF LOT 3, BLOCK 8 AND A PORTION OF A STREET KNOWN AS N. 7TH STREET, SHOWN ON PLAT OF PARKLAWN ADDITION, ACCORDING TO MAP OR PLAT THEREOF RECORDED IN VOLUME 384, PAGE 292, DEED RECORDS OF BELL COUNTY, TEXAS.

STATE OF TEXAS
COUNTY OF BEAR

I HEREBY CERTIFY THAT THE ABOVE PLAT CONFORMS TO THE MINIMUM STANDARDS SET FORTH BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING, ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND.

REGISTERED PROFESSIONAL LAND SURVEYOR NO. 3482

STATE OF TEXAS
COUNTY OF BEAR

I HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT.

LICENSED PROFESSIONAL ENGINEER NO. 84635

APPROVED FOR FINAL PREPARATION OF FINAL PLAT:

CHAIRMAN, PLANNING AND ZONING COMMISSION: _____ DATE: _____

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

DATED THIS _____ DAY OF _____ A.D., 2012.

SECRETARY TO PLANNING & ZONING COMMISSION: _____

STATE OF TEXAS
COUNTY OF BELL

CRISPIN AND MARTHA LANDEROS, OWNERS OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS RBA THIRD STREET SUBDIVISION, WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS, AND WHOSE NAMES ARE SUBSCRIBED HERETO, DO HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN HEREON WITHIN THE PLAT BOUNDARIES OF THIS SUBDIVISION.

CRISPIN LANDEROS _____

MARTHA LANDEROS _____

STATE OF TEXAS
COUNTY OF BELL

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED _____ KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____ A.D., 2012.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS _____

TAX CERTIFICATE

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

DATED THIS _____ DAY OF _____, A.D. 20____.

BELL COUNTY TAX APPRAISAL DISTRICT

BY: _____

FILED FOR RECORD THIS _____ DAY OF _____, 2012 A.D. IN CABINET _____, SLIDE _____, PLAT RECORDS OF BELL COUNTY, TEXAS.

MARTINEZ
SURVEYING AND MAPPING CO.
8546 BROADWAY SUITE 225
SAN ANTONIO, TX, 78217
(210) 829-4244

R.N.O.	DATE	COMMENTS

DYE ENTERPRISES
TEXAS REGISTERED FIRM # 2257
4007 STABLE RD., SUITE #8
SAN ANTONIO, TEXAS 78217
TEL: (210) 598-1125
FAX: (210) 598-1511

REPLAT ESTABLISHING
RBA THIRD STREET SUBDIVISION
CITY OF TEMPLE, COUNTY OF BELL, STATE OF TEXAS

DRAWN BY: D.S.D./M.J.W.
CHECKED BY: D.S.D.
DATE: 04-04-2012
PROJECT NO: 120003-02

SHEET
1 of 1



PLANNING AND ZONING COMMISSION AGENDA ITEM

04/16/12
Item 3
Regular Agenda
Page 1 of 4

APPLICANT: City of Temple, on behalf of Starbucks Coffee Company

CASE MANAGER: Autumn Speer, Director of Community Services

ITEM DESCRIPTION: Z-FY-12-41 - Consider and make a recommendation on an Appeal of Standards in Sec. 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for sign requirements 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 requested relief from complying with these standards in the form of an appeal. The appeal was approved by City Council March 1, 2012.

However, during the original request, freestanding signs were not addressed. City staff has initiated this second appeal request as a clean-up to address the sign appeal in conjunction with the previously approved appeals. The Starbucks site has two freestanding pole signs, one on N. General Bruce Drive and another in between Whataburger and Starbucks. The existing sign on N. General Bruce measures approximately 75' tall and the second sign between Whataburger and Starbucks measures approximately 40' tall.

The I-35 overlay permits pylon signs up to 40' tall for travel related uses such as the Starbucks site. The sign support (s) must be enclosed in masonry a minimum of 1:15 of the height.



Large sign



Small sign between Starbucks and adjacent property

I-35 APPEAL SUMMARY: Below is a summary of the General and the City Entry sub-district standards in the I-35 Overlay as they relate to signs and how the applicant's existing signs compare with them.

I-35 Requirements/City Entry Additional Requirements	Existing Sign 1	Meets Requirements?
Signs		
Height – 40'	40'	YES
Maximum Area – 300 sq ft	78.5 sq ft	YES
Minimum Setback - 5'	Approximately 10'	YES
Minimum Spacing between signs – 100'	Approximately 120'	YES
Masonry Pylon Enclosure Width 1:1.15 Height to Width	None	NO
Maximum Signs Per Site – 1	2	NO
I-35 Requirements/City Entry Additional Requirements	Existing Sign 2	Meets Requirements?
Signs		
Height – 40'	75'	NO
Maximum Area – 300 sq ft	300 sq ft	YES
Minimum Setback - 5'	Approximately 30'	YES
Minimum Spacing between signs – 100'	Approximately 120'	YES
Masonry Pylon Enclosure Width 1:1.15 Height to Width	None	NO
Maximum Signs Per Site – 1	2	NO

STAFF RECOMMENDATION: In order to be compliant with the I-35 sign standards, the applicant would need to remove the large 75' tall pole sign and add a 6' wide masonry enclosure/base around the existing 40' tall pole sign. They were not made aware of this requirement when they submitted their original request. Therefore staff recommends approval of this sign appeal to the I-35 Corridor Overlay standards for Z-FY-12-41 to allow the two existing signs to remain.

Staff also recommends returning to the Commission and City Council in the near future to potentially amend the triggers specifically concerning existing signage in the I-35 Overlay for existing properties.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:
NA



PLANNING AND ZONING COMMISSION AGENDA ITEM

04/16/12
Item 4
Regular Agenda
Page 1 of 7

APPLICANT: Gene Williams for Salabay Inc.

CASE MANAGER: Autumn Speer, Director of Community Services

ITEM DESCRIPTION: Z-FY-12-44 - Consider and make a recommendation on an Appeal of Standards in Sec. 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for an existing Commercial property with multiple tenants located at 2001 West Adams Avenue.



BACKGROUND:

The building located at 2001 West Adams Avenue is approximately 193,000 square feet in size. The interior space is currently finished out in four tenant lease spaces; including a bingo hall, liquor store, proposed church and proposed bakery. The property is zoned Commercial and is located in the I-35 City Entry Sub District.

I-35 TRIGGER CALCULATION:

2011 Bell County Appraised Value of Improvements= \$961,744

Date	Address	Permit Number	Type	Value	Cumulative Percent
6/4/2010	2001 W Adams	10-88417	Retail Finish Out (Liquor store and Bingo Hall)	\$86,300	9%
2/9/2012	2001 W Adams Avenue	12-93539	Retail finish out	\$35,000	13%
2/9/2012	2 N. general Bruce Drive	12-93541	Church remodel	\$150,000	28%
2/9/2012	6 N. General Bruce Drive	12-93540	Bakery Finish Out	\$25,000	31%

Since the inception of the I-35 ordinance four building permits have been requested (see above) by the property owner and have triggered the second level of I-35 standards including site plan review, tree preservation, parking, screening and wall standards, landscaping and lighting.

I-35 Triggers Development Type	Site Plan Review	Tree Preservation	Parking	Screening and Wall Standards	Architectural Design	Landscape	Signs	Lighting	Utilities
Increase in gross floor area of 25%-49% or modifications with a cost equal to 25%-49% of the assessed value of improvements per the current tax roll	✓	✓	✓	✓		✓		✓	

The applicant is also in negotiations with TxDOT for row acquisition for the I-35 expansion project currently underway and will be losing property on West Adams Avenue and potentially along the I-35 Frontage Road. The West Adams property loss is approximately 45' deep and the property loss on the I-35 frontage road is yet to be determined.

The applicant has worked closely with City Staff to develop a plan that most closely meets the spirit and intent of the I-35 Overlay District, however still requires a request for relief from complying with all standards in the form of this appeal.

I-35 APPEAL SUMMARY: Below is a summary of the General and the City Entry sub-district standards in the I-35 Overlay as they relate to this specific site.

I-35 Requirements City Entry Sub District	Proposed	Meets Requirements?	Mitigation/ Rationale
Site Plan Review (General)			
Required	Meets	YES	NA
Tree Preservation (General)			
Required	NA	NA	NA
Parking (General)			
Parking Spaces required 7.4 – Treat as All other Retail sales and Service (1 per 250 sq ft) 772 spaces	311 spaces	NO	None proposed – the applicant is losing parking spaces for TxDOT acquisition and in order to meet landscape buffer requirements
Curb and gutter, 6" in height, required around perimeter and all parking islands	Meets	YES	NA
Parking aisles must be designed to be perpendicular to entry	Parallel on both sides	NO	The depth of the site area in the front greatly reduces the ability to meet parking number count if the aisles are perpendicular

I-35 Requirements City Entry Sub District	Proposed	Meets Requirements?	Mitigation/ Rationale
Parking areas must be planned so that vehicles are not required to back out of parking spaces directly into a public or private street	Meets	YES	NA
Parking lots must be designed to preserve the maximum amount of existing trees on site as possible	NA	NA	NA
Parking spaces that face and are adjacent to a building must utilize wheel stops	NA	NA	NA
Wheel stops are required adjacent to all landscaped areas Wheel stops are required adjacent to all sidewalks, except for raised sidewalks at least 6 feet in width (8 feet if parking spaces front both sides)	NA	NA	NA
No parking is allowed in the landscape buffer	Meets	YES	NA
Screening and Wall Standards (General)			
Garage and service bays must be located to rear of building or on side not visible to traffic flow on abutting side of I-35	Rear of building	YES	NA
Loading zones and mechanical equipment must not be clearly visible at eye level from any public street or located within 100' of any public street, unless screened	Rear of building	YES	NA
Landscape (General)			
Areas not covered by building or pavement must be landscaped	Meets	YES	NA
Landscape Area 15% (27,600 sq ft without I-35 taking)	Approximately 15% after TxDOT Acquisition	YES	NA
Foundation Plantings required along 70% of the length of any visible façade in a bed a minimum 6' deep	175' required on I-35 Side – 126' proposed 145' required on West Adams Side – 145' proposed and	YES Partially	Entryway configuration limits the amount on the I-35 side
Landscape Buffer 25' adjacent to street row on I-35 and Adams	16' proposed on I-35 Side 10' shown on West Adams Side	NO	Limited space due to parking requirements
20% Required landscape buffer must have native grass beds or wildflowers	Native grass beds in buffer	YES	NA

I-35 Requirements City Entry Sub District	Proposed	Meets Requirements?	Mitigation/ Rationale
Parking screen of hedge row 2.5 to 4' high for all parking areas visible from public view	I-35 Side = 82 Shrubs West Adams Frontage = 40 shrubs	YES	NA
Interior parking islands 1 per every 10 spaces minimum 170 sq ft (1 3" tree required in each) = 31	34 shown in conjunction with Terminal Island requirements	YES	NA
Terminal parking islands at the end of each row minimum 360 sq ft (2 3" tree required in each)	Meets requirements for all but rear parking row and along front buffer area	PARTIALLY	Rear parking does not include terminal islands to allow for more parking and the front area run into the required landscape buffer
Median islands minimum 10' in width must be located after every third parking bay (3" tree required every 30')	Only one area would apply on the northern side	NO	Would require the additional loss of parking spaces
Landscape Buffer 10' rear	None proposed	NO	Adequate space is not available in conjunction with loading areas and parking
Landscape Buffer 10' side	Approximately 60'	YES	NA
60% Required Trees must be evergreen	100% Deciduous	NO	Red Oaks and Crepe Myrtles proposed
Minimum 2' tall berm must be installed for minimum 50% of the buffer area	50% of 610' = 305' Required 410' Proposed on I-35 Side	EXCEEDS	NA
Landscape (City entry Sub-District)			
Additional 10% vegetation required in landscape area	None	NO	Applicant is meeting intent with trees and shrubs; the reduction in depth does not allow for

I-35 Requirements City Entry Sub District	Proposed	Meets Requirements?	Mitigation/ Rationale
1 - 3" Caliper tree per 25' frontage 16 on I-35 Side 8 on West Adams	10 on I-35 Side 8 on West Adams Side	PARTIALLY	additional landscaping Applicant is providing the standard tree requirement of 1 per 30' Reduced depth of landscape buffer also reduces the number of trees that would be appropriate
1 - 2" Ornamental tree planted in buffer 30' frontage 14 on I-35 Side 7 on West Adams Side	10 on I-35 Side 5 on West Adams Side	PARTIALLY	Not a standard requirement - Reduced depth of landscape buffer also reduces the number of trees that would be appropriate
Driveways must have enhanced paving of stone, brick or patterned concrete for minimum 50% driveway throat	None	NO	Access is from adjacent property and denied on Adams at this time
Lighting (General)			
Light sources must be housed in full cut-off fixtures	Additional lighting is not proposed – but will be required in plans for work on the parking lot	Will Meet	NA
All on-premise outdoor lighting fixtures in the City Entry Sub District must be ornamental or decorative where appropriate	Additional lighting is not proposed – but will be required in plans for work on the parking lot	NO	None proposed - Existing security lighting will be maintained

STAFF RECOMMENDATION: Based on the applicant's efforts to meet the intent and spirit of the I-35 ordinance and the limited amount of space remaining for adequate parking, staff recommends approval of all elements of this appeal as stated in the table above.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Site Plan

Landscape Detail



ARCHITECT SEAL

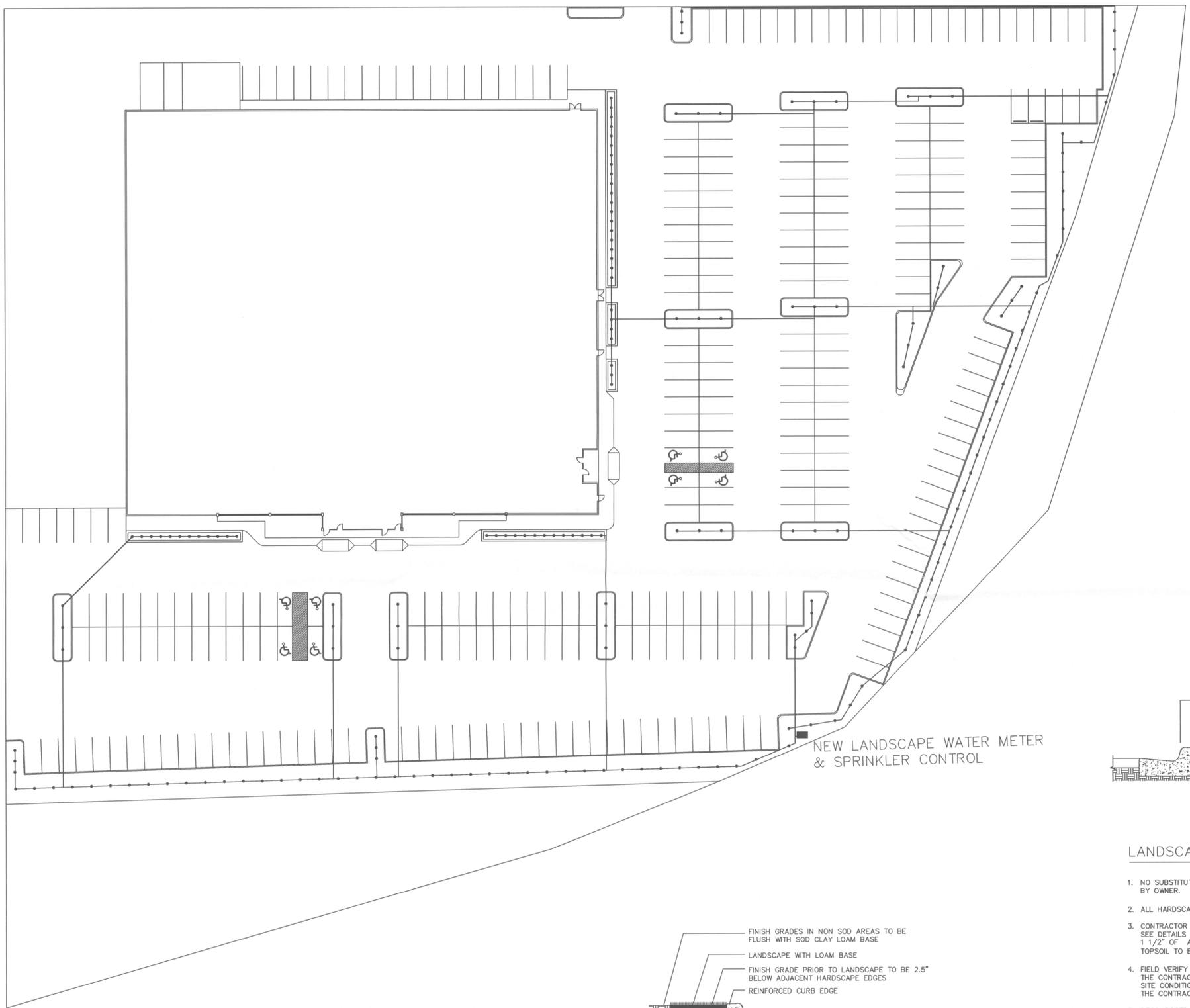
ENGINEER SEAL

PROJECT/LOCATION
 LANDSCAPE LAYOUT
 2001 WEST ADAMS STREET
 TEMPLE, TEXAS

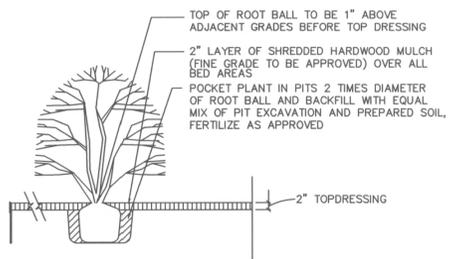
ARCHITECT:
 PHILIP A. MARLEY
 ARCHITECTS INC.
 263 BUGGY ROAD
 KILLEEN, TEXAS 76542

SPRINKLER LAYOUT

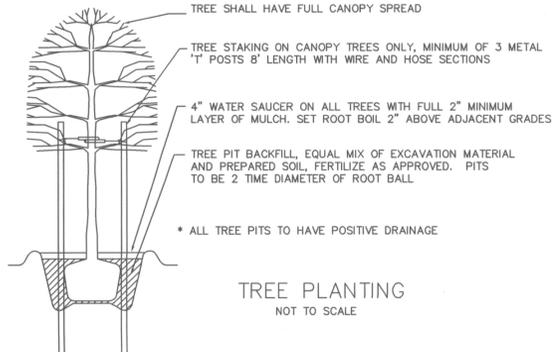
SHEET NUMBER
 L-2



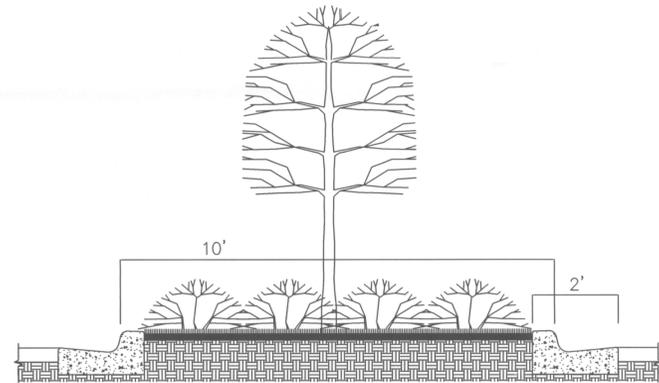
NEW LANDSCAPE WATER METER & SPRINKLER CONTROL



SHRUB PLANTING
 NOT TO SCALE



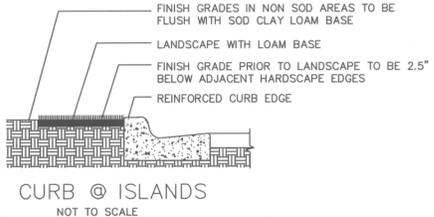
TREE PLANTING
 NOT TO SCALE



CROSS SECTION AT CURB ISLANDS
 NOT TO SCALE

LANDSCAPE NOTES

1. NO SUBSTITUTES IN SPECIFIED MATERIALS OR PRODUCTS SHALL BE MADE WITHOUT WRITTEN APPROVAL BY OWNER.
2. ALL HARDSCAPE LAYOUT AND PLANTING LOCATIONS TO BE FIELD APPROVED BY OWNER'S REPRESENTATIVE.
3. CONTRACTOR TO FILL OR EXCAVATE TO ACHIEVE REQUIRED GRADES PRIOR TO PLANTING OPERATIONS. SEE DETAILS THIS SHEET FOR BED GRADE REQUIREMENTS. ALL LAWN AREAS TO BE FINISHED WITHIN 1 1/2" OF ADJACENT HARDSCAPE EDGES. ANY REQUIRED FILL SHALL BE WITH SCREENED SANDY LOAM TOPSOIL TO BE APPROVED.
4. FIELD VERIFY LOCATIONS OF UNDERGROUND AND OVERHEAD UTILITIES AND REPORT ANY OBSTRUCTIONS TO THE CONTRACTING OFFICER. CONTRACTOR IS RESPONSIBLE FOR REPAIR OF ALL DAMAGED UTILITIES. ANY SITE CONDITION WHICH WILL LIMIT WORK UNDER THIS CONTRACT SHALL BE BROUGHT TO THE ATTENTION OF THE CONTRACTING OFFICER FOR REMEDY PRIOR TO COMMENCEMENT OF WORK.
5. DECOMPOSED ORGANIC MULCH SHALL BE THOROUGHLY COMPOSTED MATERIAL FROM APPROVED PRODUCTS AND SUPPLIERS.
6. FURNISH AND INSTALL WORK WHERE AND HOW INDICATED ON THE DRAWING AND AS IDENTIFIED IN THE PLANT LIST. ANY ITEMS NOT SPECIFICALLY INDICATED OR SPECIFIED BUT NORMALLY REQUIRED TO PERFORM PLANTING OPERATIONS ARE CONSIDERED PART OF THE WORK. USE ONLY TOP QUALITY PLANTS THAT ARE NORMAL TO THE SPECIES IDENTIFIED AND FROM REPUTABLE SUPPLIERS OF INDUSTRY PRODUCTS.
7. WARRANTY ALL MATERIALS FOR ONE YEAR FROM DATE OF PROJECT 'FINAL ACCEPTANCE'. ACTS OF GOD OR MAINTENANCE NEGLIGENCE ARE NOT INCLUDED.
8. CLEAN ALL DEBRIS AND UNDESIRABLE VEGETATION, INCLUDING ROOTS, FROM ALL GROUND AREAS TO BE PLANTED. CLEANING SHALL OCCUR BEFORE PREPARING ANY SURFACES FOR PLANTING. DISPOSE OF ALL DEBRIS OFF SITE ON A DAILY BASIS THROUGHOUT CONSTRUCTION.
9. MAINTAIN ALL PLANTS AND PLANTED AREAS IN OPTIMUM GROWING CONDITION. BEGIN MAINTENANCE WITH DELIVERY OF THE FIRST PLANT OR PLANTING MATERIALS AND CONTINUE WITH ALL MAINTENANCE INCLUDING WEEDING, WATERING, FERTILIZING, MOWING, ETC. UNTIL PROJECT 'FINAL ACCEPTANCE'.
10. FINAL INSPECTION WILL BE PERFORMED AT THE REQUEST OF THE CONTRACTOR. AT TIME OF INSPECTION ALL NEWLY PLANTED AREAS SHALL BE FREE OF WEEDS, GENERAL DEBRIS, NEATLY CULTIVATED AND RAKED. ALL TREE STAKES AND PLANT WATER SAUCERS SHALL BE IN PROPER CONDITION, LAWNS CUT AND CLIPPINGS REMOVED.



CURB @ ISLANDS
 NOT TO SCALE

SCALE 1" = 30'


 10 April 2012

ARCHITECT SEAL

ENGINEER SEAL

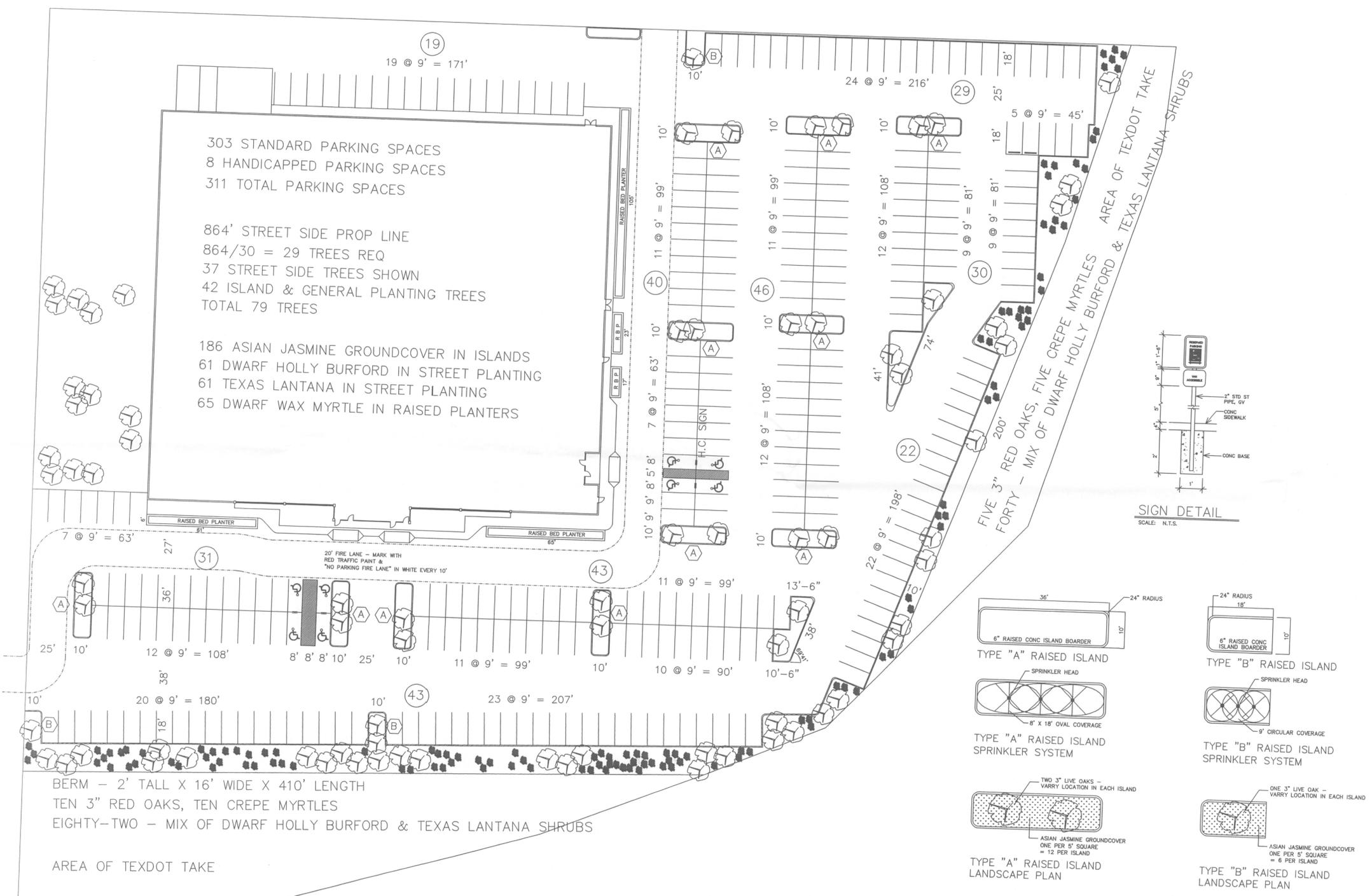
PROJECT/LOCATION

LANDSCAPE LAYOUT
 2001 WEST ADAMS STREET
 TEMPLE, TEXAS

ARCHITECT:
 PHILIP A. MARLEY
 ARCHITECTS INC.
 263 BUGGY ROAD
 KILLEEN, TEXAS 76542

SITE LANDSCAPE

SHEET NUMBER
 L-1



SCALE 1" = 30'



PLANNING AND ZONING COMMISSION AGENDA ITEM

4/16/12
Item #5
Regular Agenda
Page 1 of 3

APPLICANT: City of Temple

CASE MANAGER: Autumn Speer, Director of Community Services

ITEM DESCRIPTION: Z-FY-12-04 Consider making a recommendation on an amendment to the City of Temple Unified Development Code to amend Article 6 of the Unified Development Code to create an overlay called the 1st and 3rd Street Overlay and add standards for development in the specified area and consider a zoning map amendment defining the boundaries of the 1st and 3rd Street Overlay generally being defined as tracts of land that abut or adjoin South 1st Street from the north intersection of Avenue M to the south intersection of Avenue E and from the north intersection of Avenue E and South 3rd Street to the north intersection of S 3rd Street and Avenue D, generally following the curve where S 1st and S 3rd join, and tracts of land that abut or adjoin North 3rd Street from the north intersection of Houston Avenue to the south intersection with West Bellaire North.

BACKGROUND:

The City of Temple is proposing an overlay district for the South 1st Street and North 3rd Street Corridor to promote enhanced development and redevelopment in this very important corridor through Temple.

The proposed overlay incorporates enhanced public realm requirements such as wider sidewalks and street trees with decorative lighting as well as includes minimal enhanced standards for on-site development including landscaping and smaller signs. The proposal does not change or amend any zoning or uses that are currently permitted in the area.

PROCESS:

The Planning staff walked the City Council through a Strength, Weakness, Opportunity, Threat (SWOT) exercise on January 19, 2012 to brainstorm about issues and potential for this area. On February 9, 2012, Staff presented a Visual Preference Survey to City Council to better understand their desires and direction for the proposed overlay. Based upon the results of City Council direction, staff drafted the proposed ordinance and presented information to the property owners at a public meeting on March 27, 2012 for input and questions.

1st AND 3rd OVERLAY DISTRICT BOUNDARY:

The 1st and 3rd Street Overlay is generally being defined as tracts of land that abut or adjoin South 1st Street from the north intersection of Avenue M to the north intersection of Avenue D and tracts of land that abut or adjoin North 3rd Street from the north intersection of Houston Avenue to the south intersection with West Bellaire North.

DISTRICT FORMAT:

Applicability: Applicability of the various sections of the ordinance is defined based on the development and/or redevelopment on each property as well as specific applicability to districts stated in each section.

General Standards: General Standards refer the reader to Article 4 Zoning Districts which applies in its entirety with the addition of the impervious lot coverage percentages; Article 5 Use Standards applies in its entirety; and Article 7 General Development Standards, Section 7.1 Performance Standards applies in its entirety.

Access and Circulation Standards: This section includes specific prohibition of cul-de-sacs and flag lots. It also defines driveway specifications.

Public Frontage Standards: This section deals with the areas in public ROW, or the areas between back of curb and property line. Three public frontage types are defined and assigned to applicable locations in the overlay. Public frontage includes planting bed and street trees and sidewalks.

Private Property Landscape Standards: This section addresses minimum landscape area and the amount of trees and shrubs required on private property. Landscaping is based on the type of use.

General Planting Criteria: This section provides the list for specific trees, shrubs and groundcover required, as well as installation, maintenance and irrigation requirements.

Off-Street Parking and Loading: This section refers the reader to Article 7 General Development Standards, Section 7.4 Off-street Parking and Loading, applies in its entirety with the addition that all surface parking areas must be constructed with raised curb and gutter.

Sign Standards: This section refers the reader to Article 7 General Development Standards, Section 7.5 Signs, applies in its entirety with the additions that all signs must be internally illuminated and pole signs and roof signs are prohibited in the 1st and 3rd Street Overlay.

Screening and Buffering: The section refers the reader to Article 7 General Development Standards, Section 7.6 Screening, and adds specific standards for the screening of mechanical equipment, waste containers, loading docks and includes fence standards. This section also prohibits outdoor storage and specifies requirements for outdoor display of goods.

Utility Standards: This section states that utilities must be underground for non-residential and multi-family development if triggered.

Exception Requests: This section establishes the appeal process to the Planning and Zoning Commission and City Council for applicants wishing to appeal the requirements of the 1st and 3rd Street Overlay District.

PUBLIC NOTICE: The newspaper printed notice of the Planning and Zoning Commission public hearing on March 22, 2012 in accordance with state law and local ordinance. Staff mailed out 380 property owner notices and 306 200' property owner notices.

As of April 10, 2012, staff has received the following responses:

Type	In Favor	In Denial
Property Owners	6	20 properties (16 owners)
200' Neighbors	15	15

STAFF RECOMMENDATION: Staff recommends approval of Z-FY-12-04, to amend Article 6 of the Unified Development Code to create an overlay called the 1st and 3rd Street Overlay and add standards for development in the specified area and consider a zoning map amendment defining the boundaries of the 1st and 3rd Street Overlay.

FISCAL IMPACT:

NA

ATTACHMENTS:

- Proposed Ordinance
- Notices Received
- South 1st Street Grant Information
- North 3rd Street Grant Information

Sec. 6.7. 1st and 3rd Overlay District

6.7.1 Boundary

The 1st and 3rd Overlay District is defined as tracts of land that abut or adjoin South 1st Street from the north intersection of Avenue M to the south intersection of Avenue E and from the north intersection of Avenue E and South 3rd Street to the north intersection of S 3rd Street and Avenue D, generally following the curve where S 1st and S 3rd join and tracts of land that abut or adjoin North 3rd Street from the north intersection of Houston Avenue to the south intersection with West Bellaire North.

Any property that is consolidated into property that meets the above criteria or is shown on the following map must also conform to the Overlay Standards.

The 1st and 3rd Overlay District is more specifically shown in the map below, which is adopted by reference and declared a part of this UDC.

North Section:

South Section:



6.7.2 Applicability

- A. The provisions of 1st and 3rd Overlay District apply to development types in the table below.
- B. Improvements to existing buildings are cumulative within a 15-year period when determining which of the following provisions apply.
- C. All other provisions of the UDC apply unless otherwise stated.

Nonresidential and Multiple-Family Development Type	General Standards	Circulation Standards	Private Property Landscaping Standards and General Planting Criteria	Screening Standards	Public Frontage Standards	Sign Standards	Utility Standards
New construction (Non-residential and Multiple-Family)	✓	✓	✓	✓	✓	✓	✓
Change in use from single-family residential to multiple-family and nonresidential use (See City Code 12-16 Business Registration)	✓	✓	✓	✓	✓	✓	
Increase in gross floor area of 50% or more or modifications with a cost equal to or greater than 50% of the assessed value of improvements per the current tax roll	✓	✓	✓	✓	✓	✓	
Increase in gross floor area of 25%-49% or modifications with a cost equal to 25%-49% of the assessed value of improvements per the current tax roll	✓		✓	✓			
Increase in gross floor area of 10%-24% or modifications with a cost equal to 10%-24% of the assessed value of improvements per the current tax roll	✓						
Interior or exterior maintenance of existing structure with like or similar materials; no increase in gross floor area or remodeling							
New Sign						✓	

Single Family Development Type	General Standards	Public Frontage Standards and general Planting Criteria
New construction (Single family attached and detached)	✓	✓

6.7.3 1st and 3rd Overlay District Site Plan Review Process

All redevelopment and new development in the 1st and 3rd Overlay District must follow the TMED site plan review process as described in Article 3.

6.7.4 General Standards

A. Article 4, Zoning Districts, applies in its entirety with the addition of the following:

1. Maximum impervious lot coverage for residential uses is 50%.
2. Maximum impervious lot coverage for non-residential uses is 70%.

B. Article 5, Use Standards, applies in its entirety.

C. Article 7, General Development Standards, Section 7.1 Performance Standards applies in its entirety.

6.7.5 Access and Circulation Standards

A. Applicability

The 1st and 3rd Overlay District circulation standards in this Section apply to all zoning districts and uses unless otherwise stated.

B. Article 7, General Development Standards, Section 7.2 Access and Circulation does not apply.

C. Thoroughfare Standards

1. Cul-de-sacs are prohibited in the 1st and 3rd Overlay District.
2. Flag lots are prohibited in the 1st and 3rd Overlay District.

D. Access and Connectivity

1. General

- a. All driveway connections must be constructed and stubbed or connected to any existing stub.

- b. Driveway spacing must be based on the appropriate alignment with any existing or proposed median breaks as approved by the City Engineer and TxDOT.
- c. Each business is permitted one 24' wide curb cut per street frontage.
- d. If a site has greater than 300' of frontage on South 1st or greater than 400' of frontage on North 3rd, it may have two 24' wide curb cuts for that street frontage.

6.7.6 Public Frontage Standards

A. Applicability

The 1st and 3rd Overlay District public frontage standards in this Section apply to all zoning districts and uses.

B. Public Frontage

1. Public frontage is generally the space between the existing or proposed back-of-curb and the property line.
2. Total public frontage depth is measured from back-of-curb. If existing right-of-way does not accommodate all requirements, private property must be used to account for the additional required depth.
3. Raised curb and gutter installation is required.
4. The table below establishes public frontage type and assigns standards to each public frontage type.

Public Frontage Type	Location	On-Street Parking Permitted	Typical Public Frontage Depth (ft.)	Sidewalk Width (ft.)	Planting Strip and Buffer Zone (ft.) Behind Sidewalk
A	South 1st Street from Avenue M to Avenue E and South 3 rd Street from Avenue E to Avenue D	No	12'	8' Sidewalk Back of Curb	4'
B	North 3 rd Street Houston to South Intersection with Munroe Avenue	No	15'	5' Sidewalk 8' From back of Curb	2' or greater
C	North 3 rd Street North Intersection with Munroe to West Bellaire North	No	14'	8' Sidewalk Back of Curb	4' or greater

C. Public Frontage Landscape Standards

1. Street Trees

- a. One tree per 25' linear street frontage is required. Trees must be planted in a regularly spaced pattern. Spacing of trees may be offset to allow a view corridor into the primary entry of a nonresidential use.
- b. Trees must be a single species selected from the table in Section 6.7.9.
- c. Trees must be planted within the required planting strip and buffer zone adjacent to the back of sidewalk based on public frontage type.
- d. Large canopy trees must be planted if overhead utilities are not present. Medium canopy trees must be planted if overhead utilities are present.
- e. Public Frontage Type A – Trees must be planted a minimum 10' from back-of-curb in the required planting strip.
- f. Public Frontage Type B – Trees must be planted a minimum thirteen feet from back-of-curb in the required planting strip. If TxDOT right-of-way is greater than 13', the required street trees must be located 1' away from TxDOT right-of-way. The planting strip and buffer zone must be increased 1' for every 1' of additional TxDOT controlled right-of-way.

- g. Public Frontage Type C – Trees must be planted a minimum twelve feet from back-of-curb in the required planting strip. If TxDOT right-of-way is greater than 12', the required street trees must be located 1' away from TxDOT right-of-way. The Planting strip and buffer zone must be increased 1' for every 1' of additional TxDOT controlled right-of-way.

2. **Planting Area**

- a. Public Frontage Planting Strip Type A – must be planted with approved shrubs in accordance with Section 6.7.9 at a rate of one one-gallon container per 3 linear feet of street yard planting area and filled with river rock.
- b. Public Frontage Planting Strip Type B – must be planted in sod or evergreen groundcover in accordance with Section 6.7.9.
- c. Public Frontage Planting Strip Type C – must be planted in sod or evergreen groundcover in accordance with Section 6.7.9.

D. Parking Lot Screen

This subsection applies only to non-residential and multiple-family development and uses in the 1st and 3rd Overlay District. Additional parking lot screening is not required for Type A public frontage sections.

- 1. All parking must be screened from public rights-of-way a minimum 36" in height, through one of the following methods:
 - a. Planting screen of evergreen shrubs;
 - b. Masonry wall;
 - c. Combination of evergreen shrubs and wall.
- 2. Planted screening must be capable of providing a solid, opaque 36" screen within two years, and must be planted in the public frontage planting strip and buffer zone.
- 3. Parking lot screening shrubs and landscape area count towards the general site landscaping requirements established in Section 6.7.8 but not towards public frontage planting area.

E. Public Frontage Sidewalk Standards

- 1. Public Frontage Type A sidewalks must include an 18" concrete band on both sides of a 5' paver sidewalk.
- 2. Sidewalks must extend the entire length of the development's frontage on a public street and must be constructed in accordance

with the Design and Development Standards Manual and related provisions in this UDC.

3. Sidewalks must be constructed before the Director of Construction Safety issues a Certificate of Occupancy.
4. Sidewalks must be constructed at the back of curb.
5. Sidewalks must connect to existing adjacent sidewalks, or be designed and placed to allow connection to future adjacent sidewalks.
6. Sidewalks of different widths must be transitioned within a length of sidewalk by two expansion joints not less than six feet apart as required by state and federal accessibility standards.
7. Sidewalks must connect to parking within the lot and to primary entrances of each nonresidential building.
8. Pedestrian walkways must connect the principal building entrances to all associated outdoor amenities, such as courtyards and other outdoor gathering places.
9. Residential sidewalks must be installed from the primary entrance of the residence to the perimeter street sidewalk system.

6.7.7 Public Frontage Lighting

A. Applicability

1. This subsection applies only to City initiated projects in the 1st and 3rd Overlay District.
2. Pedestrian-scale lighting must be provided at all intersections and at 100' intervals along all public and private roadways within the development. Refer to the TMED Design Criteria Manual for the specific pedestrian-scale lighting models and styles that are permitted in the 1st and 3rd Overlay District.

6.7.8 Private Property Landscape Standards

A. Applicability

The private property landscape standards in this Section apply to all non-residential and multiple-family zoning districts and uses in the 1st and 3rd Overlay District.

B. Article 7, General Development Standards, Section 7.3 Landscaping does not apply.

C. General Site Landscape

1. A minimum percentage of the total area of the private property on which development, construction or reconstruction is proposed must be dedicated to landscape area including trees, shrubs, groundcover, sod or other living plant material.
2. The table below establishes minimum site landscape requirements for the 1st and 3rd Overlay District.

Development Type	Minimum Landscape Area (%)	Trees and Shrubs per Lot
Multiple-family	40%	2 trees and 8 shrubs per 1,000 sq ft landscape area
Non-residential	30%	1 tree and 4 shrubs per 600 sq ft landscape area

D. Foundation Planting

1. Foundation plantings are required within a planting area a minimum of four feet in depth along 50% of the length of any façade visible to the public.
2. Foundation planting shrubs and landscape area count towards the general site landscaping requirements established in Section 6.7.8.

E. Tree Mix

1. Private property trees must be selected from the table in Section 6.7.9.
2. A minimum of 50 percent of required trees must be selected from the medium or large size tree list.
3. A minimum of 40 percent of required trees must be evergreen species.

6.7.9 General Planting Criteria

A. Applicability

The 1st and 3rd Overlay District general planting criteria in this Section apply to all zoning districts and uses.

B. Approved Tree List

The table below lists the tree species that are eligible to fulfill the tree planting requirements in 1st and 3rd Overlay District. The Planning Director and City Arborist may determine as acceptable other species for plantings other than street trees.

Large Canopy Trees			
Common Name	Scientific Name	Type	Street Tree
American Sycamore	<i>Platanus occidentalis</i>	Deciduous	
Cypress, Bald	<i>Taxodium distichum</i>	Deciduous	Yes
Cypress, Arizona	<i>Cupressus arizonica</i>	Evergreen	Yes
Elm, Cedar	<i>Ulmus crassifolia</i>	Deciduous	Yes
Oak, Chinkapin	<i>Quercus muhlenbergii</i>	Deciduous	
Oak, Live	<i>Quercus virginiana</i>	Evergreen	Yes
Pecan	<i>Carya illinoensis</i>	Deciduous	
Southern Magnolia	<i>Magnolia grandiflora</i>	Evergreen	
Medium Canopy Trees			
Common Name	Scientific Name	Type	Street Tree
Chinese Pistache	<i>Pistacia chinensis</i>	Deciduous	Yes
Elm, Lacebark	<i>Ulmus parvifolia</i>	Deciduous	
Oak, Lacey	<i>Quercus laceyi</i>	Deciduous	Yes
Oak, Mexican White	<i>Quercus polymorpha</i>	Deciduous	
Oak, Texas Red	<i>Quercus texana</i>	Deciduous	Yes
Small Trees			
Common Name	Scientific Name	Type	Street Tree
Buckeye, Mexican	<i>Unghadia speciosa</i>	Deciduous	
Crape Myrtle	<i>Lagerstroemia indica</i>	Deciduous	
Holly, Yaupon	<i>Ilex vomitoria</i>	Evergreen	
Laurel, Texas Mountain	<i>Sophora secundiflora</i>	Evergreen	
Persimmon, Texas	<i>Diospyros texana</i>	Deciduous	
Pistache, Texas	<i>Pistacia texana</i>	Deciduous	
Plum, Mexican	<i>Prunus mexicana</i>	Deciduous	
Possumhaw Holly	<i>Ilex decidua</i>	Deciduous	
Redbud, Eastern	<i>Cercis canadensis</i>	Deciduous	
Southern Wax Myrtle	<i>Myrica cerifera</i>	Evergreen	
Vitex (Chaste Tree)	<i>Vitex agnus castus</i>	Deciduous	
Willow, Desert	<i>Chilopsis linearis</i>	Deciduous	

C. Approved Groundcover List

The table below lists the groundcover species that are eligible to fulfill the groundcover planting requirements in the 1st and 3rd Overlay District.

Groundcover		
Common Name	Scientific Name	Type
Asian Jasmine	<i>Trachelospermum asiaticum</i>	Evergreen
English Ivy	<i>Hedera helix</i>	Evergreen
Liriope	<i>Liriope muscari</i>	Evergreen
Monkey Grass (Mondo Grass)	<i>Ophiopogon japonicus</i>	Evergreen

D. Approved Shrubs

Shrubs must be appropriate perennial and evergreen species for the Central Texas region.

E. Approved Lawn Grass

Grass areas must be planted with drought resistant species normally grown as permanent lawns, such as Bermuda, Zoysia or Buffalo.

F. Landscape Installation

1. Trees

- a. All required large trees must be a minimum of three inches in diameter (single trunk) at breast height or 65-gallon container size at planting.
- b. All required medium trees must be a minimum of two and one-half inches in diameter (single trunk) at breast height at planting.
- c. All required small trees must be a minimum of two inches in diameter (single trunk) at breast height at planting at planting.

2. Shrubs

All required shrubs must be a minimum three-gallon container size at planting.

3. Groundcover

All required groundcover must be a minimum one-gallon container size at planting.

4. Lawn Grass

Grass areas must be sodded, plugged, sprigged, or seeded. However, solid sod must be used in swales, berms or other areas subject to erosion.

5. Landscape Maintenance

- a. All new plant material must be planted and maintained in accordance with the latest edition of the American National Standards Institute requirements for Tree, Shrub, and Other Woody Plant Maintenance (ANSI A300 Parts 1 through 6).
- b. All required public frontage and private frontage landscaping must be maintained in good condition after installation.

- c. The owner must replace, within 30 days, any plant material that is diseased, deteriorated or dead. The Planning Director may issue up to a 90-day extension of time for replacement during drought or summer months.

6. Irrigation

Permanent irrigation is required for all landscape. City Code Chapter 7, Buildings, Article 7, Landscape Irrigation Standards, applies in its entirety.

6.7.10 Off-Street Parking and Loading

- A. **Article 7, General Development Standards, Section 7.4 Off-street Parking and Loading applies in its entirety with the following additions.**

- 1. **General**

- Surface parking shall be constructed on-site in accordance with the following standards:

- a. Surface parking areas must be constructed with raised curb and gutter.

6.7.11 Signs

- A. **Article 7, General Development Standards, Section 7.5 Signs applies in its entirety with the following additions and exceptions.**

- 1. **Lighting**

- All signs must be internally illuminated.

- 2. **Prohibited Signs**

- Pole signs and roof signs are prohibited in the 1st and 3rd Street Overlay.

6.7.12 Screening and Buffering

- A. **Article 7, General Development Standards, Section 7.6 Screening and Buffering applies in its entirety with the following additions and exceptions.**

- B. **Screening of Mechanical Equipment**

This subsection applies to all nonresidential and multiple-family development and uses in the 1st and 3rd Overlay District.

- 1. All roof, ground and wall-mounted mechanical equipment (e.g., air handling equipment, compressors, duct work, transformers and elevator equipment) must be screened from view or isolated so as

not to be visible from any residential districts or uses, streets, rights-of-way or public park areas within 150 feet of the property line of the subject lot or tract, measured from a point five feet above grade in accordance with this Section.

2. Roof-mounted mechanical equipment must be shielded from view on all sides using parapet walls.
3. Wall or ground-mounted equipment screening must be constructed of:
 - a. Vegetative screens; or
 - b. Brick, stone, architecturally finished concrete, or other similar masonry materials; and
 - c. All fence or wall posts must be concrete-based masonry or concrete pillars.
4. Exposed conduit, ladders, utility boxes and drain spouts must be painted to match the color of the building.
5. Mechanical equipment screening shrubs and landscape area may be counted towards the general site landscaping requirements established in Section 6.7.8.

C. Screening of Waste Containers

This subsection applies to all nonresidential and multiple-family development and uses in the 1st and 3rd Overlay District.

1. Waste containers must be located at the rear of the building and screened on all sides, including gates, from public view to minimize visibility. If the property has two public frontages the waste container must be placed on the side of the structure.
2. Waste containers must be located a minimum of 50 feet away from any residential use or district's property lines.
3. Waste containers must be located a minimum of 50 feet away from a multi-family entryway.
4. Screening must be at least as tall as the waste container(s) and comprised of materials and color schemes that are visually and aesthetically compatible with the overall project that incorporate the following:
 - a. Brick;

- b. Stone;
 - c. Stucco;
 - d. Architecturally finished concrete; or
 - e. Other similar masonry materials.
5. Waste containers with fence posts must be rust-protected metal, concrete based, masonry or concrete pillars; and waste containers must have six-inch concrete filled steel pipes (bollards) that are located to protect the enclosure from truck operations and not obstruct operations associated with the waste container.
 6. Waste container enclosures must have steel gates with spring-loaded hinges or the equivalent and fasteners to keep them closed. When in use, tie-backs must be used to secure the steel gates in the open position.
 7. Waste container screening must be maintained by the owner at all times.
 8. The ingress, egress, and approach to all waste container pads must conform to fire lane requirements.
 9. Waste container pad and aprons requirements must be constructed in accordance with the Design and Development Standards Manual.
 10. Waste container screening shrubs and landscape area count towards the general site landscaping requirements established in Section 6.7.8.

D. Screening of Loading Docks

This subsection applies to all nonresidential development and uses in the 1st and 3rd Overlay District.

1. Loading and service areas must be located at the rear of the building and screened from public view to minimize visibility. If the property has two public frontages the waste container must be placed on the side of the principal building.
2. Loading areas must not be located closer than 50 feet to any single-family lot, unless wholly within an enclosed building.
3. Off-street loading areas must be screened from view from any street or adjacent property of differing land use.

4. All loading areas must be enclosed on three sides by a wall or other screening device a minimum of eight feet in height.
5. Loading areas that are visible from any public right-of-way must also include a combination of evergreen trees and shrubs that will result in solid opaque vegetative screening a minimum of eight feet in height within two years of planting. The planting area must be a prepared bed that is at least four feet in width.
6. Loading dock screening shrubs and landscape area may be counted towards the general site landscaping requirements established in Section 6.7.8.

E. Fence and Wall Standards for All Uses

This subsection applies to all development and uses in the 1st and 3rd Overlay District.

1. Fences and walls on the primary and secondary frontage may have a maximum height of four feet.
2. Fences and walls to the rear of the site may have a maximum height of six feet, unless they are required for loading dock screening.
3. Fencing and walls must not be placed within the required line of sight as determined by the sight triangle established in Section 4.4.8.
4. Chain link, barbed wire, razor wire and metal or corrugated panels are prohibited for all uses.

F. Nonresidential and Multiple-Family Uses - Fences

This subsection is applicable to all nonresidential and multiple-family development and uses in the 1st and 3rd Overlay District.

1. Fences and walls must be constructed of wood panels on steel posts, decorative blocks, brick, stone, vinyl, woodcrete and wrought iron.
2. Breaks in the fence or wall must be made to provide for required pedestrian connections to the perimeter of the site and to adjacent developments.

G. Single-Family Uses - Fences

This subsection is applicable to all single family-detached or attached dwelling, row house and townhouse uses in the 1st and 3rd Overlay

District. Fences and walls must be constructed of decorative blocks, brick, stone, vinyl, wood, woodcrete and wrought iron.

H. Outdoor Storage

Outdoor storage is not permitted in the 1st and 3rd Overlay District. Prohibited outdoor storage includes open storage of inventory and equipment, portable containers, portable buildings or any other structure not fixed onto a permanent slab and that adheres to the architectural standards defined in Section 7.7.

I. Outdoor Retail Display

Commodities must not be displayed outdoors for sale in the 1st and 3rd Overlay District, except that temporary outdoor display for a sidewalk sale is permitted that does not extend more than five feet from a front façade and reserves at least five feet of sidewalk or walkway for pedestrian use. Commodities must be brought indoors at the end of each business day.

6.7.13 Building Exterior Materials

- A. Article 7, General Development Standards, Section 7.7 Building Exterior Materials Applies in its entirety.**

6.7.14 Utility Standards

A. Applicability

The 1st and 3rd Overlay District utility standards in this Section apply to all nonresidential and multiple-family development zoning districts and uses.

B. Underground Utilities Required

New electric, telephone and cable television wires along the public street right-of-way must be located underground.

6.7.15 Exception Requests

Any party aggrieved by a decision of the Planning Director on a development review application in the 1st and 3rd Street Overlay District district may appeal to the Planning and Zoning Commission and City Council for final action.



**OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:

We recommend the ^{re-}removal of the big ugly handrail on the corner of Wroughton and North third street. In all the years it has been there, I have never seen a wheel chair use the ramp or the handrail. It increases lettering with kids and some adults just sitting on the rail, and talking loudly.

Fred J. Henry

Signature

FRED J. HENRY

Print Name

Your Address: 804 North 3rd St.
Temple, TX 76501

Please mail or hand-deliver this comment form to the address shown below, no later than **April 2, 2012.**

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

RECEIVED

MAR 29 2012

Date Mailed: March 16, 2012

City of Temple
Planning & Development



**OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:

Arnita Jackson
Signature

Arnita Jackson
Print Name

Your Address: 2201 N. 3rd Street
 Temple, Texas 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED

MAR 28 2012

City of Temple
Planning & Development

Date Mailed: March 16, 2012



**OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:

Rebecca M. Ellis
Signature

Rebecca M. Ellis
Print Name

Your Address:

1613 North 5th
Temple Texas 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED

MAR 27 2012

City of Temple
Planning & Development

Date Mailed: March 16, 2012



**OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:

Harry B. Macey, III
Signature

Harry B. Macey, III
Print Name

Your Address: 1401 North 3rd Street (as well as 1501, 1515
and 1519 North 3rd)

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

Date Mailed: March 16, 2012

RECEIVED

MAR 21 2012

City of Temple
Planning & Development 54



**OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:

I would like to see zoning change only if it will attract retail businesses to the north side, example being a grocery store willing to compete with Walmart & HEB.

[Signature]
Signature

Shelton Gene Hudgins
Print Name

Your Address: 306 W. Upshaw Ave

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED

Date Mailed: March 16, 2012

MAR 26 2012
City of Temple
Planning & Development



**OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:

WE ARE IN FAVOR OF BEAUTIFYING ALL OF THE CITY OF TEMPLE, BUT
ESPECIALLY IN OUR AREA, WHICH HAS BEEN IN DECLINE FOR A NUMBER OF
YEARS. LET US KNOW HOW WE CAN HELP.

L. Jeff Harris, pastor
Signature

L. JEFF HARRIS, PASTOR
Print Name

Your Address: GRAPE COMMUNITY PRIMITIVE BAPTIST CHURCH
3111 N. 3RD ST., TEMPLE, TX 79501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED
MAR 26 2012

Date Mailed: March 16, 2012

City of Temple
Planning & Development



**OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend () approval (X) denial of this request.

Comments:

We are concerned about the long-term effects your plan will have on Bellair North.

Raymond R. Sharp
Signature

RAYMOND R. SHARP
Print Name

Your Address: 304 W. Killen Lane
Temple, Texas 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED

APR 02 2012

City of Temple
Planning & Development

Date Mailed: March 16, 2012



~~200' NEIGHBOR~~
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04

OWWY

4
Properties

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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. (as written)

Comments:

We like the idea of having some standards, but in this Southern Overlay of 1st/3rd Street, there is very old construction. By limiting restoration or extensions of existing buildings, family businesses will be hurt and will become randown because of being unable to pay for the added expensive requirements in addition to any renovations. If the overlay was similar to the residential one, with only new construction affected, we feel the overlay could be beneficial. Otherwise it is too restrictive for the type of family businesses in the area. Please consider the overlay restrictions to be similar to the residential ones. Thank you.

Kenneth McGuire
Signature

Kenneth McGuire
Print Name

Your Address: 603 S. 1st
519 S. 1st
609 S. 1st
611 S. 1st

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED

Date Mailed: March 19, 2012

APR 02 2012

City of Temple
Planning & Development

Autumn Speer

From: Brenda McGuire [kmcguire@vvm.com]
Sent: Tuesday, April 10, 2012 10:04 AM
To: FTalley735@aol.com; Hbbrown76502@sbcglobal.net; David@belltec.net; mpilkington@pilkington-homes.com; mvpbep@sbcglobal.net; Greg@2thetopllc.com; willsears@hotmail.com; jmmstaats@aol.com; james@asm-tx.com; derekmartin@templeproventures.com
Cc: Autumn Speer; McGuire Tire
Subject: 1st/3rd Street Overlay District

Dear Planning & Zoning Commission members,

We were unable to attend the meeting held on Monday, April 2nd, about the 1st/3rd Street Overlay. We hand delivered our "Neighbor Response to Zoning Change" form to the appropriate office on that date, which was listed as the deadline. However, when I checked online, our form wasn't posted in the packet you received. You may have received our form, but to be sure you know our ideas, we wanted to email you with our comments.

On the form we checked to recommend DENIAL OF THIS REQUEST as it is written. Our comments were:

"We like the idea of having some standards, but in this Southern Overlay of 1st/3rd Street, there is very old construction. By limiting restoration or extensions of existing buildings, family businesses will be hurt and will become rundown because of being unable to pay for the added expensive requirements in addition to any renovations. If the overlay was similar to the residential one, with only new construction affected, we feel the overlay could be beneficial. Otherwise it is too restrictive for the type of family businesses in the area. Please consider the overlay restrictions to be similar to the residential ones. Thank you."

We own these properties within this overlay district:

603 South 1st
519 South 1st
609 South 1st
611 South 1st

We DO want our business area to be attractive to customers and visitors, but the highly restrictive requirements suggested in the proposed overlay district would prohibit many possible improvements that owners could afford. Some of the requirements would actually be impossible to accomplish because of the layout of existing buildings. Please keep these things in mind while meeting again on Monday, April 16th.

(This was sent to the Planning & Zoning Commission members listed on the city website. I realize that Barbara Brown is not on the meeting minutes as being a current member and that Chris Magana is now listed, but there is not contact information for Chris on the website. Please share this email with Chris.)

Thank you,
Kenneth and Brenda McGuire
McGuire Tire LLC
Temple, Texas



**OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:

Bill Metcalf
Signature

Bill Metcalf
Print Name

Your Address: 1004 5th St

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED

MAR 29 2012

City of Temple
Planning & Development

Date Mailed: March 16, 2012



**OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:

*Not such a good idea for Commercial
Small Business owners are already struggling
in this economy. This will deter them from
making improvements that they can afford.
They would have to disclose this to potential buyers as
well - so they are stuck in place - can't expand
can't sell*

Karen E. Hargrove
Signature

KAREN E HARGROVE
Print Name

* Residential doesn't seem to be too bad --

Your Address: 6018 Wildcat Drive
Temple, Tx 76504

Property is 1016 N. 3RD St

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED

APR 02 2012

City of Temple
Planning & Development

Date Mailed: March 16, 2012



**OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

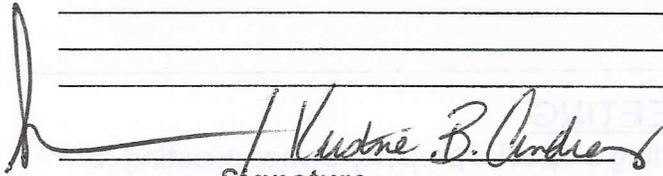
The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend () approval (X) denial of this request.

Comments:

We are owners of: Andrews Industries, LLC; Armadillo Box, LLC;
Comprehensive Engineering Solutions, Inc.; and Impact ~~Systems~~
Systems Engineering, LLC. Please see the attached letter.


Signature

Scot Andrews, PE / Kristine B. Andrews, PE
Print Name

Your Address: 319 South 1st St.
 Temple, Texas 76504

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED

APR 02 2012

City of Temple
Planning & Development

Date Mailed: March 16, 2012



Comprehensive Engineering Solutions, Inc.

319 South First St., Suite A Temple, Texas 76504

Voice: (254) 742-2050 FAX: (254) 742-2055

April 2, 2012

Ms. Autumn Speer
City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

Re: 1st and 3rd Street Overlay District

Dear Ms. Speer:

This proposed ordinance will be detrimental to businesses, property owners, and to Temple. As engineers, investors, and property owners, we believe it will discourage new construction and major remodel projects. Thus, the intended result of enhanced aesthetics down this popular corridor will not be achieved. In fact, it will be discouraged. We understand and appreciate the spirit of this legislation. However, we ask the commission to respectfully consider alternatives that are not detrimental to businesses and property owners.

Specifically, the way this ordinance is written will make it difficult if not impossible for existing businesses with limited parking to improve their facilities. It will add costs that could potentially double and thus kill small improvement projects. This will result in even more abandoned or neglected properties down the South 1st Street and North 3rd Street corridor. We also suggest there is little room for new construction down the North 3rd Street area. Thus the extreme sidewalk width will result in at best a few 8' wide islands of sidewalk in a 10 – 20 year period. It will more than likely force a homeowner to abandon a North 3rd Street lot and build elsewhere.

In many cases, affected businesses cannot comply with the stringent requirements simply because there is no physical way to comply. Thus, city officials will be required to review each variance request. We strongly object to this 'review with variance' approach as a cover up for bad legislation as it creates an environment of uncertainty and favoritism. Overall, as new construction and improvements to existing facilities are discouraged, existing property along this corridor will degrade over time.

Finally, specific to our property on 319 South 1st Street, we question why our property was gerrymandered into this ordinance. We front onto the non-corridor part of South 1st Street that is a quiet, two-lane road. We do NOT front onto the four-lane corridor we believe this ordinance was intended to beautify.

We ask:

- 1) Any ordinance focused on the South 1st and North 3rd Street corridor not include our property or any other property that is not along that traffic route;



Comprehensive Engineering Solutions, Inc.

319 South First St., Suite A Temple, Texas 76504

Voice: (254) 742-2050 FAX: (254) 742-2055

- 2) That Planning and Zoning and Temple City Council vote against this ordinance;
and
- 3) That any future ordinances be developed with a mindset to encourage and support businesses and property owners.

Thank you,

Kristine B. Andrews, P.E.



Scot Andrews, P.E.



**OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:

DONT KNOW ENOUGH ABOUT WHY WE
NEED THIS CHANGE.

Harold D. Eaks
Signature

HAROLD D. EAKS
Print Name

Your Address: 312 W. KILLEN LANE
TEMPLE, TX, 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED

MAR 20 2012

Date Mailed: March 16, 2012

City of Temple
Planning & Development



**OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

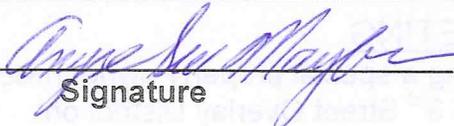
Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend () approval (X) denial of this request.

Comments:


Signature

Anyse Sue Mayborn, President
Print Name
Frank Mayborn Enterprises, Inc.

Your Address: 10 South Third Street
 Temple, TX 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED

MAR 22 2012

Date Mailed: March 16, 2012

City of Temple
Planning & Development



**OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:

My house is considered to be in the Historical District as a single family dwelling. I do not believe or feel this area should be rezoned for anything but single family structures. I am at 1101 N. 3rd St.

Scott Branscum
Signature

Scott Branscum
Print Name

Your Address: 1101 N 3rd ST.
Temple, TX 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED

MAR 23 2012

City of Temple
Planning & Development

Date Mailed: March 16, 2012



**OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:

Dan Kacio
Signature

Dan Kacio
Print Name

Your Address: 1304 North First
Temple, Texas 76501

Please mail or hand-deliver this comment form to the address shown below, no later than **April 2, 2012**.

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

Date Mailed: March 16, 2012



**OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:

The money to implement a program like this should be spent to upgrade old existing sewer and water lines that need to be replaced!

Garry B. Graham
Signature

Garry B. Graham
Print Name

Your Address: 1312 N. 3rd
Temple, Texas 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED

APR 10 2012

Date Mailed: March 16, 2012

City of Temple
Planning & Development



**200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

2 owner
1 200'

Property owner: 510 S 1st St. (Woods Flowers) owner
513 S 1st St. (Jirasek Realty) owner

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 ^{504 South Main street. 200'} Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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: POOR PLAN - TO MUCH TO MENTION
Didnt work for JSB either -

Raymond David Jirasek
Signature

Raymond David Jirasek
Print Name

Your Address: 513 S 1st St
Temple TX 76504

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED
APR 02 2012
City of Temple
Planning & Development

Date Mailed: March 19, 2012



**OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:

I do not approve due to startup of my
new business. Any extra cost would be bad
for my business. Zoning change is going to hurt
the bottom line. The city needs to let business
grow before repairing the city.

Malcolm Harmon
Signature

Malcolm Harmon
Print Name

Your Address: 503 S 1st
Temple, TX 76504

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED
APR 10 2012
City of Temple
Planning & Development

Date Mailed: March 16, 2012



**OWNERS
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04

Project Manager Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:

[Signature]
Signature

Kira Dawn
Print Name

Your Address: put stop BARBER
502 South 1st St Temple TEXAS 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED
APR 10 2012
City of Temple
Planning & Development

Date Mailed: March 16, 2012



**200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend () approval (X) denial of this request.

Comments:

Robert Alford
Signature

Robert SAWICKY
Print Name

Your Address: 1610 N 5th
Temple, TX

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

Date Mailed: March 19, 2012

RECEIVED
APR 02 2012
City of Temple
Planning & Development



**200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:

Bill Metcalf
Signature

Bill Metcalf
Print Name

Your Address: 1004 S 1st
 Temple Tx 76502

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED

MAR 29 2012

City of Temple
Planning & Development

Date Mailed: March 19, 2012



**200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:

The city has already restricted property owners enough with current zoning and ordinances. The TMED is example of how this type of proposal can become unreasonable and a burden to property owners.

Dianne McClure
Signature

Dianne McClure
Print Name

Your Address: P.O. Box 2721
Temple, Texas 76523

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED
MAR 29 2012
City of Temple
Planning & Development

Date Mailed: March 19, 2012



**200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:

Bernice Jalasek
Signature

Bernice Talasek
Print Name

Your Address: 502 W Zenith
 Temple TX 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED

Date Mailed: March 19, 2012

MAR 23 2012
City of Temple
Planning & Development



**200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:

Jerry M. Lyon
Signature

Jerry M. Lyon
Print Name

Your Address: 211 W. Killian
Temple, TX 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED

MAR 27 2012

City of Temple
Planning & Development

Date Mailed: March 19, 2012



**200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend () approval (x) denial of this request.

Comments:

Signature

Gopalhan C. Patel
Print Name

Your Address: 3309 N. General Bruce Dr
Temple TX 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

Date Mailed: March 19, 2012

RECEIVED

MAR 26 2012

City of Temple
Planning & Development



**200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

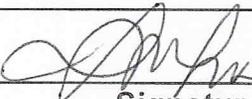
Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:


Signature

DEBORAH & STEVEN DRAKE
Print Name

Your Address: 804 N 1st St.
Temple, TX 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

Date Mailed: March 19, 2012

James - contact



**200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend () approval (x) denial of this request.

Comments:

Billy K. Schwertner
Signature

Billy Schwertner
Print Name

Your Address: 113 West Ave H
Temple, TX

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

Date Mailed: March 19, 2012



**200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:

I do not want my property (1203 SOUTH 3RD)
rezoned for business.

Evelyn Frances Brockman
Signature

EVELYN FRANCES BROCKMAN
Print Name

Your Address: 5588 LAKEAIRE BLVD
TEMPLE, TX 76502-6827

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

Date Mailed: March 19, 2012



**200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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: *I do not believe 8' sidewalk is necessary. Perhaps a 4' foot.*

[Signature]

Signature

Kancy Taylor

Print Name

Your Address: 1214 North 1st
Temple

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

Date Mailed: March 19, 2012



**200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:

PLEASE MAKE NO CHANGES WHAT
SO EVER. ANY CHANGES END UP
COSTING TAXPAYERS MORE MONEY!

Frank Pinon
Signature

FRANK PINON
Print Name

Your Address: 12 W. WALKER Ave
TEMPLE TEXAS 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED

APR 03 2012

City of Temple
Planning & Development

Date Mailed: March 19, 2012



**200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:

I do not want property taxes to go up.

Angelica Garcia
Signature

Angelica Garcia
Print Name

Your Address: 302 W. Upshaw ave.

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED

APR 03 2012

Date Mailed: March 19, 2012

City of Temple
Planning & Development



**200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

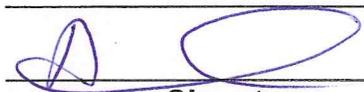
Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:


Signature

Amanda Boyel (Flores)
Print Name

Your Address: 4110 North Main Street
Tempe, TX 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

Date Mailed: March 19, 2012

RECEIVED

MAR 26 2012

City of Temple
Planning & Development



**200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:

*It is important for people to see
Temple as a caring City.*

*Thanks to those who are doing
the planning*

Johnell Ellison
Signature

Johnell Ellison
Print Name

Your Address: 918 North 1st St.
 Temple, Texas

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED
MAR 26 2012
City of Temple
Planning & Development

Date Mailed: March 19, 2012



**200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:

I recommend that any new business in this area not be allowed to have loud music or bright lights or late business hours that would interfere with the residents' rest and sleep after 9:00 PM.

Mrs. Joyce M. Kattner
Signature

Joyce M. Kattner
Print Name

Your Address: 302 West Victory Avenue
Temple, TX 76501-1719

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED

MAR 26 2012

City of Temple
Planning & Development

Date Mailed: March 19, 2012



**200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:

I like what you have done
w/ 3rd keep it up -
I want it in my area!!!
zone me in!

[Handwritten Signature]
Signature

TOE MARKS
Print Name

Your Address: 905 N. 5th
Temple, TX 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED

MAR 27 2012

City of Temple
Planning & Development

Date Mailed: March 19, 2012



**200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:

Timothy C. Hobbs
Signature

Timothy C. Hobbs
Print Name

Your Address: 705 HESSTON CIRCLE
ROBINSON, TX 76706

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

Date Mailed: March 19, 2012

RECEIVED

MAR 23 2012

City of Temple
Planning & Development



**200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:

*I hope all this means an over all
improvement of the appearance of
these areas.*

Edwards
Signature

Trina Edwards
Print Name

Your Address: 814 No. First st. Temple

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED
MAR 23 2012
City of Temple
Planning & Develop

Date Mailed: March 19, 2012



**200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:

Harry W. Johnson
Signature

Harry W. Johnson
Print Name

Your Address: 410 W. Nugent Ave.

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED

MAR 22 2012

City of Temple
Planning & Development

Date Mailed: March 19, 2012



**200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:

EAITHER WAY, FINE WITH ME

W.R. Lagrone
Signature

W. R. LAGRONE
Print Name

Your Address: 1515 N 5TH ST.

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED

Date Mailed: March 19, 2012

MAR 22 2012
City of Temple
Planning & Development



**200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:

Vidal Ruiz
Signature

Vidal Ruiz
Print Name

Your Address: 110 W. Virginia
 Temple, TX 76501-1720

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED
MAR 22 2012
City of Temple
Planning & Development

Date Mailed: March 19, 2012



**200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:


Signature

Billy W. Reddis
Print Name

Your Address: 1417 N. 15th St.

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

Date Mailed: March 19, 2012

RECEIVED
MAR 22 2012
City of Temple
Planning & Development



**200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:

Lois Redwine
Signature

Lois Redwine
Print Name

Your Address: 1317 N. 1st St.
Temple, Texas 76501 - 3048

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED
MAR 21 2012
City of Temple
Planning & Development

Date Mailed: March 19, 2012



**200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:

Mrs. N.W. Stallings
Signature

Neve Stallings
Print Name

Your Address: _____

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED
APR 02 2012
City of Temple
Planning & Development

Date Mailed: March 19, 2012



**200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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:
GO FOR IT - DO A QUALITY JOB 1ST TIME!
THANKS

Gordon Kattner
 Signature

GORDON KATTNER
 Print Name

Your Address: 218 W VICTORY AVE
TEMPLE, TX 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

RECEIVED
MAR 29 2012
 City of Temple
 Planning & Development

Date Mailed: March 19, 2012



**200' NEIGHBOR
RESPONSE TO ZONING CHANGE
1st and 3rd Street Overlay District
Z-FY-12-04**

Subject Property: Proposed 1st and 3rd Street Overlay District (See Map)

Zoning Application Number: Z-FY-12-04 **Project Manager** Autumn Speer

The City of Temple would like to change the zoning on the property shown in red on the enclosed map to the 1st and 3rd Street Overlay District.

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.

PICK THE ONE YOU WANT !! ←

Comments:

C.T. Goolsby
Signature

C.T. GOOLSBY
Print Name

Your Address: 2611 N 13TH
TEMPLE 76501

Please mail or hand-deliver this comment form to the address shown below, no later than April 2, 2012.

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

Date Mailed: March 19, 2012

RECEIVED
MAR 26 2012
City of Temple 105
Planning & Development

Criteria & Guidelines for the South 1st Strategic Investment Zone Incentive Program

Purpose. The City desires to encourage the redevelopment of certain of its Strategic Investment Zones by offering economic development incentive (SIZ Grants) within those corridors to property owners who meet certain criteria.

Grant Types and Other Incentives. Grants outlined below are “Reimbursement Grants,” such grants being cash match for funds disbursed by an Applicant, and are in amounts not to exceed those provided herein. In-kind contributions may not be used as a part or whole of an Applicant’s match. Only Applicant’s cash expenditures may be used as a grant match. Tax abatement does not require matching funds, but it is subject to certain requirements spelled out below.

Funding Cycle. A funding cycle shall be from October 1st to September 30th. For each funding cycle the City shall designate an amount of funding for that cycle. Applications may be picked up at any time, but the City only approves new applications for SIZ grants four times a year: December, March, June & September. Upon exhaustion of those funds, the City will be under no obligation to fund additional grants. Likewise, the City is under no obligation to establish future funding cycles. Completed applications for SIZ grants must be filed as follows:

For consideration in:	Completed Application Due No Later Than:
December	November 10 th
March	February 10 th
June	May 10 th
September	August 10 th

Eligibility. To be eligible for any incentives, the applicant must propose and complete real property improvements on property located within the Avenue H Strategic Investment Zone with a minimum investment of not less than \$20,000 for non-residential or \$10,000 for residential. The applicant must be the owner or lessee of residential, commercial or multi-family residential property within the boundaries of the Avenue H Strategic Investment Zone.

The total maximum grant (the sum of all of the individual grants the project is eligible for) is the lesser of: (1) the sum of the individual grants, AND (2) 33% of the applicant’s total investment where the investment is less than \$100,000, OR 25% of the applicant’s total investment where the investment is greater than \$100,000. Total investment is measured at the time the project is completed, and is subject to verification by the City.

Tax abatement. Will be considered for renovation and rehabilitation of buildings and may be in combination with other grants and incentives herein. Maximum abatement period is 5 years, with 100% abatement of new capital investment.

Façade Improvement Grants (commercial or industrial property only) The City will consider making grants up to \$15,000 on a 1:1 matching basis for the replacement or upgrade of an existing façade with an eligible masonry product to an eligible property, or to remove an existing façade to expose the original façade. Eligible masonry materials for a replacement façade under this subsection include brick, stone, stucco, EIFS, rough-faced block, fiber cement siding products, such as HardiPlank® and such other materials that the City may approve from time to time. A list of eligible materials for the eligible SIZ incentive corridors (See Section 6 below) are maintained in the Construction Safety Office, 1st Floor, the Municipal Building, 2 North Main Street. Façade improvement costs eligible for reimbursement with a façade improvement grant include demolition costs (including labor), landfill costs, and material and construction (including labor) costs, but specifically *exclude* design costs.

Sign Improvement Grants (commercial property only) The City will consider making grants up to \$2,500 on a 1:1 matching basis for the installation of new ground-mounted, monument type (building mounted signs within TMED) signs on eligible properties or the replacement of a dilapidated sign. To be eligible, the base or footing of the sign must be concrete or metal. Sign improvement costs eligible for reimbursement with a sign improvement grant include demolition costs (including labor), landfill costs, and City-approved material and construction (including labor) costs, but specifically *exclude* design costs.

Landscaping Improvement Grants (commercial or industrial property only) The City will consider making grants up to \$5,000/\$10,000 (with irrigation) on a 1:1 matching basis for the installation of new or additional landscaping to an eligible property. To be eligible the landscaping must exceed the City’s landscaping requirements for the area, as the same may be established from time to time. If an

irrigation system is installed, or already exists, and will be maintained by the applicant, the maximum amount of the landscaping grant is greater than if no irrigation system exists. Landscaping improvement costs eligible for reimbursement with a landscaping improvement grant include ground preparation costs (including labor), materials (trees, shrubs, soil and amendments thereto and other decorative hardscape such as arbors, art, and walls or fences) and material and construction (including labor) costs, curbed islands, but specifically *exclude* design costs. The City will also consider making grants of trees from the City's tree farm if requested by the applicant as part of a landscaping improvement grant application.

Asbestos Survey or Abatement Grants (commercial or industrial property only) The City will consider grants up to \$1,000 for survey and up to \$3,000 for abatement on a 1:1 matching basis for owner-initiated asbestos survey of a building and for asbestos abatement for a building on eligible property. Asbestos survey and abatement grant eligible costs include professional fees, labor costs, select demolition/removal costs, and replacement materials.

Demolition Grants (residential, commercial or industrial property) When requested by an applicant the City will consider in its sole discretion, demolishing buildings, signs or parking lots, and disposing of the same at the City's cost, when the City has the capacity and equipment to do so. The City will not demolish buildings where the City in its sole discretion determines that there is a reasonable probability that the building contains asbestos, unless the applicant has obtained an asbestos survey and abated asbestos, where necessary, prior to demolition of the structure. In lieu of doing the demolition work with its own crews, the City will also consider grants up to \$2,500 on a 1:1 matching basis for the demolition of existing buildings, signs, or parking lots on eligible property. Where the applicant is performing the demolition and seeking a demolition grant, eligible costs include the labor and landfill costs, and equipment rental, but exclude any design costs.

Sidewalk Improvement Grants (residential, commercial or industrial property) The City will consider grants up to \$10,000 on a 1:1 matching basis for the construction of new sidewalks, curb and guttering or the replacement of existing sidewalks or curb and guttering on eligible property. Sidewalk improvement costs eligible for reimbursement with a sidewalk improvement grant include demolition costs (where applicable) (including labor), landfill costs, and material and construction (including labor) costs and equipment rental, but specifically *exclude* design costs.

Waiver of Platting, Zoning and Permit Fees (commercial or industrial property only) The City will consider waiving platting, zoning, and building permit fees for eligible projects. The City *cannot* waive water and wastewater tap fees.

Code Compliance Grant. (residential only) The City will consider grants up to \$5,000 on a 1:4 (City/Property Owner) matching basis for the construction of real property improvements necessary to bring a structure in one of the approved SIZ incentive zones. To receive a grant under this subsection, the property owner must substantiate actual expenditures necessary to meet an existing City code by the property owner of \$4 dollars for every \$1 of code upgrade grant sought from the City up to the maximum grant of \$5,000. For example, to receive a code grant of \$5,000 from the City, the property owner would have to demonstrate actual expenditures by the property owner of \$20,000 that are necessary to meet existing City code requirements.

Application. To be eligible for tax abatement and/or grants an applicant must submit a grant application and/or tax abatement application and have received approval from the City prior to commencing the work for which a grant or assistance by the City is sought. Applications must be submitted on a form provided by the City, be fully and accurately completed, and signed by the owner(s) (and the lessee(s), where applicable) of the property. Completed vendor & W-9 forms must also be provided. Application forms for tax abatement or grants and forms are available in the **City Manager's Office** (c/o of the Assistant City Manager, 2 N. Main Street, Suite 306) and in the office of **Keep Temple Beautiful** (c/o Tanya Gray, 100 West Adams, Suite 302, Temple, TX 76501). Applications should be submitted to the City Manager's office for review and potential approval by the City Council.

Complete Application. A completed application must contain a rendering of all proposed improvements and a written description of the same. Where the proposed scope of work requires professional work by an engineer or architect, the plans must be sealed by an engineer or architect, as applicable.

Guidelines. Proof of ownership will be required of applicants operating a business in an owned facility, or owners of a business facility. An applicant operating in a leased facility must apply jointly with the

property owner. Copies of a lease agreement (financial terms may be whited out) and proof of ownership will be required.

The following requirements must be met (failure to do so will render the applicant ineligible to receive grant funding): (1) improvements shall be made in accordance with project drawings, specifications, and/or information provided in the application and as approved by City Council or City Manager as applicable; (2) any modifications must first receive the written approval by the City; and (3) the Applicant is obligated to obtain all applicable permits and meet all codes related to the improvement project. The improvements as presented in the application must be completed in their entirety.

- Upon approval of a grant/incentive application, and during the implementation of the improvements, a representative of the City or Keep Temple Beautiful shall have the right of access to inspect the work in progress.
- Improvements may not commence prior to having received written approval for a grant.
- In order to be eligible to receive grant funding, improvements must be completed within six (6) months of receiving grant/incentive approval or as specified in the Development Agreement.

Evaluation and Approval Process. Upon receipt of an application for a grant(s) or tax abatement, the City Manager will forward the application to City staff to be evaluated using the criteria established in Section 10. The Review Committee will notify the applicant of its recommendation and will forward the application and staff recommendations to City Council or City Manager, as applicable, for consideration. The Review Committee reserves the right to utilize whatever outside resources it deems necessary for assistance in its decision-making process.

Applicants will be notified in writing of approval or disapproval of an application by the City Council. The City Council may approve a request for a grant or tax abatement in whole or in part, or deny the same. Provided that the City Manager is authorized to approve Chapter 380 agreements providing SIZ incentive grants as provided in Part III(B) of this ordinance.

The City reserves the right to exercise its absolute discretion in determining approval or disapproval of an application, whether or not such discretion may be deemed arbitrary, or without basis in fact.

The City may award Applicant a grant with certain provisions, conditions, or other requirements as it may from time to time deem appropriate.

Evaluation Criteria

In evaluating whether to approve an application for a grant or tax abatement, the Review Committee, City Manager and City Council will consider:

- (a) the extent to which the property for which a grant is sought is blighted or fails to meet City codes or regulations in one or more aspect (20 points)
- (b) whether the proposed redevelopment is at a higher level than which exists on other properties in the SIZ incentive corridor in which the property is situated (15 points);
- (c) whether the applicant has the financial resources to complete the described in the application (10 points);
- (d) whether the property is unlikely to redevelop without an incentive by the City (20 points);
- (e) whether the proposed use of the property is in keeping with the future uses of property identified in the City's Comprehensive Plan or a master plan adopted by the City Council (8 points);
- (f) whether the development is in an overlay that requires higher standards than in other parts of the City (5 points);
- (g) whether the development remedies deteriorated existing city infrastructure (10 points);
- (h) whether the development implements elements of the City Master Plan including sidewalk, trail, or parks master plan (7 points); and
- (i) whether there is a known occupant/tenant for the proposed development (5 points).

Applications receiving a score of less than 75 points will not be recommended by the Staff for approval by the City Council. Where the amounts being requested in any quarter exceed the amount of uncommitted funds available for SIZ incentive grants, the City Council may take the rating system into consideration when deciding which applications, if any, to approve.

No Vested Right to Receive a Grant. The existence of the grant program does not create any vested rights to receive a grant or convey a property interest to any person to receive a grant. The award or denial of a grant under this Ordinance shall be at the sole discretion of the City Council. The City Council shall annually appropriate funds for the administration of the grant program in this ordinance, and the granting of funds under the programs established by this ordinance are subject to the availability of funds appropriated for that purpose in any given fiscal year.

Compliance with Terms of a Grant and Payment to Grant Recipient. A recipient of a grant from the City must enter into a development agreement with the City prior to receiving any grant funds or in-kind services by the City. The agreement shall provide that the applicant agrees to:

- complete the work and total capital investment described in the application in a timely fashion;
- give the City the right to inspect the work described in the development agreement and the financial records associated with the same during reasonable business hours;
- perform all of the work described in the grant application in accordance with all applicable City codes and regulations; and
- maintain those improvements in the future.

Failure to satisfy all of the terms and conditions of the development agreement shall relieve the City of any obligation to provide grants funds or tax abatement under the Ordinance or as described in the development agreement. The Staff is authorized to grant extensions of up to ninety (90) days in the completion date.

The grant recipient shall provide City written notification of project completion. Such notification shall include a letter signed by the applicant stating that all improvements have been completed in accordance with the application and/or approved modifications, and that full payment has been made for all labor and materials involved in the project. Also included in such notification shall be documents such as, but not limited to, paid receipts for materials and labor, permits, inspection reports, project photographs, or any other items the City may reasonably deem necessary for determining the successful completion of the project.

Upon receipt of a notification of completion, an on-site inspection shall be made by a representative(s) of the City to confirm completion in accordance with the application and/or approved modifications, such inspection to take place within thirty (30) days of the notification receipt. Such inspection shall not be construed in any way as a reflection of the City's passing or approval on the quality, safety, or reliability of the improvements, such being the sole responsibility of the Applicant.

A written statement by the inspector shall be provided to the City testifying either to (1) compliant project completion, or (2) non-compliant project completion. In the event of a "non-compliant report", the City will review the findings, and, if in agreement with the report, a letter shall be issued to the applicant stating the area(s) of non-compliance. The project shall be subject to re-inspection to confirm the successful completion of the project. Failure to correct the area(s) of non-compliance within sixty (60) days of the date of the "non-compliant letter" shall be cause for revocation of the grant.

Payment to grantees shall be made within thirty (30) days of the work described in the development agreement being completed, inspected and a certificate of occupancy issued by the City. When the recipient of a SIZ grant fails to complete a project by the date provided for completion in his Chapter 380 agreement with the City, inclusive of any extension approved by the Staff (up to ninety days), the amount of the grant provided for in the Chapter 380 agreement shall be reduced by 5% for each thirty days that the project lacks completion. Completion under this section means the inspection and acceptance of any public improvements by the City and the issuance of a certificate of occupancy (where applicable) by the City.

The tax abatement process and documentation will be outlined in the Tax Abatement Agreement.

Amendment. The City reserves unto itself the right to, by a majority vote, amend these Guidelines and Criteria as it may from time to time find desirable.

Avenue G/H Strategic Investment Zone Incentive Program Application Form

- Submit (1) original of this application and all attachments (required attachments are highlighted in italics print and with arrows► – total of 4 attachments).
- All parties having ownership in the building must be parties to this application.
- Applications must be submitted jointly (on one application form) by both the lessee and lessor for businesses operating in leased facilities.
- Failure to provide complete or quality application may impact the Committee's, City Manager and City Council's determination.
- Submit applications to: City Manager's Office, 2 North Main Suite 306 Temple, TX 76501.
- For additional information for grants, please contact: Tanya Gray with Keep Temple Beautiful at 493-4000 or Kim Foutz, Assistant City Manager at 298-5600. For additional information about tax abatement, please contact Jonathan Graham, City Attorney, at 298-5674.

(Please print legibly or type—attach additional sheets if needed)

1. Type of grant being requested (check and fill out for all that apply):

NON-RESIDENTIAL – minimum investment of \$20,000

_____ Façade Grant requested: \$ _____ Maximum grant match is 1:1 ratio \$15,000
Applicant matching investment: \$ _____

_____ Sidewalk Grant requested: \$ _____ Maximum grant match is 1:1 ratio \$10,000
Applicant matching investment: \$ _____

_____ Sign Grant requested: \$ _____ Maximum grant match is 1:1 ratio \$2,500
Applicant matching investment: \$ _____

_____ Landscaping Grant requested: \$ _____ Maximum grant match is (1:1 ratio) \$5,000/\$10,000
Applicant matching investment: \$ _____

_____ Asbestos Survey Grant requested: \$ _____ Maximum grant match is (1:1 ratio) \$1,000
Applicant matching investment: \$ _____

_____ Asbestos abatement Grant requested: \$ _____ Maximum grant match is (1:1 ratio) \$3,000
Applicant matching investment: \$ _____

_____ Demolition Grant requested: \$ _____ Maximum grant match is (1:1 ratio) \$2,500
Applicant matching investment: \$ _____

_____ Demolition performed by City No match is required

_____ Tax Abatement

_____ Waiver of permits/fees (up to \$2,000 actual)

2. Please describe in detail the proposed improvements covering all categories of grants requested:
(Please be as specific.)

▶ Please attach proposed design or drawing of the proposed improvements to this application.

3. Total proposed capital investment: \$ _____

▶ Please attach contractor cost estimates to this application demonstrating your matching funds expenditure.

4. Proposed use of your property after redevelopment (check one):

Commercial Residential Multi-family Industrial

5. Building Owner Name(s): _____

Mailing Address: _____

Contact: Phone _____ Email: _____

▶ Please attach proof of building ownership.

6. Business Owner(s) name: _____

Mailing Address: _____

Contact: Phone _____ Email _____

Is the building/property leased? Yes No

An applicant operating in a leased facility must apply jointly with the property owner.

▶ Please attach a copy of the lease agreement (financial terms may be whited out).

7. Physical address of the property for which grant is being requested: _____

8. The business is a: Sole Proprietorship Limited Partnership Limited Liability
 Corporation or Other _____

9. Official Business Name to be used in Grant Agreement (Must match Tax ID Number):

10. Tax ID Number: _____
(See attached vendor information and W9 to be completed and returned with application)

11. Brief description of proposed business activity/use:

Acknowledgement: I (we) the undersigned do hereby acknowledge and/or certify, as the case may be, the following:

1. Prior to submission of this application, the “Guidelines and Criteria” for the Incentive Program set out on the back of this application form have been reviewed prior to submitting an application.
2. That the submission of this Application does not create any property, contract, or other legal rights in any person or entity to receive tax abatement or a grant under the Incentive Program.
3. That if grant funding is approved, full compliance will be maintained with all provisions of the “Guidelines and Criteria,” Development Agreement and/or special provisions attached as a part of the grant, and that failure to do so can be grounds for ineligibility to receive approved grant funding.
4. That if grant funding is approved, a designee(s) of the City shall have the right to inspect the work in progress, as well the completed improvements.
5. That the City reserves unto itself its absolute right of discretion in deciding whether or not to approve a grant/incentive relative to this application, whether or not such discretion is deemed arbitrary or without basis in fact.
6. That the City, its employees, and its agents and Keep Temple Beautiful shall be held harmless for any damages, both personal and property, which may result directly or indirectly from any incident associated with the subject project of this Application both during and after construction, and that the City, its employees, and its agents and Keep Temple Beautiful shall not be liable for any debts incurred in association with the execution and completion of the subject project of this Application, and further that the Applicant(s) assume all responsibility for any and all of the above mentioned liabilities.
7. That the information provided in this Application has been provided voluntarily, and may be relied on as being true and correct, and that the City may rely on the signatures affixed hereto as if the same had been signed by Applicant/s before a Notary Public or other authorized officer permitted by law to administer oaths and to take acknowledgements.

(Print Applicant Name)

(Applicant Signature)

Date: _____

(Print Applicant Name)

(Applicant Signature)

Date: _____

Criteria & Guidelines for the North 3rd Street Strategic Investment Zone Incentive Program

Purpose. The City desires to encourage the redevelopment of certain of its Strategic Investment Zones by offering economic development incentive (SIZ Grants) within those corridors to property owners who meet certain criteria.

Grant Types and Other Incentives. Grants outlined below are “Reimbursement Grants,” such grants being cash match for funds disbursed by an Applicant, and are in amounts not to exceed those provided herein. In-kind contributions may not be used as a part or whole of an Applicant’s match. Only Applicant’s cash expenditures may be used as a grant match. Tax abatement does not require matching funds, but it is subject to certain requirements spelled out below.

Funding Cycle. A funding cycle shall be from October 1st to September 30th. For each funding cycle the City shall designate an amount of funding for that cycle. Applications may be picked up at any time, but the City only approves new applications for SIZ grants four times a year: December, March, June & September. Upon exhaustion of those funds, the City will be under no obligation to fund additional grants. Likewise, the City is under no obligation to establish future funding cycles. Completed applications for SIZ grants must be filed as follows:

<u>For consideration in:</u>	<u>Completed Application Due No Later Than:</u>
December	November 10 th
March	February 10 th
June	May 10 th
September	August 10 th

Eligibility. To be eligible for any incentives, the applicant must propose and complete real property improvements on property located within the Avenue H Strategic Investment Zone with a minimum investment of not less than \$20,000 for non-residential or \$10,000 for residential. The applicant must be the owner or lessee of residential, commercial or multi-family residential property within the boundaries of the Avenue H Strategic Investment Zone.

The total maximum grant (the sum of all of the individual grants the project is eligible for) is the lesser of: (1) the sum of the individual grants, AND (2) 33% of the applicant’s total investment where the investment is less than \$100,000, OR 25% of the applicant’s total investment where the investment is greater than \$100,000. Total investment is measured at the time the project is completed, and is subject to verification by the City.

Tax abatement. Will be considered for renovation and rehabilitation of buildings and may be in combination with other grants and incentives herein. Maximum abatement period is 5 years, with 100% abatement of new capital investment. See attached guidelines.

Façade Improvement Grants. (commercial or industrial property only) The City will consider making grants up to \$15,000 on a 1:1 matching basis for the replacement or upgrade of an existing façade with an eligible masonry product to an eligible property, or to remove an existing façade to expose the original façade. Eligible masonry materials for a replacement façade under this subsection include brick, stone, stucco, EIFS, rough-faced block, fiber cement siding products, such as HardiPlank® and such other materials that the City may approve from time to time. A list of eligible materials for the eligible SIZ incentive corridors (See Section 6 below) are maintained in the Construction Safety Office, 1st Floor, the Municipal Building, 2 North Main Street. Façade improvement costs eligible for reimbursement with a façade improvement grant include demolition costs (including labor), landfill costs, and material and construction (including labor) costs, but specifically *exclude* design costs.

Sign Improvement Grants. (commercial property only) The City will consider making grants up to \$2,500 on a 1:1 matching basis for the installation of new ground-mounted, monument type (building mounted signs within TMED) signs on eligible properties or the replacement of a dilapidated sign. To be eligible, the base or footing of the sign must be concrete or metal. Sign improvement costs eligible for reimbursement with a sign improvement grant include demolition costs (including labor), landfill costs, and City-approved material and construction (including labor) costs, but specifically *exclude* design costs.

Landscaping Improvement Grants. (commercial or industrial property only) The City will consider making grants up to \$5,000/\$10,000 (with irrigation) on a 1:1 matching basis for the installation of new or

additional landscaping to an eligible property. To be eligible the landscaping must exceed the City's landscaping requirements for the area, as the same may be established from time to time. If an irrigation system is installed, or already exists, and will be maintained by the applicant, the maximum amount of the landscaping grant is greater than if no irrigation system exists. Landscaping improvement costs eligible for reimbursement with a landscaping improvement grant include ground preparation costs (including labor), materials (trees, shrubs, soil and amendments thereto and other decorative hardscape such as arbors, art, and walls or fences) and material and construction (including labor) costs, curbed islands, but specifically *exclude* design costs. The City will also consider making grants of trees from the City's tree farm if requested by the applicant as part of a landscaping improvement grant application.

Asbestos Survey or Abatement Grants. (commercial or industrial property only) The City will consider grants up to \$1,000 for survey and up to \$3,000 for abatement on a 1:1 matching basis for owner-initiated asbestos survey of a building and for asbestos abatement for a building on eligible property. Asbestos survey and abatement grant eligible costs include professional fees, labor costs, select demolition/removal costs, and replacement materials.

Demolition Grants. (residential, commercial or industrial property) When requested by an applicant the City will consider in its sole discretion, demolishing buildings, signs or parking lots, and disposing of the same at the City's cost, when the City has the capacity and equipment to do so. The City will not demolish buildings where the City in its sole discretion determines that there is a reasonable probability that the building contains asbestos, unless the applicant has obtained an asbestos survey and abated asbestos, where necessary, prior to demolition of the structure. In lieu of doing the demolition work with its own crews, the City will also consider grants up to \$2,500 on a 1:1 matching basis for the demolition of existing buildings, signs, or parking lots on eligible property. Where the applicant is performing the demolition and seeking a demolition grant, eligible costs include the labor and landfill costs, and equipment rental, but exclude any design costs.

Sidewalk Improvement Grants. (residential, commercial or industrial property) The City will consider grants up to \$10,000 on a 1:1 matching basis for the construction of new sidewalks, curb and guttering or the replacement of existing sidewalks or curb and guttering on eligible property. Sidewalk improvement costs eligible for reimbursement with a sidewalk improvement grant include demolition costs (where applicable) (including labor), landfill costs, and material and construction (including labor) costs and equipment rental, but specifically *exclude* design costs.

Waiver of Platting, Zoning and Permit Fees. (commercial or industrial property only) The City will consider waiving platting, zoning, and building permit fees for eligible projects. The City *cannot* waive water and wastewater tap fees.

Application. To be eligible for tax abatement and/or grants an applicant must submit a grant application and/or tax abatement application and have received approval from the City prior to commencing the work for which a grant or assistance by the City is sought. Applications must be submitted on a form provided by the City, be fully and accurately completed, and signed by the owner(s) (and the lessee(s), where applicable) of the property. Completed vendor & W-9 forms must also be provided. Application forms for tax abatement or grants and forms are available in the **City Manager's Office** (c/o of the Assistant City Manager, 2 N. Main Street, Suite 306) and in the office of **Keep Temple Beautiful** (c/o Tanya Gray, 100 West Adams, Suite 302, Temple, TX 76501). Applications should be submitted to the City Manager's office for review and potential approval by the City Council.

Complete Application. A completed application must contain a rendering of all proposed improvements and a written description of the same. Where the proposed scope of work requires professional work by an engineer or architect, the plans must be sealed by an engineer or architect, as applicable.

Guidelines. Proof of ownership will be required of applicants operating a business in an owned facility, or owners of a business facility. An applicant operating in a leased facility must apply jointly with the property owner. Copies of a lease agreement (financial terms may be whited out) and proof of ownership will be required.

The following requirements must be met (failure to do so will render the applicant ineligible to receive grant funding): (1) improvements shall be made in accordance with project drawings, specifications, and/or information provided in the application and as approved by City Council or city manager as applicable; (2) any modifications must first receive the written approval by the City; and (3) the Applicant is obligated to obtain all applicable permits and meet all codes related to the improvement project. The improvements as presented in the application must be completed in their entirety.

- Upon approval of a grant/incentive application, and during the implementation of the improvements, a representative of the City or Keep Temple Beautiful shall have the right of access to inspect the work in progress.
- Improvements may not commence prior to having received written approval for a grant.
- In order to be eligible to receive grant funding, improvements must be completed within six (6) months of receiving grant/incentive approval.

Evaluation and Approval Process. Upon receipt of an application for a grant(s) or tax abatement, the City Manager will forward the application to City staff to be evaluated using the criteria established in Section 10. The Review Committee will notify the applicant of its recommendation and will forward the application and staff recommendations to City Council for consideration. The Review Committee reserves the right to utilize whatever outside resources it deems necessary for assistance in its decision-making process.

Applicants will be notified in writing of approval or disapproval of an application by the City Council. The City Council may approve a request for a grant or tax abatement in whole or in part, or deny the same. **The City reserves the right to exercise its absolute discretion in determining approval or disapproval of an application, whether or not such discretion may be deemed arbitrary, or without basis in fact.**

The City may award Applicant a grant with certain provisions, conditions, or other requirements as it may from time to time deem appropriate.

Evaluation Criteria

In evaluating whether to approve an application for a grant or tax abatement, the Review Committee and City Council will consider:

- the extent to which the property for which a grant is sought is blighted or fails to meet City codes or regulations in one or more aspect;
- whether the proposed redevelopment is at a higher level than which exists on other properties in the South 1st Street Strategic Investment Zone at the time of adoption of this ordinance;
- whether the applicant has the financial resources to complete the described in the application;
- whether the property is unlikely to redevelop without an incentive by the City; and
- whether the proposed use of the property is in keeping with the future uses of property identified in the City's Comprehensive Plan.

No Vested Right to Receive a Grant. The existence of the grant program does not create any vested rights to receive a grant or convey a property interest to any person to receive a grant. The award or denial of a grant under this Ordinance shall be at the sole discretion of the City Council. The City Council shall annually appropriate funds for the administration of the grant program in this ordinance, and the granting of funds under the programs established by this ordinance are subject to the availability of funds appropriated for that purpose in any given fiscal year.

Compliance with Terms of a Grant and Payment to Grant Recipient. A recipient of a grant from the City must enter into a development agreement with the City prior to receiving any grant funds or in-kind services by the City. The agreement shall provide that the applicant agrees to:

- complete the work described in the application in a timely fashion;
- give the City the right to inspect the work described in the development agreement and the financial records associated with the same during reasonable business hours;
- perform all of the work described in the grant application in accordance with all applicable City codes and regulations; and
- maintain those improvements in the future.

Failure to satisfy all of the terms and conditions of the development agreement shall relieve the City of any obligation to provide grants funds or tax abatement under the Ordinance or as described in the development agreement.

The grant recipient shall provide City written notification of project completion. Such notification shall include a letter signed by the applicant stating that all improvements have been completed in accordance with the application and/or approved modifications, and that full payment has been made for all labor and materials involved in the project. Also included in such notification shall be documents such as, but not limited to, paid receipts for materials and labor, permits, inspection reports, project photographs, or any other items the City may reasonably deem necessary for determining the successful completion of the project.

Upon receipt of a notification of completion, an on-site inspection shall be made by a representative(s) of the City to confirm completion in accordance with the application and/or approved modifications, such inspection to take place within thirty (30) days of the notification receipt. Such inspection shall not be

construed in any way as a reflection of the City’s passing or approval on the quality, safety, or reliability of the improvements, such being the sole responsibility of the Applicant. A written statement by the inspector shall be provided to the City testifying either to (1) compliant project completion, or (2) non-compliant project completion. In the event of a “non-compliant report”, the City will review the findings, and, if in agreement with the report, a letter shall be issued to the applicant stating the area(s) of non-compliance. The project shall be subject to re-inspection to confirm the successful completion of the project. Failure to correct the area(s) of non-compliance within sixty (60) days of the date of the “non-compliant letter” shall be cause for revocation of the grant.

Payment to grantees shall be made within thirty (30) days of the work described in the development agreement being completed, inspected and a certificate of occupancy issued by the City. When the recipient of a SIZ grant fails to complete a project by the date provided for completion in his Chapter 380 agreement with the City, inclusive of any extension approved by the Staff (up to ninety days), the amount of the grant provided for in the Chapter 380 agreement shall be reduced by 5% for each thirty days that the project lacks completion. Completion under this section means the inspection and acceptance of any public improvements by the City and the issuance of a certificate of occupancy (where applicable) by the City.

The tax abatement process and documentation will be outlined in the Tax Abatement Agreement.

Amendment. The City reserves unto itself the right to, by a majority vote, amend these Guidelines and Criteria as it may from time to time find desirable.

Avenue G/H Strategic Investment Zone Incentive Program Application Form

- a. Submit (1) original of this application and all attachments (required attachments are highlighted in italics print and with arrows ► – total of 4 attachments).
- b. All parties having ownership in the building must be parties to this application.
- c. Applications must be submitted jointly (on one application form) by both the lessee and lessor for businesses operating in leased facilities.
- d. Failure to provide complete or quality application may impact the Committee’s, City Manager and City Council’s determination.
- d. Submit applications to: City Manager’s Office, 2 North Main Suite 306 Temple, TX 76501.
- e. For additional information for grants, please contact: Tanya Gray with Keep Temple Beautiful at 493-4000 or Kim Foutz, Assistant City Manager at 298-5600. For additional information about tax abatement, please contact Jonathan Graham, City Attorney, at 298-5674.

(Please print legibly or type—attach additional sheets if needed)

1. Type of grant being requested (check and fill out for all that apply):

NON-RESIDENTIAL – minimum investment of \$20,000

<input type="checkbox"/> Façade Grant requested:	\$ _____	Maximum grant match is 1:1 ratio \$15,000
Applicant matching investment:	\$ _____	
<input type="checkbox"/> Sidewalk Grant requested:	\$ _____	Maximum grant match is 1:1 ratio \$10,000
Applicant matching investment:	\$ _____	
<input type="checkbox"/> Sign Grant requested:	\$ _____	Maximum grant match is 1:1 ratio \$2,500
Applicant matching investment:	\$ _____	
<input type="checkbox"/> Landscaping Grant requested:	\$ _____	Maximum grant match is (1:1 ratio) \$5,000/\$10,000
Applicant matching investment:	\$ _____	
<input type="checkbox"/> Asbestos Survey Grant requested:	\$ _____	Maximum grant match is (1:1 ratio) \$1,000
Applicant matching investment:	\$ _____	
<input type="checkbox"/> Asbestos abatement Grant requested:	\$ _____	Maximum grant match is (1:1 ratio) \$3,000
Applicant matching investment:	\$ _____	
<input type="checkbox"/> Demolition Grant requested:	\$ _____	Maximum grant match is (1:1 ratio) \$2,500
Applicant matching investment:	\$ _____	
<input type="checkbox"/> Demolition performed by City		No match is required

_____ Tax Abatement

_____ Waiver of permits/fees (up to \$2,000 actual)

2. Please describe in detail the proposed improvements covering all categories of grants requested: (Please be as specific.)

► Please attach proposed design or drawing of the proposed improvements to this application.

3. Total proposed capital investment: \$ _____

► Please attach contractor cost estimates to this application demonstrating your matching funds expenditure.

4. Proposed use of your property after redevelopment (check one):

- Commercial Residential Multi-family Industrial

5. Building Owner Name(s): _____

Mailing Address: _____

Contact: Phone _____ Email: _____

► Please attach proof of building ownership.

6. Business Owner(s) name: _____

Mailing Address: _____

Contact: Phone _____ Email _____

Is the building/property leased? Yes No

An applicant operating in a leased facility must apply jointly with the property owner.

► Please attach a copy of the lease agreement (financial terms may be whited out).

7. Physical address of the property for which grant is being requested: _____

8. The business is a: Sole Proprietorship Limited Partnership Limited Liability
 Corporation or Other _____

9. Official Business Name to be used in Grant Agreement (Must match Tax ID Number):

10. Tax ID Number: _____ (See attached vendor information and W9 to be completed and returned with application)

11. Brief description of proposed business activity/use:

Acknowledgement: I (we) the undersigned do hereby acknowledge and/or certify, as the case may be, the following:

1. Prior to submission of this application, the “Guidelines and Criteria” for the Incentive Program set out on the back of this application form have been reviewed prior to submitting an application.
2. That the submission of this Application does not create any property, contract, or other legal rights in any person or entity to receive tax abatement or a grant under the Incentive Program.
3. That if grant funding is approved, full compliance will be maintained with all provisions of the “Guidelines and Criteria,” Development Agreement and/or special provisions attached as a part of the grant, and that failure to do so can be grounds for ineligibility to receive approved grant funding.
4. That if grant funding is approved, a designee(s) of the City shall have the right to inspect the work in progress, as well the completed improvements.
5. That the City reserves unto itself its absolute right of discretion in deciding whether or not to approve a grant/incentive relative to this application, whether or not such discretion is deemed arbitrary or without basis in fact.
6. That the City, its employees, and its agents and Keep Temple Beautiful shall be held harmless for any damages, both personal and property, which may result directly or indirectly from any incident associated with the subject project of this Application both during and after construction, and that the City, its employees, and its agents and Keep Temple Beautiful shall not be liable for any debts incurred in association with the execution and completion of the subject project of this Application, and further that the Applicant(s) assume all responsibility for any and all of the above mentioned liabilities.
7. That the information provided in this Application has been provided voluntarily, and may be relied on as being true and correct, and that the City may rely on the signatures affixed hereto as if the same had been signed by Applicant/s before a Notary Public or other authorized officer permitted by law to administer oaths and to take acknowledgements.

(Print Applicant Name)

(Applicant Signature)

Date: _____

(Print Applicant Name)

(Applicant Signature)

Date: _____





PLANNING AND ZONING COMMISSION AGENDA ITEM

04/16/12
Item #6
Regular Agenda
Page 1 of 2

APPLICANT: Planning & Zoning Commission

CASE MANAGER: Autumn Speer, Director of Community Services

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

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

Future Commission Projects	Status	Comments
Z-FY-12-36 - Rezoning from AG to GR District on a 1.50 ± acre tract located at 5412 North SH 317.	P&Z 5/07/12	[Sandy Adcock]
Z-FY-12-38 - Rezoning from SF2 to SF3 on Lots 12 and 13, Block 9, Carriage House Village Ph. I.	P&Z 5/07/12	[Mike Pilkington]
Z-FY-12-39 – Rezoning from SF1 to O1 on a 0.50 ± acre tract located at 3606 South 5th Street.	P&Z 5/07/12	[Dr. V. Pendleton]
Z-FY-12-40 – O'Brien's CUP Amendment to reduce the number of security lights from three to two located at 111 East Central Avenue.	P&Z 5/07/12	[O'Brien's Pub]
Z-FY-12-42 - Rezoning from AG to NS on 3.00 ± acres of land and from AG to UE on 7.04 ± acres of land, located on the east side of South 31st Street, south of Fox Glen Lane and north of Venice Parkway, part of D'Antoni's Crossing	P&Z 5/07/12	[Bobby Arnold]
Z-FY-12-43 - Rezoning from SF2 to GR on Lot 1, Block 15, Freeman Heights Addition, located at 101 S. 31 st Street.	P&Z 5/07/12	[Rudy Garza]

City Council Final Decisions	Status
Z-FY-12-26: CUP for Bo's Barn sale of alcoholic beverages for on-premise consumption more than 75% at 4984 West FM 93.	APPROVED on 2 nd Reading April 5, 2012
Z-FY-12-29: Rezoning SF1 to GR on Lot 3, Block 8, Parklawn Addition, located at 2007 North 7th Street for Dollar General site.	APPROVED on 1 st Reading April 5, 2012
Z-FY-12-30: Rezoning from GR, SF1, and SF2 to MF2 on a 15 ± acre tract of land, located on the north side of SW H.K. Dodgen Loop, west of Bird Creek Crossing shopping center and east of Hopi Trail near Western Hills Subdivision.	APPROVED on 1 st Reading April 5, 2012
Z-FY-12-32: CUP for Smashburger sale of alcoholic beverages for on-premise consumption less than 75% in the Market Place, located at 3008 South 31st Street.	APPROVED on 1 st Reading April 5, 2012
P-FY-12-12: Final plat of Diamond S (Garlyn Shelton) Subdivision, located at the southeast corner of Midway Drive and IH-35.	APPROVED on April 5, 2012



**PLANNING AND ZONING COMMISSION
MEETING EVALUATION
April 16, 2012**

Rating Scale

Excellent Average Poor

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

Excellent	Average	Poor

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

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

P&Z COMMISSION ATTENDANCE

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

 not a Board member