

**NOTICE OF MEETING
PLANNING AND ZONING COMMISSION
CITY MUNICIPAL BUILDING, 2 NORTH MAIN STREET
STAFF CONFERENCE ROOM, 1ST FLOOR
JUNE 18, 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 Monday, June 18, 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
JUNE 18, 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 May 7, 2012.

B. ACTION ITEMS:

Item 2: [P-FY-12-21](#) – Hold a public hearing to consider and take action on the Final Plat of Residences at D'Antoni's Crossing # 4, a 1.002 ± acre 2-lot residential subdivision, being a replat of Lots 3, 4, and 5 of Block 2 of Residences at D'Antoni's Crossing # 2, located along the north intersection of Venice Parkway and Naples Drive (Applicant: Carl Pearson for Bobby Arnold).

Item 3: [P-FY-12-22](#) - Consider and take action on the Final Plat of West Adams Addition, a 1.620 ± acres, 1-lot, 1-block nonresidential subdivision, with developer's requested exception to Section 8.5.1 of the Unified Development Code requiring perimeter street fees, located at the southwest corner of West Adams Avenue and South Kegley Road. (Applicant: Vannoy & Associates on behalf of Temple Real Estate Investments.)

- Item 4:** [P-FY-12-24](#) - Consider and recommend action on the Final Plat of Sommer Estates, a 10.00 acres ±, 2 –lot, 1-block residential subdivision, with developer’s requested exceptions to Sections 8.1.3 and 8.2.7 of the Unified Development Code requiring fire hydrants and Section 8.3.2 of the Unified Development Code requiring a payment of park fees or park land dedication, located at the northwest corner of Luther Curtis Road and Franklin Road, in Temple’s northern Extra Territorial Jurisdiction. (Applicant: All County Surveying for Andrew & Rhonda Sommer)
- Item 5:** [Z-FY-12-46-A](#) - Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (AG) to Light Industrial District (LI) on 8.273 ± acres, a part of the S. Bottsford Survey, Abstract Number 118, Bell County, Texas, located at 7300 and 7330 North General Bruce Drive and 7205, 7305 and 7325 Pegasus Drive. (Teresa Lange-Lamar Advertising for A.C. Boston)
- [Z-FY-12-46-B](#) - Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (AG) to Light Industrial District (LI) on 15.345 ± acres, a part of the S. Bottsford Survey, Abstract Number 118, Bell County, Texas, located at 7590 North General Bruce Drive and 7405 and 7445 Pegasus Drive. (Teresa Lange-Lamar Advertising for A.C. Boston)
- Item 6:** [Z-FY-12-47](#) - 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 more than 50% and less than 75% of the gross revenue in a restaurant, on Lot 9, Block 2, Commerce Park Commercial Subdivision, a replat of a portion of Lots 3, 4, 5, & 7, Block 2, Commercial Park Commercial Subdivision, located at 221 SW H K Dodgen Loop. (Kenny Martin for B-Dells Fire and Ice Grill)
- Item 7:** [Z-FY-12-48](#) – Consider approving an Appeal of Standards in Sec. 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for improvements to an existing vehicle sales establishment located at 3207 South General Bruce Drive (Mac Haik).
- Item 8:** [Z-FY-12-49](#) – Hold a public hearing to consider and recommend action on an amendment to Ordinance 2010-4413, Temple Unified Development Code, Articles 3, 5, 7, and 8 of the Unified Development Code to: 1) add requirement for Site Plan and establish review procedures and submission standards related to such requirement; 2) clarify language related to requirement for enclosure of Major Vehicle Repair; 3) clarify language related to Access and Circulation standards; 4) add requirement for Curb and Gutter for off-street parking and landscaping; 5) amend required size of subdivision Water and Wastewater Mains; and 6) eliminate developer cost participation requirements on certain streets adjacent to subdivisions.

C. REPORTS

- Item 9:** 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 11:45 AM, on June 14, 2012.



Lacy Borgeson, TRMC
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, MAY 7, 2012
5:00 P.M.
WORK SESSION**

PLANNING AND ZONING MEMBERS PRESENT

Chair Derek Martin

COMMISSIONERS:

David Jones
H. Allan Talley
Bert Pope
Chris Magaña

Will Sears
Mike Pilkington
Greg Rhoads

PLANNING AND ZONING MEMBERS ABSENT:

Bert Pope

STAFF PRESENT:

Kim Foutz, Acting Planning Director
Trudi Dill, Deputy City Attorney
Tammy Lyerly, Planner
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, Chair Martiin opened the work session at 5:03 p.m. and asked Ms. Kim Foutz, Acting Planning Director, to proceed.

Ms. Tammy Lyerly, Planner, stated Item 2 was located on SH 317, currently zoned AG with an existing residence and swimming pool, and the applicant would like to rezone it to GR for office and retail uses. Any redevelopment would trigger upgrades to meet City required standards.

Item 3 is a rezoning from SF2 to SF3. The applicant, who is also a member of P&Z, has two lots with SF2 zoning and these two lots contain a bulb out which does not allow the appropriate setback. The setback needs to be reduced through SF3 zoning in order to keep the houses generally aligned.

Ms. Trudi Dill, Deputy City Attorney, explained the City Attorney prefers that the applicant who is also a board member not participate in the meeting at all. The

applicant may have a representative appear and respond to any questions on behalf of the applicant.

Item 4 is a rezoning from SF1 to O1 on 5th Street for the applicant to use an existing home as an office. It is surrounding by SF1 uses but the Future Land Use and Character Map does support the request. All elements are available.

Ms. Foutz stated this item and Item 7, Z-FY-12-43, both plan on using an existing house as an office environment. The Code requires certain elements to be brought up to standards because of the change in use such as parking, buffering, signage, etc. The applicants have been provided a copy of the standards. The main concern voiced from respondents was vehicle backing motion.

Item 5 is a CUP amendment for O'Brien's Irish Pub and the applicant is Ryan Leshikar. Part of the original CUP required three light packs security along the western wall which leads from the front of the building to the City parking lot. The applicant had an analysis done by an electrician to estimate what they needed and two lights were sufficient so the applicant is asking for a reduction from three lights to two. Ms. Foutz stated three lights were recommended since Staff had received numerous complaints from downtown associations regarding lack of lighting and security lighting to parking lot.

Commissioner Talley asked why this was not completed within the 30 days originally given. Ms. Foutz replied the process itself can take up a lot of time.

Item 6 consists of two tracts: one has frontage on 31st Street zoned AG and the request is for NS. The acreage behind it (approximate seven acres) is being requested as UE. Ms. Foutz stated the request does not quite match the Future Land Use and Character Map plan. There is no contemplation for retail or commercial of any type on the frontage; however, the property fronts an arterial street and the entire other side of 31st Street is Comprehensive Planned for Suburban Commercial so the request is reasonable.

Thirty notices were mailed out. Five notices recommended denial and three were in favor. Most concerns were about noise, adjacency issues, and requesting a fence which would be required by Ordinance for the residential. This development would require a sidewalk since it is located on 31st Street and a trail alignment is also along 31st Street. The applicant has received trail waivers on the back side of the property.

The initial D'Antoni's required a trail/sidewalk and it was not installed; however, it is at 100 percent of the City cost since it is up against a residential against a state or county roadway. When the plat is processed, the City will pay for one portion and the developer will pay for the commercial portion. Ms. Foutz stated the northern and eastern side trails were waived for the applicant.

Item 7 is a rezoning to GR for an existing house that would like to operate as an office. The request complies with the Future Land Use and Character Map plan. The applicant will require a buffer in the back since it abuts a residential use.

One response was received in favor of the request.

Vice-Chair Staats asked if he should abstain from Item 6 since he lived in the adjacent development and received a notice. Ms. Dill stated it was up to him if he felt the matter

could foreseeably have an economic affect on him that would be different from the public at large.

Ms. Foutz gives an overview of the upcoming cases and any recent City Council decisions.

Ms. Foutz stated she would be bringing several rezoning cases forward regarding City owned surplus properties. Many of these properties are located in the MLK area and would probably be requested for NS zoning. They are currently zoned LI.

There being no further discussion, Chair Martin adjourned the meeting at 5:27 P.M.

**PLANNING AND ZONING COMMISSION
MAY 7, 2012
5:30 P.M.**

PLANNING AND ZONING MEMBERS PRESENT

Chair Derek Martin

COMMISSIONERS:

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

PLANNING AND ZONING MEMBERS ABSENT:

Bert Pope

STAFF PRESENT:

Kim Foutz, Acting Planning Director
Trudi Dill, Deputy City Attorney
Tammy Lyerly, Planner
Leslie Evans, Administrative Assistant

The agenda for this meeting was posted on the bulletin board at the Municipal Building, May 3, 2012 at 8:10 a.m. in compliance with the Open Meetings Law.

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

Chair Martin called Meeting to Order at 5:33 P.M.

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

A. CONSENT ITEMS

Item 1: Approval of Minutes: Work session and the regular meeting of April 16, 2012.

Approved by General Consent.

B. ACTION ITEMS

Item 2: Z-FY-12-36 - Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (AG) to General Retail District (GR) on two 0.75 acre tracts of land situated in the John Simmons Survey, A-737, Bell County, Texas, located at 5412 North SH 317. (Sandy Adcock for James Ledger)

Ms. Tammy Lyerly, Planner, stated the applicant is asking for a rezoning for General Retail (GR) district to allow offices and retail uses in an existing residential property which would also need to be upgraded for nonresidential development, if approved.

The subject property is very long with the existing house on the north end and the south having a lot of trees and a swimming pool. This property fronts North State Highway 317 and is located across from Oak Hills Drive and Trail Ridge Drive.

Surrounding properties included Single Family (SF) residential to the south, east, and west, and to the north is SF residential with a lot of vegetation and trees.

Ms. Lyerly cites some of the allowed GR uses. Prohibited uses include apartments, triplexes, mini storage warehouses, welding or machine shop, wrecking yard, and building materials sales.

In order for the property to be developed as nonresidential uses there are some standards the developer would need to meet which include buffering, upgrading the parking, fencing, screening refuse area, sign regulations, and masonry. Sidewalks would be included in the future if more than 50% of renovation occurred.

The Future Land Use and Character Map designate the property as Suburban-Commercial which complies with the request.

State Highway 317 is a major arterial which is appropriate for GR uses. There is a sewer line available and water lines are located along 317 on both sides.

Eight notices were mailed out to property owners within 200 feet of the subject property. One was received in approval and two were opposed with concerns of traffic and noise along 317.

Staff recommends approval of the request from AG to GR since the request complies with the Future Land Use and Character Map, the Thoroughfare Plan, and adequate public facilities are available in the area.

Chair Martin opened the public hearing.

Mr. Jack Folsom, 3117 Riverplace, Belton, Texas stated he was in support of this request. Mr. Folsom is a broker at Reed Realty in Temple and commented when SH 317 is renovated, the subject property will become less desirable as residential property. This request would be perfect for the property. Mr. Folsom felt more retail uses would be coming into the area in the future.

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

Commissioner Rhoads made a motion to approve Item 2, **Z-FY-12-36**, as presented and Commissioner Talley made a second.

Motion passed: (8:0)

Commissioner Pope absent

Item 3: Z-FY-12-38 - Hold a public hearing to discuss and recommend action on a rezoning from Single Family Two District (SF2) to Single Family Three District (SF3) on Lots 12 and 13, Block 9, Carriage House Village Phase I, located at 1917 and 1921 Carriage House Village Drive. (Applicant: Mike Pilkington)

Commissioner Pilkington stated he would have to recuse himself from Item 3 since he was the owner of the property.

Ms. Kim Foutz, Acting Planning Director, stated the applicant was Mr. Mike Pilkington and was requesting a rezoning from Single Family Two (SF2) to Single Family Three (SF3) in order to continue the current single family use zoning and to deal with setbacks. SF2 requires a 25 foot setback and the proposed SF3 zoning allows for a 15 foot setback. This reduction is requested to accommodate existing utilities located in a bulb out. The actual street does not include the bulb out.

Ms. Foutz shows an example of the two lots with the bulb out. Under SF2 the setback measurement from the bulb out would result in the homes being set too far back on the sites. SF3 would reduce the setback and keep the homes more in alignment with the existing homes. Existing zoning in the area is SF2 on all sides.

Surrounding properties include single family residential and a vacant lot to the south, and undeveloped land to the east, all zoned SF2.

The Thoroughfare Plan designates Carriage House as a local street. There are no trails included in this plan. The Future Land Use and Character Map designate this area as Auto Urban Residential and the request complies. Adequate utilities are available to serve the site.

Single Family zoning allows townhomes and patio homes. The applicant wishes to continue as single family residential in order to reduce the 25 foot setback.

Ten notices were mailed out and no notices were returned in favor or opposition.

Staff recommends approval of this request since it is in compliance with the Future Land Use and Character Map, the Thoroughfare Plan, the Master Trails Plan, and has adequate public facilities to serve the site.

Vice-Chair Staats asked if the lots would be replatted to straighten out the bulb out and Ms. Foutz stated the property line would remain as is.

Chair Martin opened the public hearing.

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

Commissioner Sears made a motion to approve Item 3, **Z-FY-12-38**, and Commissioner Jones made a second.

Motion passed: (7:0:1)

Commissioner Pilkington abstained; Commissioner Pope absent

Item 4: Z-FY-12-39 – Hold a public hearing to discuss and recommend action on a rezoning from Single Family One District (SF1) to Office One District (O1) on 0.50 ± acres of land out of the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located at 3606 South 5th Street. (Applicant: Victor Pendleton)

Commissioner Pilkington is reseated.

Ms. Foutz stated the applicant for this request was Mr. Victor Pendleton and he would like to open a psychology office in a residential home. The applicant understands development standards would be triggered for this project to be used as a nonresidential structure.

Surrounding properties include SF1 on all sides. Undeveloped land is located on the south and east, a single family residence is to the north, and undeveloped land that backs up to a city trail is to the west.

The property fronts 5th Street which is designated as a major arterial. A Citywide spine trail (undersized) is nearby but serves the purpose of trails dedications.

The Future Land Use and Character Map designates the area as Suburban Commercial, there is a trail noted as Parks and Open space, and across the street is a Comprehensive Planned for TMED. The request is in compliance with the Future Land Use and Character Map.

Adequate utilities are available to the site.

Some of the allowed uses for Office One (O1) include (but is not comprehensive) pre-schools, offices, various types of labs, veterinary without kennel, bank, or studio.

Development standards required for nonresidential use include buffering fencing on three sides, parking and loading, access and circulation, and possibly refuse screening. Signs would go through the regular ordinance and masonry and sidewalks would apply if future renovations took place. The applicant is aware of these standard requirements.

Four notices were mailed out and zero notices were received in favor with one notice in opposition.

Staff recommends approval of this request since it complies with the Future Land Use and Character Map, the Thoroughfare Plan, The Master Trails plan, adequate facilities are available to serve the site, the location meets the general purpose of the O1 district, and the property is located on a major arterial.

Chair Martin stated he was concerned about O1 because of a specific use and asked if a specific use could be banned for future use. Ms. Foutz stated the Commission could request a Planned Development (PD) O1 and restrict the one use.

Chair Martin asked the Commission to consider this option due to past requests for O1 use with duplexes.

Chair Martin opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Sears asked how the motion would be stated with the restricted use and Commissioner Pilkington agreed with the restriction of duplexes.

Commissioner Sears made a motion to approve Item 4, **Z-FY-12-39**, as a Planned Development O1 with the restriction of no duplexes and Commissioner Rhoads made a second.

Motion passed: (8:0)

Commissioner Pope absent

Item 5: Z-FY-12-40 - Hold a public hearing to discuss and recommend action to an amendment to Ordinance No. 2011-4493, originally approved December 15, 2011, Conditional Use Permit, to reduce the number of security lights from three to two on portions of Lots 11 and 12, Block 22, Original Town Addition, located at 11 East Central Avenue. (Applicant: Howard Leshikar)

Ms. Foutz stated this was a limited amendment to the Conditional Use Permit (CUP) for the applicant, Mr. Howard Leshikar, for O'Brien's Irish Pub. The original CUP was approved on December 15, 2011 by City Council. At that time, one of the conditions of the CUP was to install three wall security lights on the west wall of the building between the alleyway and the public parking and was too occurred within 30 days of the approval.

Ms. Foutz shows a picture of the wall where the lights are to be installed, along with the pedestrian path that patrons would use walking through the alleyway to the public parking area.

The original CUP had three wall pack security lighting and was of a specific type. The applicant requested an electrician to perform an analysis on this lighting and the analysis supports using only two security lights which would be sufficient and is a different type of lighting which provides more illumination.

The CUP criteria continue to be the same and there are no conflicts known.

Fourteen notices were mailed out with one approval and zero denials received.

Staff recommends approval allowing for two security lights instead of three, for the type to change, and to be installed 30 days after approval of the CUP by City Council, if that occurs.

Commissioner Talley asked how Staff knew that the electrician's analysis proved only two lights were needed instead of three. Ms. Foutz stated Staff accepted the electrician's professional experience and recommendation and would defer to the applicant to answer details.

Vice-Chair Staats stated the analysis should have been done by either an electrical engineer or a lighting engineer. An electrician merely provides power to the fixture. His concern was more of security and whether the lighting would be adequate for the area.

Commissioner Magaña asked what would happen if the two lights were approved but it turned out it was still not enough lighting. Ms. Foutz stated we would be in a better position than before since there are currently no lights but once it is approved, that is the allowable scenario.

Ms. Foutz references the letter in the P&Z packet from Advanced Electrical Systems which proposes two LED flood lights be attached to the 18 foot high catwalk in the alleyway. The lights are 23 watt each rated for 10,000 hours of light and cover 207 square feet each. These lights would be angled down to light the alley and should not interfere with visibility with drivers in the area. Ms. Foutz shows a picture of the catwalk located in the alleyway.

Chair Martin opened the public hearing.

Mr. Ryan Leshikar, owner of O'Brien's Irish Pub, located at 11 E. Central Avenue, Temple, Texas, stated the original CUP was approved with three lights, however, there was no reference in terms of actually having an electrician to look at that. The recommendation done by Staff was what they recommended with nothing stating why.

Mr. Leshikar stated the position of the original recommendation of the lights was too low on the wall. It was recommended the lights be placed high on the catwalk so it would provide adequate coverage. The area in question is only about 35 feet by 15 feet. There is already public lighting in the front of the building and in the parking lot.

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

Commissioner Talley made a motion to approve Item 5, **Z-FY-12-40**, and Commissioner Magaña made a second.

Motion passed: (8:0)

Commissioner Pope absent

Item 6: Z-FY-12-42 - Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (AG) to Neighborhood Service District (NS) on 3.00 ± acres of land and from Agricultural District (AG) to Urban Estates District (UE) on 7.04 ± acres of land, both being part of the Redding Roberts Survey, Abstract No. 692, in the City of Temple, Bell County, Texas, located on the east side of South 31st Street, south of Fox Glen Lane and north of Venice Parkway. (Applicant: Bobby Arnold)

Ms. Foutz stated the applicant was Bobby Arnold and pertained to the next phase of the Residences at D'Antoni's Crossing directly adjacent to the initial phase to the south.

The subject property is currently zoned Agricultural (AG) with approximately three acres being requested for Neighborhood Services (NS) and the back property area for Urban Estates (UE). Surrounding properties include SF1 and SF3 and toward the back in the corner, some UE as part of the initial development.

Surrounding properties to the south include residential zoned SF3 and UE, to the east is undeveloped land zoned AG and SF1, to the north is Deerfield Estates with SF1 with single family use and across 31st Street is undeveloped land zoned AG.

The subject property runs against 31st Street which is designated as a major arterial. A local connector trail is slated to go along 31st Street and, if platted, will be required to install a six foot wide sidewalk. All other trails noted have received waivers for trails by City Council.

The Future Land Use and Character Map designate this area as Suburban Residential. Although the request is not completely compliant with the Future Land Use and Character Map, Staff feels it is appropriate since the tract across the street is entirely planned for Suburban Commercial and the subject property is located along 31st Street. Adequate utilities are available for the site.

The purpose of the NS zoning is to permit limited retail services and for serving a smaller neighborhood area. It is the most restrictive retail zoning available and provides day-to-day retail and service opportunities for an area. It allows for residential except apartment types.

The UE permits single family detached residences, focuses on larger lot and lower density development. UE contains some development standards different from AG.

Thirty notices were mailed out with three notices in favor and five in opposition. Some opposition comments concerned decrease in property values, noise for commercial aspect, and buffering between UE and higher density residential. An eight foot high fence was suggested to mitigate noise for the commercial aspect. According to Code, Staff would require a six to eight foot high buffering fence against the residential. It was also noted that the existing trees should remain.

Staff recommends approval for the rezoning since it meets the intent of the Future Land Use and Character Map, is located along 31st Street with surrounding Suburban Commercial designations, it complies with the Thoroughfare Plan, the Master Trails Plan, and adequate public facilities are available. Although NS does not comply specifically with the Suburban Residential designation, Staff believes it is appropriate since it fronts 31st Street, a major arterial.

Vice-Chair Staats suggested Mr. Arnold be specifically aware of what is and is not allowed at the subject location to head off any potential complications from a tenant putting in a use which is not allowed.

Chair Martin opened the public hearing.

Mr. Pat Murray, 2311 Fox Glen Lane, Temple, Texas, stated his property backs up to the commercial development section and feels his property would decrease in value. Mr. Murray also has security concerns. Privacy fences are already installed but are not that secure. Mr. Murray suggested Mr. Arnold continue the 31st Street fence back around to the commercial part for a sound buffer and for security reasons.

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

Commissioner Talley made a motion to approve Item 6, **Z-FY-12-42**, as presented and Commissioner Rhoads made a second.

Vice-Chair Staats stated he felt there were some requests on this item that were extremely reasonable: maintaining an eight foot high fence and keeping the existing trees during development. Vice-Chair Staats asked if these items could be considered in Commissioner Talley's motion and Commissioner Talley stated yes.

Commissioner Pilkington stated he would like to hear from the applicant.

Chair Martin reopened the public hearing.

Mr. Bobby Arnold, 5293 S. 31st Street, Temple, Texas, stated he was concerned about how his development impacted the neighbors. Mr. Arnold gave the example of Tuscan Square fencing and landscaping and felt it was a very good buffer for the residential area. There is no parking in the back of the buildings either.

Mr. Arnold asked for clarification on the fencing request. Ms. Foutz stated the Code made reference that fences are required to be between six to eight feet high. Commissioner Magaña asked what the height of the fences were on the existing properties along 31st Street (Deerfield Estates). Vice-Chair Staats stated it was taller than six feet.

Vice-Chair Staats stated he would like to see the trees remain, especially the hardwood trees. Mr. Arnold stated he would save what he could because it creates a buffer. In regards to the fence, that may be a problem but would do what he could. Mr. Arnold stated they would go all the way around with the fence, approximately 800 feet of fencing.

Vice-Chair Staats stated the neighbors were concerned with the NS near UE and the buffering. Mr. Arnold stated there were no plans for the NS area yet but would like to do more office buildings. Mr. Arnold was not opposed to creating a better buffer. Commissioner Pilkington stated his concern was he did not want to have a six foot fence, a foot wide gap, and then an eight foot fence. Double fences creates a mess and causes more problems.

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

Commissioner Talley stated he would stay with his original motion and Commissioner Rhoads made a second.

Motion passed: 8:0

Commissioner Pope absent

Item 7: Z-FY-12-43 - Hold a public hearing to discuss and recommend action on a rezoning from Two Family District (2F) to General Retail District (GR) on Lot 1, Block 15, Freeman Heights Addition, located at 101 S. 31st Street. (Applicant: Rudy Garza for Diane Waters)

Ms. Foutz stated the applicant was Mr. Rudy Garza and the applicant is rezoning to locate an office on 31st Street in an existing residential structure. The applicant understands that being a nonresidential use, it may trigger standards for development.

The subject property is surrounded by GR except to the east where there is Two Family (2F) and is located along 31st Street which is designated as an arterial street.

The Future Land Use and Character Map designate this area as Auto Urban Commercial on all sides except to the rear which is Neighborhood Conservation and the request complies with the Future Land Use and Character Map. Adequate utilities are available to the property.

GR has a number of uses which also include, but are not limited to, offices, car wash, fuel sales, auto sales, and plumbing. All residential are allowed except apartments.

Development standards would apply as a nonresidential use including buffering and fencing, a buffer fence or hedge would be required to the rear due to single family use. Parking and loading along with access and circulation. Other standards may apply, if applicable, such as refuse, outdoor display and retail display. In the future, signs, masonry and sidewalks may also be triggered, if applicable.

Seventeen notices were mailed out with one notice received in favor and one in opposition.

Staff recommends approval of this request since it is in compliance with the Future Land Use and Character Map, the Thoroughfare Plan, adequate public facilities are available, GR is the prevalent zoning, and it is located on a major arterial street.

Chair Martin opened the public hearing.

Ms. Betty Jean McFerrin, 16 S. 29th Street, Temple, Texas, asked what the property was for now and Ms. Foutz replied the stated use is Office, but would be allowed to conduct any of the businesses for that category (shown on screen). Ms. McFerrin was concerned about noise and traffic.

Ms. McFerrin asked if a person opens an office, what are the chances of someone else coming in later and making it into another use. Chair Martin responded that once the zoning is in place, any future owners may still use that O1 zoning. So if a person goes in with a small office to begin with, in the future someone could come in with a different type of use allowed under O1.

Ms. McFerrin asked if it could be a fast food restaurant and Ms. Foutz stated yes.

Ms. McFerrin was also concerned about property values.

Chair Martin stated he would like to exclude the restaurant use and Vice-Chair Staats stated he would like to limit on-premises consumption of beer and wine.

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

Vice-Chair Staats made a motion to approve Item 7, **Z-FY-12-43**, as presented, with the exception that on-premise consumption of beer and wine not be allowed and any food facility and/or restaurant not be allowed.

Ms. Foutz stated the alcohol use is allowed by right. There are other alcohol use categories that would require a CUP that are still allowed in the GR zoning but would require coming back to the P&Z Commission.

Chair Martin reopened the public hearing.

Mr. Rudy Garza, 2510 Bluejay, Temple, Texas, stated it is strictly for office for an insurance business. Mr. Garza did not feel there was enough space to have a restaurant regardless. The parking lot is rather small as well, especially for a restaurant. The house has an awkward layout making it more conducive to an office.

Vice-Chair Staats asked Mr. Garza had he had any problems with the motion stated. Mr. Garza stated he did because it might hurt the value of the property in the future if he decided to sell it. Mr. Garza did not have any intention of doing any alcohol there for any reason right now. Mr. Garza just wants to put up a sign and start working as an office.

Commissioner Pilkington asked why the property could not go under an office zoning and Mr. Garza stated it was discussed but the majority of zoning was GR. If he did anything other than GR it would probably hurt the property for the future for any changes. Mr. Garza was the one asking for GR zoning, no one else suggested it.

Commissioner Talley asked if the P&Z Commission had the right to add an amendment and Ms. Foutz stated yes, but they would have to amend the motion to make it a PD.

Commissioner Sears stated he did not see the logic in limiting two items from the numerous choices available in GR zoning and did not agree.

Mr. Garza stated he had no need for alcohol but the future may be different. Vice-Chair Staats stated he felt the residential character should be maintained.

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

Vice-Chair Staats stated he would continue his motion as previously stated. Commissioner Jones asked for the motion to be reread.

Vice-Chair Staats stated the motion as presented, prohibiting the use of on-premise beer and wine and the use of a restaurant.

Ms. Foutz stated the motion must include the language that it be zoned PD-GR.

There being no second on Vice-Chair Staats motion, the motion failed.

Commissioner Sears made a motion to approve Item 7, **Z-FY-12-43**, as presented and Commissioner Rhoads made a second.

Motion passed: 7:1

Vice-Chair Staats voted Nay; Commissioner Pope absent

C. REPORTS

Item 8: Receive and discuss the **Planning Director's Report** containing items for future meetings regarding subdivision plats, zoning cases, conditional use permits, annexations, and proposed text amendments to the Unified Development Code. ***(continued, if not completed in Work Session)***

There being no further business, Chair Martin adjourned the meeting at 6:43.

Respectfully submitted,

Leslie Evans



PLANNING AND ZONING COMMISSION AGENDA ITEM

06/18/12
Item #2
Regular Agenda
Page 1 of 2

APPLICANT / DEVELOPMENT: Carl Pearson for Bobby Arnold

CASE MANAGER: Tammy Lyerly, Planner

ITEM DESCRIPTION: PUBLIC HEARING - P-FY-12-21 Hold a public hearing to consider and take action on the Final Plat of Residences at D'Antoni's Crossing # 4, a 1.002 ± acre 2-lot residential subdivision, being a replat of Lots 3, 4, and 5 of Block 2 of Residences at D'Antoni's Crossing # 2, located along the north intersection of Venice Parkway and Naples Drive.

STAFF RECOMMENDATION: Staff recommends approval of the Final Plat of Residences at D'Antoni's Crossing # 4.

ITEM SUMMARY:

The Development Review Committee reviewed the Final Plat of Residences at D'Antoni's Crossing #4 on May 23, 2012. It was deemed administratively complete on June 11, 2012.

Texas Local Government Code 212.014 (replatting without vacating preceding plat) requires a public hearing for this replat. This proposed plat is a replat of Lots 3, 4, and 5 of Block 2 of Residences at D'Antoni's Crossing #2.

This replat proposes the reduction in the number of residential lots from three lots to two lots, as well as the creation of a new local street, Siena Circle, with 50 feet of right-of-way. The remaining two residential lots have been increased in size from 0.440 acres to 0.582 acres on Lot 5A and from 0.261 acres to 0.285 acres on Lot 3A.

The property is served by 8-inch water lines, 8-inch sanitary sewer lines, and a 33-inch sanitary sewer line across Lot 5A.

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

PUBLIC NOTICE:

Staff mailed notices of the public hearing for the proposed replat to three property owners within Residences at D'Antoni's Crossing #2 and being within 200 feet of the proposed replat. As of Wednesday, June 13, 2012 at 4:30 PM, one notice was returned in favor of the replat and none were returned in opposition to the replat.

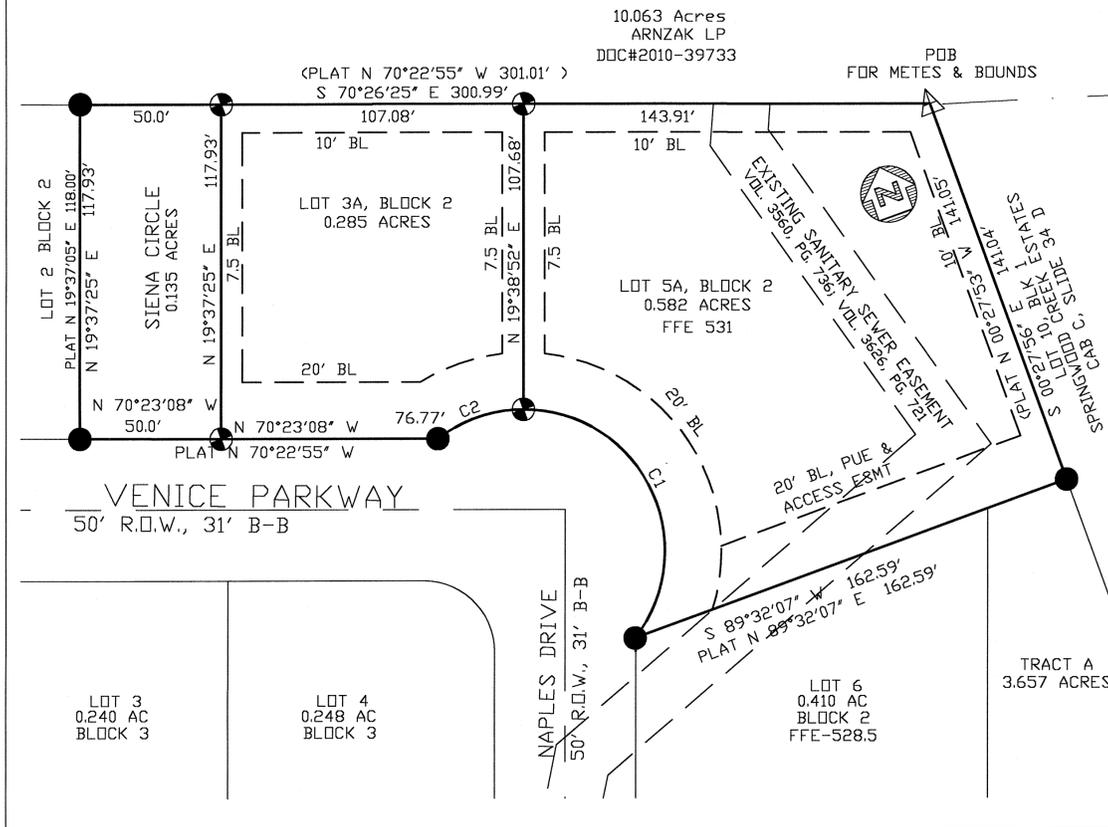
The newspaper printed notice of the Planning and Zoning Commission public hearing for this plat on June 2, 2012, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

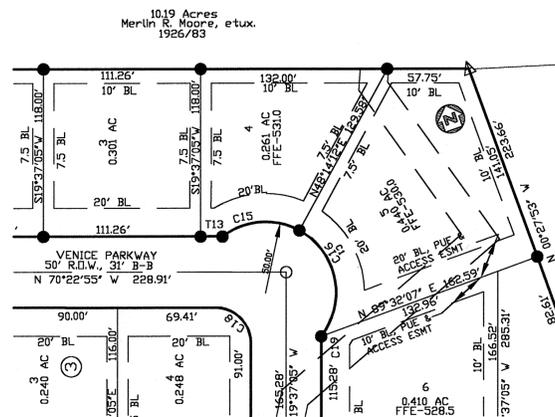
ATTACHMENTS:

Plat
Notice Map
Response Letter

FINAL PLAT
 LOT 3A & 5A, BLK 2
 RESIDENCES AT D'ANTONI'S CROSSING #4
 A REPLAT OF LOTS 3, 4, & 5, BLK 2 of
 RESIDENCES AT D'ANTONI'S CROSSING #2
 TEMPLE, BELL COUNTY, TEXAS
 SCALE: 1" = 30'



RESIDENCES AT D'ANTONI'S CROSSING #2
 TEMPLE, BELL COUNTY, TEXAS
 CABINET D, SLIDE 223A
 SCALE: 1" = 60'



DEVELOPMENT SUMMARY:
 BENCHMARK ELEV 526.27
 COT SURVEY CONTROL POINT # 1054
 NORTHING 10,353,132.79
 EASTING 3,217,452.95

PAGE ONE: METES AND BOUNDS DESCRIPTION
 PAGE TWO: PLAT

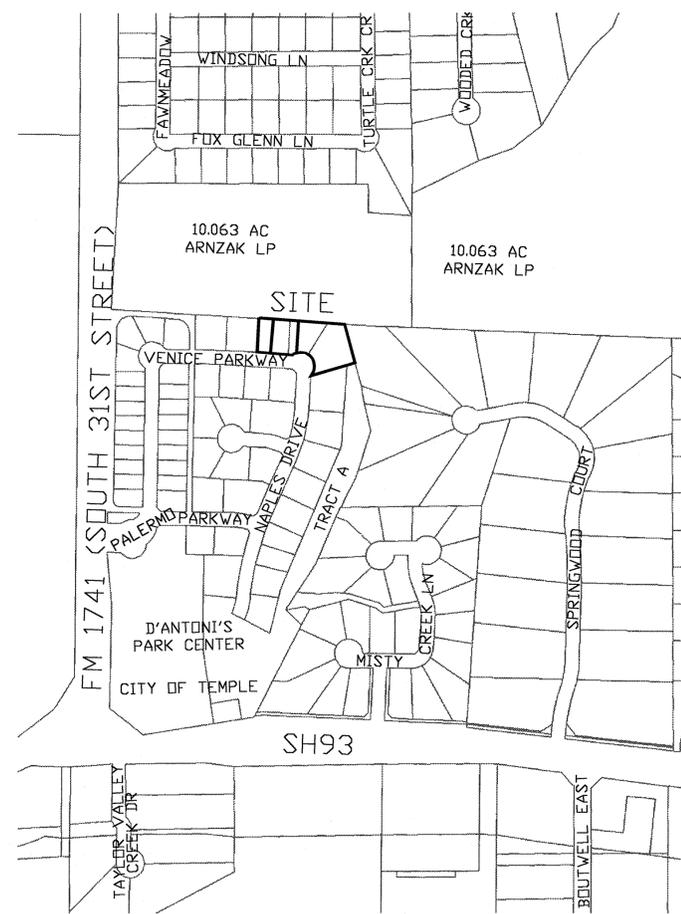
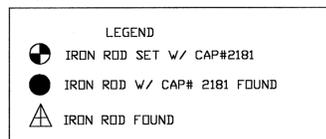
BLOCKS: 1
 LOTS: 2

TOTAL SUBDIVISION IN ACRES 1.002 ACRES
 THIS SUBDIVISION IS WITHIN THE CITY LIMITS OF THE CITY OF TEMPLE, TEXAS.
 Plat based upon a Field Survey conducted on FEB. 17th, 2012.

This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted, and all bearings are grid bearings.
 All coordinates values are referenced to City Monument No.1054
 The theta angle at said City Monument is 1°30' 56"
 The Combined Correction Factor (CCF) = 0.999857
 X = 3,217,452.95
 Published City Coordinates are Y = 10,353,132.79

The tie from the above City Monument to the Southwest corner of RESIDENCES AT D'ANTONI'S CROSSING #4 = N 38°05'08"E, 1585.78'

Grid Distance = Surface Distance X CCF.
 Geodetic North = Grid North + theta angle.



CURVE TABLE (RESIDENCES AT D'ANTONI'S CROSSING#4)

NUMBER	DELTA	CHORD BRG	RADIUS	LENGTH	CHD LENGTH
C1	128°02'53"	N 06°35'12" W	50.00'	111.74'	89.90'
C2	37°18'49"	N 89°16'06" W	50.00'	32.56'	31.99'

TANGENT TABLE (RESIDENCES AT D'ANTONI'S CROSSING#2)

NUMBER	DISTANCE	BEARING
T13	15.51'	N 70°22'55" W

CURVE TABLE (RESIDENCES AT D'ANTONI'S CROSSING#2)

NUMBER	CHORD BRG	RADIUS	LENGTH	CHD LENGTH
C15	N 74°50'40" W	50.00'	57.74'	54.58'
C16	N 07°50'13" E	50.00'	86.57'	76.15'
C18	N 25°22'55" W	25.00'	39.27'	35.36'
C19	N 17°49'22" E	75.00'	4.70'	4.70'

TANGENT TABLE (RESIDENCES AT D'ANTONI'S CROSSING#4)

NONE

- NOTES:
- All utility companies have received copies of this plat for their review.
 - Residences at D'Antoni's Crossing #4 is within ZONE X (areas of minimal flooding) except as shown according to the FLOOD INSURANCE RATE MAP #48027C0345 E issued September 26, 2008.
 - The purpose of this REPLAT is to provide for a 50' Street Right of Way & to remove one lot and to increase the size of the two remaining lots.
 - The POB "Point of Beginning" is a ref. to the beginning point of the field notes for the 1.002 acre description (This is required under the Surveyor's Law.) The "POB" as nothing to do with the tie to City Coordinates listed in the Development Summary.



STATE OF TEXAS: PLAT CERTIFICATION
 COUNTY OF BELL:
 I, the undersigned, Owner of the land shown on this plat and designated herein as RESIDENCES AT D'ANTONI'S CROSSING #4 an addition to City of Temple, Texas, & whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, parks, water courses, drains, easements, and places as shown hereon.

Date
 Bobby Arnold Homes, LTP, a Texas Limited Partnership
 by: Bobby Arnold Homes Management, L.C., General Partner,
 by: Bobby Arnold, President

NOTARY CERTIFICATE
 Before me, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Bobby Arnold known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purpose and consideration therein stated.

Given under my hand and seal, this the _____ day of _____, 2012

SEAL: _____
 Notary Public in and for _____ county.

ENGINEER'S CERTIFICATION
 STATE OF TEXAS
 COUNTY OF BELL
 I, the undersigned, a registered professional engineer in the State of Texas, hereby certify that proper engineering consideration has been given this plat.

SEAL: _____
 Carl B. Pearson
 Registered Professional Engineer
 25080
 Date: 5-31-2012

SURVEYOR'S CERTIFICATION
 STATE OF TEXAS
 COUNTY OF BELL
 I, the undersigned, a registered professional surveyor in the State of Texas, hereby certify, to the best of my knowledge and belief, that this plat is true and correct, that it was prepared from an actual survey of the property made under my supervision on the ground and that all necessary survey monuments are correctly shown thereon.

SEAL: _____
 Carl B. Pearson
 Registered Professional Land Surveyor
 2181
 Date: 5-31-2012

APPROVAL CERTIFICATE
 This Final Plat has been submitted to and considered by the Planning and Zoning Board of the City of Temple, Bell County, Texas, and is hereby approved by such Commission.
 Dated this _____ day of June _____, 2012.

DIRECTOR OF PLANNING

This Final Plat has been submitted to and considered by the Planning and Zoning Board of the City of Temple, Bell County, Texas, and is hereby approved by such Commission.
 Dated this _____ day of June _____, 2012.

CHAIR PERSON

Tax Certificate
 The Tax Appraisal District of Bell County, the taxing authority for all taxing 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 the _____ day of _____ A.D. _____

BY: _____

FILED FOR RECORD IN CABINET _____, SLIDE _____

PLAT RECORDS, BELL COUNTY, TEXAS

SIGNED: _____ DATE: _____

PART ONE - PLAT
 PART TWO - FIELD NOTES
 PART THREE - DEDICATION

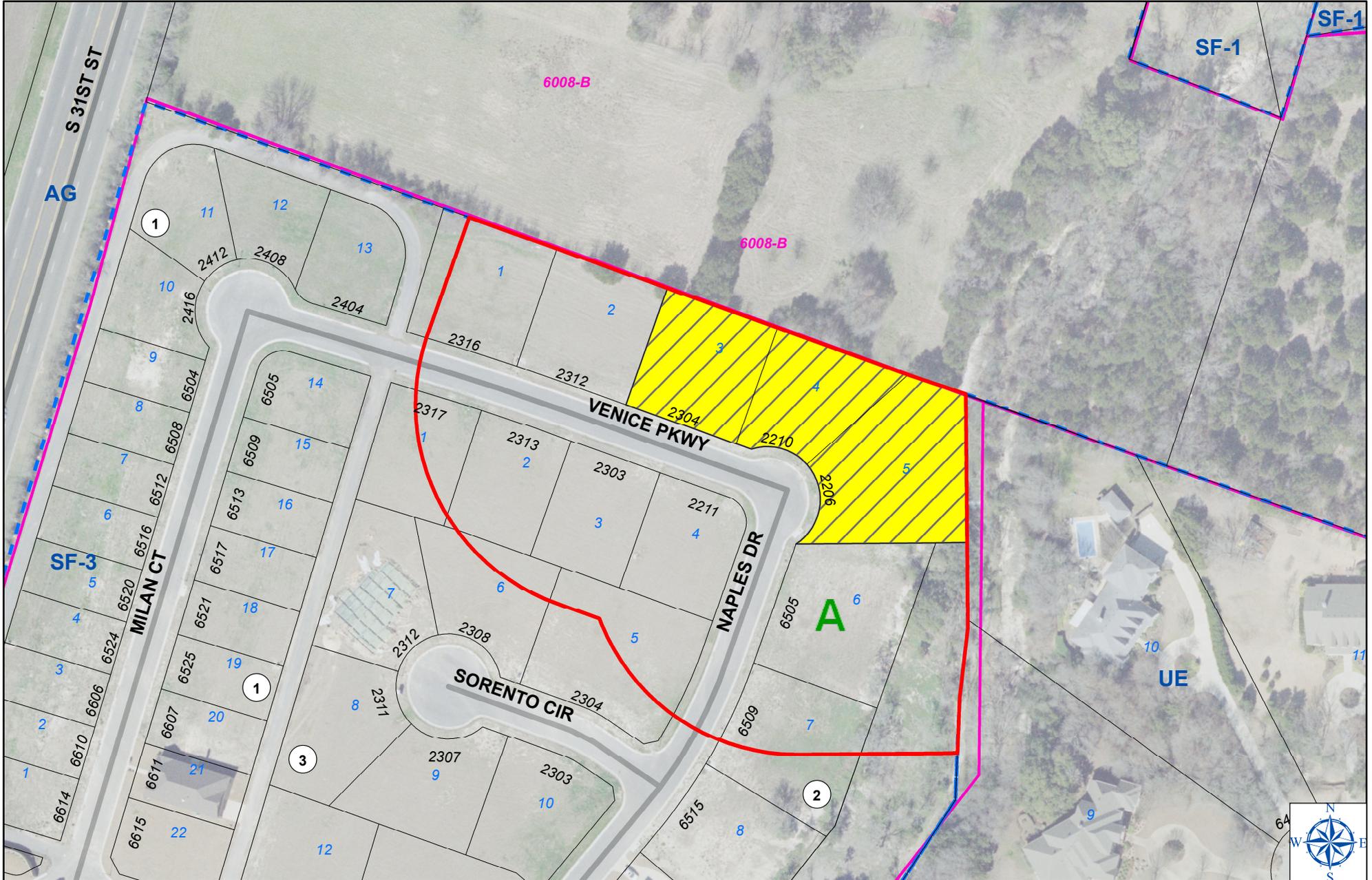
#	DATE	REVISION	BY
#1	5-31-12	REVISED PER POST DRC COMMENTS	CBP

TEMPLE CIVIL ENGINEERING COMPANY INC.
 ENGINEERS, PLANNERS, SURVEYORS
 11 WEST AVENUE, G
 TEMPLE, TEXAS 76501
 (254) 778-8273
 FAX (254) 778-0744

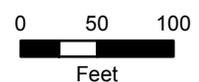
PROJECT: FINAL PLAT
 RESIDENCES AT D'ANTONI'S CROSSING #4
 a replat of RESIDENCES AT D'ANTONI'S CROSSING #2

CLIENT: BOBBY ARNOLD BUILDERS
 AGENT: BOBBY ARNOLD

DATE: 4-25-2012
 SCALE: 1" = 30'
 DRAWN BY: CBP
 CHECKED BY: CBP
 DWG. NO. 8440
 SHT. # 1 OF 1



- Case
- Zoning
- 1234-A Outblock Number
- Block Number
- 200' Buffer
- Subdivision
- 1234 Address
- 1 Lot Number



6/11/2012
 City of Temple GIS
 gkeith

GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



**RESPONSE TO PROPOSED
REPLAT REQUEST
CITY OF TEMPLE**

Glen Etux Nell Brindley
2902 Olympia Drive
Temple, TX 76502

Plat Application Number: P-FY-12-21

Project Manager: Tammy Lyerly

Location: Lots 3, 4, and 5, Block 2 of Residences at D'Antoni's Crossing #2 Amended Plat, located at 2206, 2210, and 2304 Venice Pkwy

The proposed replat is located in the highlighted area on the attached map. Because you own property within 200 feet of the proposed replat and within the original subdivision, your opinions are welcomed. Please use this form to indicate whether you are in favor of the proposed replat described in the attached notice, and provide any additional comments you may have.

I recommend

approval

denial of this request

Comments:

Glen Brindley
Signature

Glen Brindley
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than June 18, 2012.

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

RECEIVED
JUN 12 2012
City of Temple
Planning & Development



PLANNING AND ZONING COMMISSION AGENDA ITEM

06/18/12
Item #3
Regular Agenda
Page 1 of 2

APPLICANT / DEVELOPMENT: Vannoy & Associates on behalf of Temple Real Estate Investments

CASE MANAGER: Tammy Lyerly, Planner

ITEM DESCRIPTION: P-FY-12-22 Consider and take action on the Final Plat of West Adams Addition, a 1.620 ± acres, 1-lot, 1-block nonresidential subdivision, with developer's requested exception to Section 8.5.1 of the Unified Development Code requiring perimeter street fees, located at the southwest corner of West Adams Avenue and South Kegley Road.

STAFF RECOMMENDATION: Staff recommends approval of the Final Plat of West Adams Addition, subject to City Council's approval of the developer's requested exception to Section 8.5.1 of the Unified Development Code requiring perimeter street fees for South Kegley Road.

ITEM SUMMARY: The Development Review Committee reviewed the Final Plat of West Adams Addition on May 23, 2012. It was deemed administratively complete on June 5, 2012.

The Final Plat of West Adams Addition is a 1-lot, 1-block nonresidential subdivision located at the southwest corner of West Adams Avenue and South Kegley Road. The Thoroughfare Plan designates West Adams Avenue as a major arterial. Although the Thoroughfare Plan designates South Kegley Road as minor arterial, it is not developed to minor arterial standards.

Unified Development Code Section 8.5.1 requires perimeter street fees for South Kegley Road since it is not developed to minor arterial standards. The developer requests an exception to the required perimeter street fees for South Kegley Road.

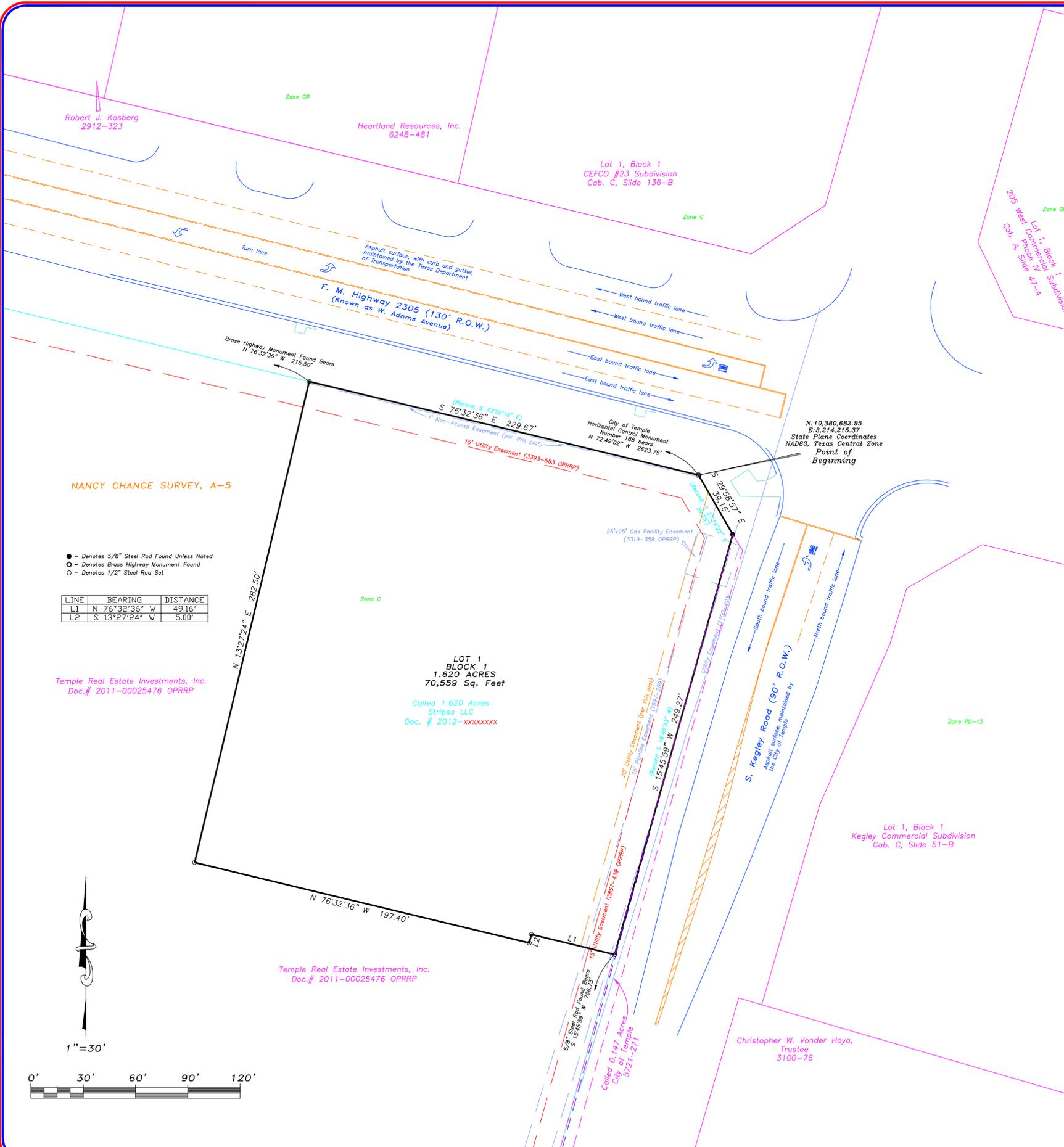
The developer plans to upgrade the existing 2-inch water line along the west right-of-way of South Kegley Road for future development. There is an existing 18-inch sanitary sewer line along the east right-of-way of South Kegley Road. A 15-foot wide utility easement has been provided along West Adams Avenue and a 20-foot wide utility easement along South Kegley Road to accommodate future development needs.

City Council is the final plat authority since the applicant requests an exception to the Unified Development Code.

FISCAL IMPACT: The applicant estimates the perimeter street fees for 249 linear feet along South Kegley Road, a minor arterial, would be a cost of \$12,464 (\$50/LF each side).

ATTACHMENTS:

**Plat
Request for Exception to Perimeter Street Fees**



OWNER'S STATEMENT

STATE OF TEXAS
 COUNTY OF BELL

Stripes LLC, owner of the tract of land shown hereon, and designated as WEST ADAMS ADDITION, within the city limits of the City of Temple, Bell County, Texas, and whose name is subscribed hereto, hereby dedicates 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.

by: E. V. Bonner, Jr., Executive Vice President
 Stripes LLC
 P. O. Box 9036
 Corpus Christi, Texas 78469

STATE OF TEXAS
 COUNTY OF NUECES

Before me, the undersigned authority, on this day personally appeared, E. V. Bonner, Jr. known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and considerations therein stated.

Given under my hand and seal of office this the ____ day of _____, 2012.

Notary Public, State of Texas
 My Commission Expires _____

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.

 Chair, Planning & Zoning Commission Attest: Secretary to the Planning & Zoning Commission

AFFIDAVIT:

The Tax Appraisal District of Bell County, the taxing authority for all taxing 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 the ____ day of _____, 2012 A. D.

By: _____
 Bell County Tax Appraisal District

This plat has been submitted to and considered by the City Council of the City of Temple, Texas, and is hereby approved by such council.

Dated this the ____ day of _____, 2012 A. D.

 City Secretary

Owner:
 Stripes LLC
 P. O. Box 9036
 Corpus Christi, Texas 78469

Lots - One (1)
 Blocks - One (1)
 Area - 1.620 Acres

- NOTES:**
1. No part of the subject tract lies within the special flood hazard area (SFHA) as scaled from F.I.R.M. Panel 480270335E, dated September 26, 2008. No elevations ran on the ground.
 2. 6' wide sidewalks will be required along West Adams Avenue and South Kegley Road.

Recordation Information:

Plat recorded in Cabinet _____, Slide _____,
 Plat Records of Bell County, Texas

Dedication recorded in Volume _____, Page _____, Official Public Records of Real Property, Bell County, Texas

Filed this the ____ day of _____, 2012.

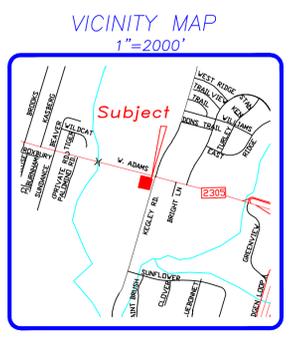
STATE OF TEXAS
 COUNTY OF BELL

I, the undersigned, a Registered Professional Land Surveyor in the State of Texas, hereby certify, to the best of my knowledge and belief, that this plat is true and correct, that it was prepared from an actual survey of the property made under my supervision on the ground, and that all necessary survey monuments are correctly shown thereon.

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE.

Harold Alexander Taylor
 Registration No. 6176

Date Surveyed: April 12, 2012



FINAL PLAT
 WEST ADAMS ADDITION

Lot 1, Block 1, within the city limits of the City of Temple, Bell County, Texas (BEING part of the Nancy Chance Survey, Abstract Number 5, and being part of that called 29,548 acres of land described in a deed to Temple Real Estate Investments, Inc., recorded in Document Number 2011-0025476 of the Official Public Records of Real Property of Bell County, Texas)

Address: S. Kegley Road and W. Adams Avenue
 No Schedule "B" Provided
 Drawn By: hat
 Vannoy Job No.: 4539

PREPARED FOR:
Stripes LLC

Vannoy & Assoc., Inc.
 Surveyors/Planners

7111 Bosque Boulevard, Suite 101
 Waco, Texas 76710, (254)751-1934

© Copyright 2012 Vannoy & Assoc., Inc. The content, color, and style of this plat furnished by copyright and all rights are reserved.

NANCY CHANCE SURVEY, A-5

- - Denotes 5/8" Steel Rod Found Unless Noted
- - Denotes Brass Highway Monument Found
- - Denotes 1/2" Steel Rod Set

LINE	BEARING	DISTANCE
L1	N 76°32'36" W	49.16'
L2	S 13°27'24" W	5.00'

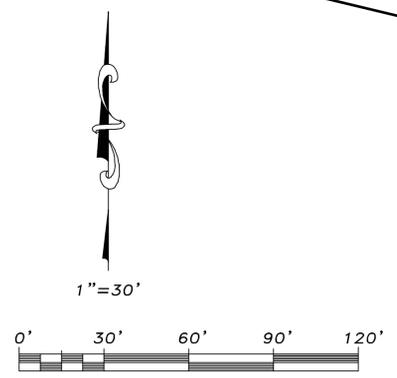
Temple Real Estate Investments, Inc.
 Doc.# 2011-00025476 OPRRP

**LOT 1
 BLOCK 1**
 1.620 ACRES
 70,559 Sq. Feet

Called 1.620 Acres
 Stripes LLC
 Doc. # 2012-xxxxxxx

Temple Real Estate Investments, Inc.
 Doc.# 2011-00025476 OPRRP

Christopher W. Vonder Hoya,
 Trustee
 3100-76



Tammy Lyerly

From: Bock, Joel R. [Joel.Bock@jacobs.com]
Sent: Wednesday, May 30, 2012 4:44 PM
To: Tammy Lyerly; 'Alex Taylor'
Cc: Waters, Brandy; 'Mike Harp'; 'Aaron McMillan'; Kim Foutz
Subject: RE: TEMPLE SWC Kegley & Adams Stripes Revised Site Plan and Survey

Tammy,

To put it in writing, we would like to request the City not require the perimeter roadway fee from us for this project.

Thank you,

JB

-----Original Message-----

From: Tammy Lyerly [mailto:tlyerly@templetx.gov]
Sent: Wednesday, May 30, 2012 4:16 PM
To: Bock, Joel R.; 'Alex Taylor'
Cc: Waters, Brandy; 'Mike Harp'; 'Aaron McMillan'; Kim Foutz
Subject: RE: TEMPLE SWC Kegley & Adams Stripes Revised Site Plan and Survey

Thanks, Joel!

Tammy A. Lyerly
Planner
City of Temple Planning Department
254.298.5273

-----Original Message-----

From: Bock, Joel R. [mailto:Joel.Bock@jacobs.com]
Sent: Wednesday, May 30, 2012 3:06 PM
To: Tammy Lyerly; 'Alex Taylor'
Cc: Waters, Brandy; 'Mike Harp'; 'Aaron McMillan'; Kim Foutz
Subject: RE: TEMPLE SWC Kegley & Adams Stripes Revised Site Plan and Survey

Tammy,

Thanks for the info - see attached exhibit for this site showing the following:

-Regarding this UDC item #1: existing ROW as surveyed is 90' which meets the Minor Arterial width, so I would maintain that zero ROW will need to be dedicated by this plat

-Regarding this UDC item #2: Assume \$200/lf to build a minor arterial roadway for a full section. With existing pavement width present along this site I would maintain that a cost savings would be achieved so to reuse it so only curb and gutter and storm drainage would be needed and therefore this cost would go to \$100/lf. For half a road (neighbor covers the other half) the fee would then be \$50/lf.

Please confirm and call anytime,

Joel Bock, PE

Jacobs

Project Manager | Land Development

PROJECT NAME: Perimeter Street Fee for Kegley Road
 Engineer's Cost Estimate - May 29, 2012

ITEM	DESCRIPTION	QUANTITY	UNIT	AVERAGE UNIT PRICE	TOTAL CONTRACT
------	-------------	----------	------	--------------------	----------------

A. STREET IMPROVEMENTS

A.1	Minor Arterial Curb & Gutter and Stormsewer, \$100/LF for Full Section, \$50/LF for each side	249	LF	\$ 50	\$ 12,464
SUBTOTAL STREET IMPROVEMENTS					\$ 12,464

		Total Costs:
A. STREET IMPROVEMENTS		\$ 12,464
Total		\$ 12,464



PLANNING AND ZONING COMMISSION AGENDA ITEM

06/18/12
Item #4
Regular Agenda
Page 1 of 2

APPLICANT / DEVELOPMENT: All County Surveying for Andrew & Rhonda Sommer

CASE MANAGER: Tammy Lyerly, Planner

ITEM DESCRIPTION: P-FY-12-24 Consider and recommend action on the Final Plat of Sommer Estates, a 10.00 acres ±, 2 –lot, 1-block residential subdivision, with developer's requested exceptions to Sections 8.1.3 and 8.2.7 of the Unified Development Code requiring fire hydrants and Section 8.3.2 of the Unified Development Code requiring a payment of park fees or park land dedication, located at the northwest corner of Luther Curtis Road and Franklin Road, in Temple's northern Extra Territorial Jurisdiction.

STAFF RECOMMENDATION: Staff recommends approval of the Final Plat of Sommer Estates, subject to City Council's approval of the applicant's requested exceptions to the following sections of the UDC:

- Sections 8.1.3 and 8.2.7 of the Unified Development Code requiring fire hydrants; and
- Section 8.3.2 of the Unified Development Code requiring a payment of park fees or park land dedication

ITEM SUMMARY: The Development Review Committee reviewed the Final Plat of Sommer Estates on June 6, 2012. It was deemed administratively complete on June 11, 2012.

The Final Plat of Sommer Estates proposes two 5-acre residential lots. Because the property is located over 1 mile into Temple's northern Extra Territorial Jurisdiction, the applicant requests an exception to the Unified Development Code (Section 8.3.2) requiring payment of park fees or park land dedication.

The applicant also requests an exception to the Unified Development Code (Sections 8.1.3 and 8.2.7) requiring fire hydrants. Pendleton Water Supply Corporation supplies water to the property through a 6-inch water line and is unable to provide the water flow capacity to support fire hydrants. Troy Volunteer Fire Department/EMS is the designated emergency response provider for this area.

The two properties will be serviced by septic systems.

City Council is the final plat authority since the applicant requests exceptions to the Unified Development Code.

FISCAL IMPACT: Required park fees are \$450 (\$225 for each residential lot) for this plat.

ATTACHMENTS:

Plat
Letter of Requested Exceptions
Pendleton Water Supply Corporation Letter
Troy VFD Letter

FINAL PLAT of
SOMMER ESTATES
 A SUBDIVISION WITHIN THE E.T.J. OF THE CITY OF TEMPLE,
 BELL COUNTY, TEXAS

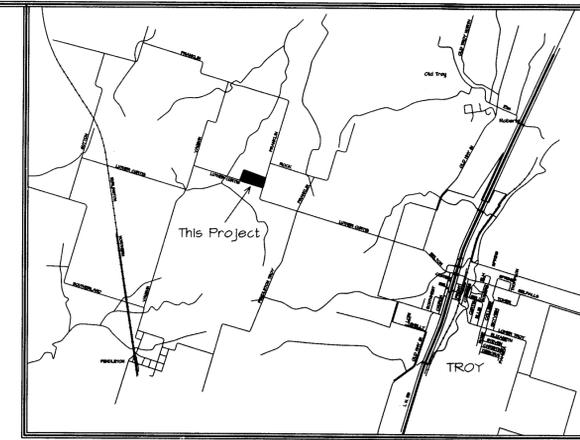
BEING PART OF THE WILLIAM GILMORE SURVEY, ABSTRACT NO. 340, IN BELL COUNTY, TEXAS, AND BEING A PLAT OF 10.00 ACRES OF LAND.

This plat is to accompany a metes and bounds description of the herein shown 10.00 acre tract.

LOTS - TWO (2)
 BLOCKS - ONE (1)
 AREA - 10.00 ACRES

OWNER:
 Andrew J. and Rhonda L. Sommer
 8 Quincey Street
 Troy, TX 76574

Survey monuments found at the southwest and southeast corners of the called 10.00 acre tract were used for directional control.



VICINITY MAP
 NOT TO SCALE

State of Texas
 County of Bell
 We, the undersigned, being the owners of the land shown on this plat and designated as SOMMER ESTATES, a subdivision within the E.T.J. of the City of Temple, Bell County, Texas, and whose names are subscribed hereto, hereby dedicate 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.

By: Andrew J. Sommer
 By: Rhonda L. Sommer

State of Texas
 County of Bell
 This instrument was acknowledged before me on the _____ day of _____, 2012, by Andrew J. Sommer.

Notary Public, State of Texas
 My Commission Expires: _____

State of Texas
 County of Bell
 This instrument was acknowledged before me on the _____ day of _____, 2012, by Rhonda L. Sommer.

Notary Public, State of Texas
 My Commission Expires: _____

THIS FINAL PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION. DATED THIS _____ DAY OF _____, 2012.

CHAIRPERSON _____ SECRETARY, PLANNING & ZONING _____

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF SOMMER ESTATES, WITHIN THE E. T. J. OF THE CITY OF TEMPLE, BELL COUNTY, TEXAS, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE ON THE _____ DAY OF _____, 2012. SAID SUBDIVISION SHALL BE SUBJECT TO ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE OF THE CITY OF TEMPLE, TEXAS.

WITNESS MY HAND THIS _____ DAY OF _____, 2012.

CITY SECRETARY _____

BELL COUNTY PUBLIC HEALTH DISTRICT CERTIFICATE

The Bell County Public Health District, the Licensing Authority for an on-site sewage disposal in Bell County, Texas, hereby certifies that this subdivision meets or exceeds the minimum standards established by the Bell County Board of Health.

Sanitarian _____ Date _____

I hereby certify that this plat was approved this the _____ day of _____, 2012, by the Bell County Commissioners Court and may be filed for record in the Plat Records of Bell County, Texas.

County Judge _____
 Witness my hand this the _____ day of _____, 2012.

Notary Public, State of Texas _____

I, Charles C. Lucko, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown hereon were properly placed, under my personal supervision, in accordance with the Bell County Subdivision Regulations.

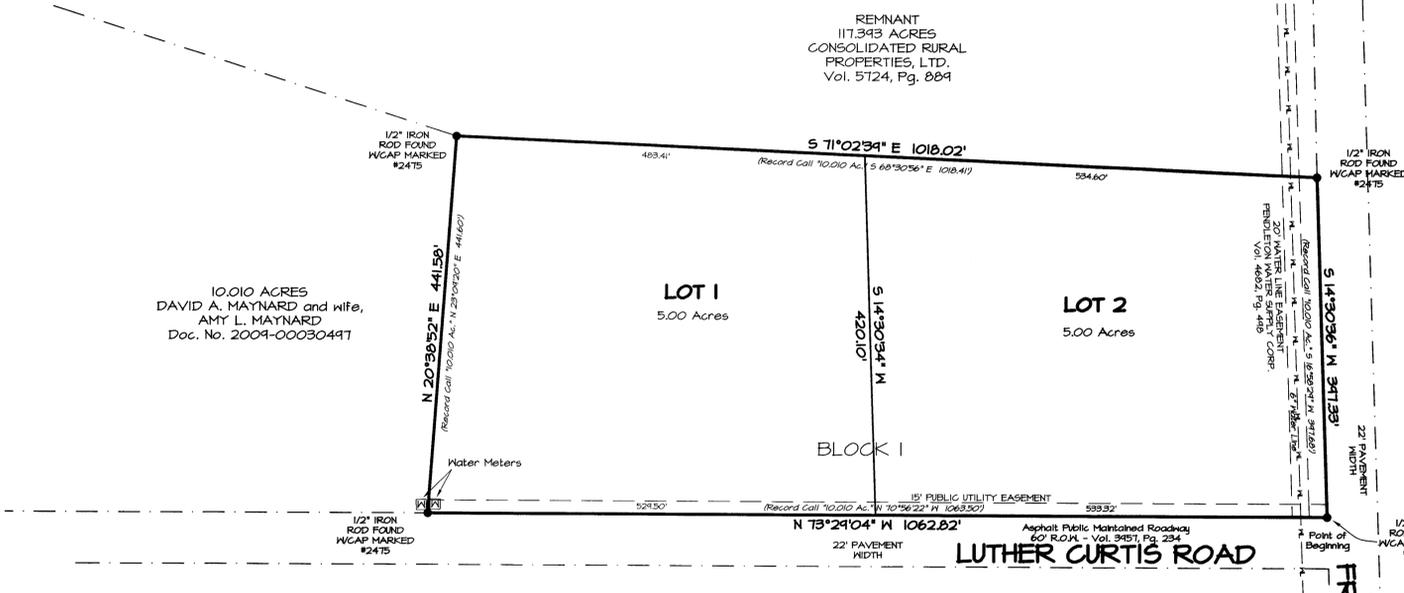
Charles C. Lucko
 Registered Professional Land Surveyor
 State of Texas No. 4636
 Date of Survey: April 4, 2012

OWNERS' RESPONSIBILITIES

"In approving this plat by the Commissioners' Court of Bell County, Texas, it is understood that the building of all streets, roads, and other public thoroughfares and any bridges or culverts necessary to be constructed or placed is the responsibility of the owners of the tract of land covered by this plat in accordance with the plans and specifications prescribed by the Commissioners' Court of Bell County, Texas. Said Commissioners' Court assumes no obligation to build any of the streets, roads, or other public thoroughfares shown on this plat or of constructing any of the bridges or drainage improvements in connection therewith. The County will assume no responsibility for drainage ways or easements in the subdivision, other than those draining or protecting the road system and streets. The County assumes no responsibility for the accuracy of representation by other parties in this plat. Flood plain data, in particular, may change depending on subsequent development."

Based upon what can be scaled from the graphics shown on FEMA Flood Insurance Rate Map (FIRM), Map No. 48027C0175E, effective date September 26, 2009, the above shown property does not appear within the "Special Flood Hazard Area", and appears to be situated in Zone X. This flood statement does not imply that this tract will never flood, nor does it create any liability in such event on the part of this surveyor or company.

This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 515. The theta angle at City Monument No. 515 is 01° 32' 03". The combined correction factor (CCF) is 0.998951. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Reference tie from city monument No. 515 to the southeast corner of this 10.00 acre tract is N 24° 24' 34" E 16,314.71 feet. Published City coordinates for project reference point 515 are N= 10,404,642.17 E= 3,227,874.15.



CALLLED 26.984 ACRES
 B & D MAYS LIMITED PARTNERSHIP
 Vol. 5457, Pg. 581

CALLLED 100.65 ACRES
 BYRON L. MAYS
 Doc. No. 2011-00018154

RECORDATION INFORMATION:
 PLAT RECORDED IN CABINET _____, SLIDE _____
 PLAT RECORDS OF BELL COUNTY, TEXAS
 DEDICATION RECORDED IN INSTRUMENT NO. _____
 OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BELL COUNTY, TEXAS
 FILED THIS THE _____ DAY OF _____, 2012.

AFFIDAVIT:
 The Tax Appraisal District of Bell County, the taxing authority for all taxing 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 the _____ day of _____, 2012 A. D.

By: _____
 Bell County Tax Appraisal District

REVISIONS:

Final Plat of
SOMMER ESTATES
 A SUBDIVISION WITHIN THE E.T.J. OF THE CITY OF TEMPLE,
 BELL COUNTY, TEXAS

ALL COUNTY SURVEYING, INC.
 1303 South 21st Street, Temple, Texas 76504
 (254) 778-2272 FAX (254) 774-1608
 Tx Firm Lic No. 10023600

Survey completed	04-02-12
Scale:	1" = 100'
Job No.	120183
Dwg No.	120183
Drawn by	DMF
Surveyor	CCL #4636



ALL COUNTY SURVEYING, INC.

*Surveying * Mapping * Construction Layout * GPS

June 13, 2012

City of Temple Planning Department
2 North Main Street
Temple, TX 76501
Attn: Tammy Lyerly, Planner

RECEIVED

JUN 13 2012

City of Temple
Planning & Development

Re: FINAL / Post DRC SUBMITTAL OF PLAT IN NORTH ETJ – minor plat w/ exception request(s)
(Sommer Estates - Two 5.00 acre lots fronting Luther Curtis Road)

Dear Tammy:

Please accept the re-submittal of the above referenced "SOMMER ESTATES", which is the division of a 10 acre parcel in Temple's extreme north ETJ, with the comments from the June 6 DRC meeting addressed.

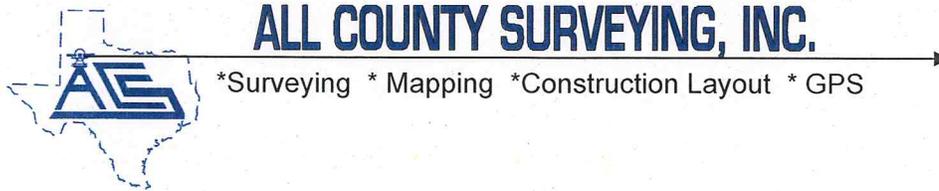
Based on our discussion during the DRC, this plat is asking for the following exceptions to the City of Temple UDC/ Subdivision Ordinance:

- Sections 8.1.3 and 8.2.7 of the Unified Development Code requiring fire hydrants (*local rural water line not adequate for installation of fire hydrant*); and
- Section 8.3.2 of the Unified Development Code requiring a payment of park fees or park land dedication

At the conclusion of the June 6 DRC, and as written in your "Post-Design Review Committee Notes", it is mentioned that REQUEST TO WAIVE PARK FEES "may be considered appropriate.....". The said "Post DRC... Notes" also state that SIDEWALKS "are not required for rural streets in the ETJ", and the "Post DRC... Notes" also state that "perimeter street fees do not apply to rural local streets or county roads".

After re-addressing the City's comments, I am assuming it is the *recommendation* of the Parks & Leisure Services to "waive" park fees, which just leaves the FIRE PROTECTION as the only remaining EXCEPTION to be requested from P&Z and City Council.

1303 South 21st Street, Temple, Texas 76504
254 778-2272 (Temple) 254 634-4636 (Killeen) 254 774-7608 (Fax)
www.allcountysurveying.com



We have contacted the Pendleton Water Supply Corporation, and the Troy Volunteer Fire Department, and requested letters more particularly stating the conditions with respect to domestic water delivery at this site, and who responds to this location in the event of a fire. These letters are attached to this final submittal.

Thank you for sending this project on to P&Z for June 18, and City Council for July 5. The owner is ready to be able to sell or build on his property.

Sincerely,

Charles C. Lucko, RPLS
President, All County Surveying, Inc.

Projects - 120183

1303 South 21st Street, Temple, Texas 76504
254 778-2272 (Temple) 254 634-4636 (Killeen) 254 774-7608 (Fax)
www.allcountysurveying.com

PENDLETON WATER SUPPLY CORP.

**9675 SPUR FM 1237 P.O. BOX 100
PENDLETON, TEXAS 76564
254-773-5876 FAX 254-773-0105**

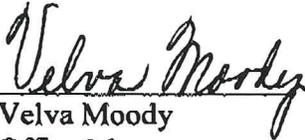
June 7, 2012

To Whom It May Concern:

Pendleton Water Supply Corporation is unable to supply the water flow needed to support direct hook-up by pumper truck at the fire hydrant.

Respectfully,

PENDLETON WSC

By 
Velva Moody
Office Manager

PENDLETON WATER SUPPLY CORP.

9675 SPUR FM 1237 P.O. BOX 100

PENDLETON, TEXAS 76564

254-773-5876 FAX 254-773-0105

March 26, 2012

Eric Kopriva
PO Box 293
Troy, TX 76579

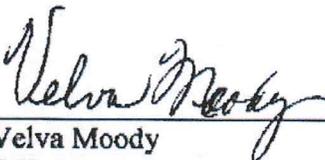
Re: Water Availability – A.J. Sommers Sub-division

To Whom It May Concern:

Pendleton Water Supply Corporation does have water lines that are in the area of the A. J. Sommers sub-division that is located at Luther Curtis Road and Franklin Road in Troy, Texas.

Respectfully Submitted,

PENDLETON WSC

By 
Velva Moody
Office Manger

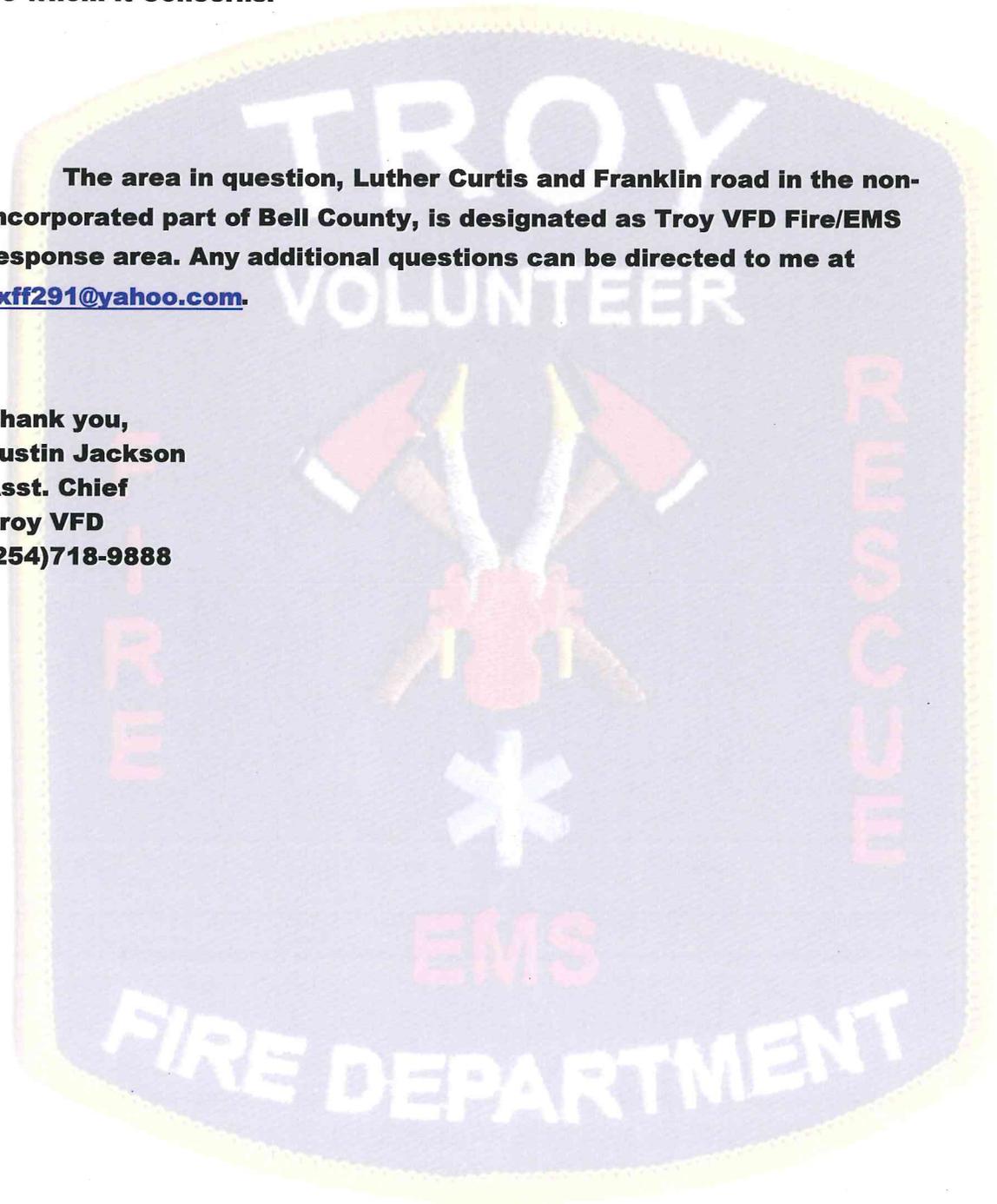
TROY VOLUNTEER FIRE DEPARTMENT

PO Box 1
Troy, TX 76501

To whom it Concerns:

The area in question, Luther Curtis and Franklin road in the non-incorporated part of Bell County, is designated as Troy VFD Fire/EMS response area. Any additional questions can be directed to me at txff291@yahoo.com.

Thank you,
Justin Jackson
Asst. Chief
Troy VFD
(254)718-9888





PLANNING AND ZONING COMMISSION ITEM MEMORANDUM

06/18/12
Item #5
Regular Agenda
Page 1 of 5

APPLICANT / DEVELOPMENT: Lamar Advertising for AC Boston

CASE MANAGER: Kim Foutz, Asst. City Manager/Acting Planning Director

ITEM DESCRIPTION: Z-FY-12-46A Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (AG) to Light Industrial District (LI) on 8.273± acres, a part of the S. Bottsford Survey, Abstract Number 118, Bell County, Texas, located at 7300 and 7330 North General Bruce Drive and 7205, 7305, and 7325 Pegasus Drive.

Z-FY-12-46B Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (AG) to Light Industrial District (LI) on 15.345± acres, a part of the S. Bottsford Survey, Abstract Number 118, Bell County, Texas, located at 7590 North General Bruce Drive and 7405 and 7445 Pegasus Drive.

STAFF RECOMMENDATION:

Staff recommends denial of the rezoning from AG to LI but recommends approval from AG to C District for the below reasons. This item has been posted for LI District, therefore P&Z may approve the LI District zoning or any other lower zoning district including "C" district.

1. The LI request does not comply with the Future Land Use and Character Map. C District zoning does comply.
2. The request and staff recommendation complies with the Thoroughfare Plan.
3. Public water facilities are available to subject property and wastewater is not available at this time. Septic system may be present or will need to be installed upon development.

ITEM SUMMARY: These properties under consideration for rezoning were annexed into the city limits several years ago. At that time, the property was/is used for light industrial uses, however the property was zoned Agricultural at that time. The owner has initiated these requests for rezoning to allow for the relocation of three billboard signs which are currently located on the properties. These signs are being affected by the I-35 TXDOT expansion project. In order to acquire State approval to relocate the billboards, State law requires that property be zoned as a "commercial" district if located inside the city limits.

SURROUNDING PROPERTY AND USES:

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

Direction	Zoning	Current Land Use	Photo
Subject Property	AG	Developed land – various uses	Please see attachment – multiple pictures
North	Troy ETJ- No Zoning	Building and roof sales (I-35 Overlay now requires a CUP for this use)	
South	AG	RV Park (not an allowed use in I-35 overlay)	

Direction	Zoning	Current Land Use	Photo
East, across I-35	LI	Undeveloped Land	
West	AG	Undeveloped Land	

COMPREHENSIVE PLAN COMPLIANCE:

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

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character (FLUP)	N *
CP	Map 5.2 - Thoroughfare Plan	Y*
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	N*
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	Y*

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

Future Land Use and Character Plan (FLUP) (CP Map 3.1)

The future land use and character map designates both properties as Suburban Commercial. **Uses that are allowed in LI and the I-35 Overlay District and are not allowed in “C” district are:** animal shelter by CUP, asphalt/concrete batch plant; compost/landfill operations; recycling inside building; slaughterhouse; mining and storage; petroleum storage/collection; cleaning plant; helistop; and sewage treatment plant. This applicant’s request is not in compliance with the comprehensive plan. However, a rezoning to C District would be in compliance.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan designates North General Bruce as an Expressway, which is appropriate for commercial and industrial development. Pegasus Drive is classified as a Collector street, which is most appropriate for commercial development. The rezoning request is compatible with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

A 10” water line is located along Pegasus Drive adjacent to the property. There is no public sewer available to the property.

Temple Trails Master Plan Map and Sidewalks Ordinance

Pegasus Drive and North General Bruce Drive are not on the Trails Master Plan. Pegasus is a collector street and will require a 4’ wide sidewalk when development occurs.

DEVELOPMENT REGULATIONS:

The purpose of the Light Industrial zoning district is to allow light industrial uses. Residential uses are not allowed except boarding or rooming houses. This district acts as a transition from other commercial or retail uses to industrial uses. This district is intended to be located away from areas of low and medium density residential development. The location should be carefully selected to avoid or reduce environmental impacts to residential areas. A sample of uses allowed in this district include and the I-35 Overlay are:

- | | |
|--|-------------------------|
| Home for the aged | Auto storage or auction |
| Boarding or rooming house | Outdoor parts sales |
| Greenhouse/nursery | Hotel/Motel |
| Building material sales | Most retail uses |
| Paint, plumbing, welding, or machine shop | |
| Heavy machinery sales, storage, and repair | |

PUBLIC NOTICE:

Six notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of case Z-FY-12-46A, as required by State law and City Ordinance. As of Wednesday, June 13 at 4:00 PM, no notices were returned in favor of and no notices were returned in opposition to the request.

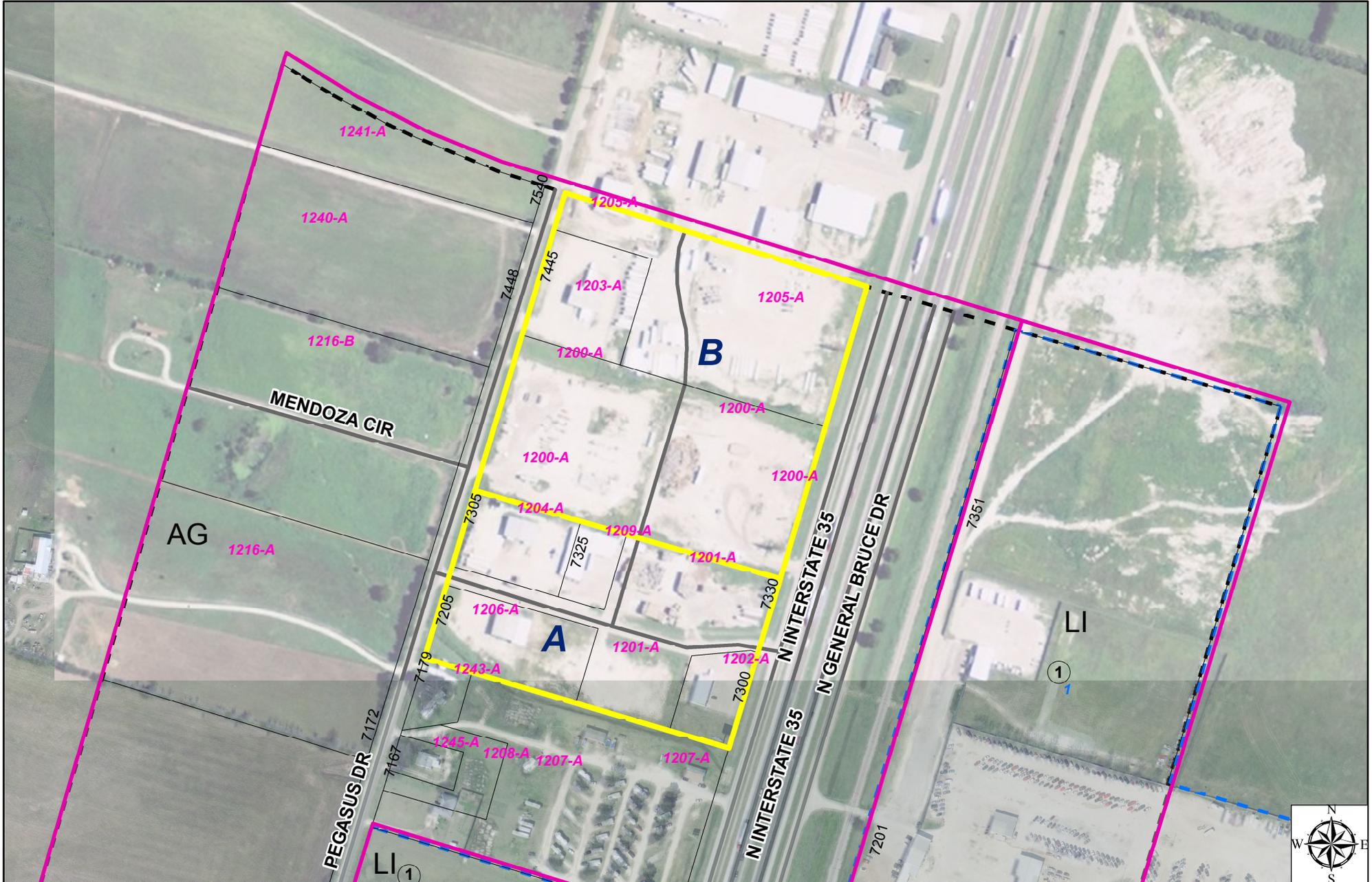
Three notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of case Z-FY-12-46B, as required by State law and City Ordinance. As of Wednesday, June 13 at 4:00 PM, no notices were returned in favor of and no notices were returned in opposition to the request. One courtesy notice was sent to a property owner outside the city limits.

The newspaper printed notice of the two Planning and Zoning Commission public hearings on June 7, 2012, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Zoning and Location Map
Pictures of Subject Property
Future Land Use and Character map
Notice Map: Z-FY-12-46A
Notice Map: Z-FY-12-46B
Thoroughfare, Sidewalk, and Trails Plan Map
Utility Map



 Case	 Zoning	1234-A Outblocks	 Blocks
 Temple City Limits	 Subdivisions	1234 Addresses	 Lots

0 100 200 400 Feet

Subject Property











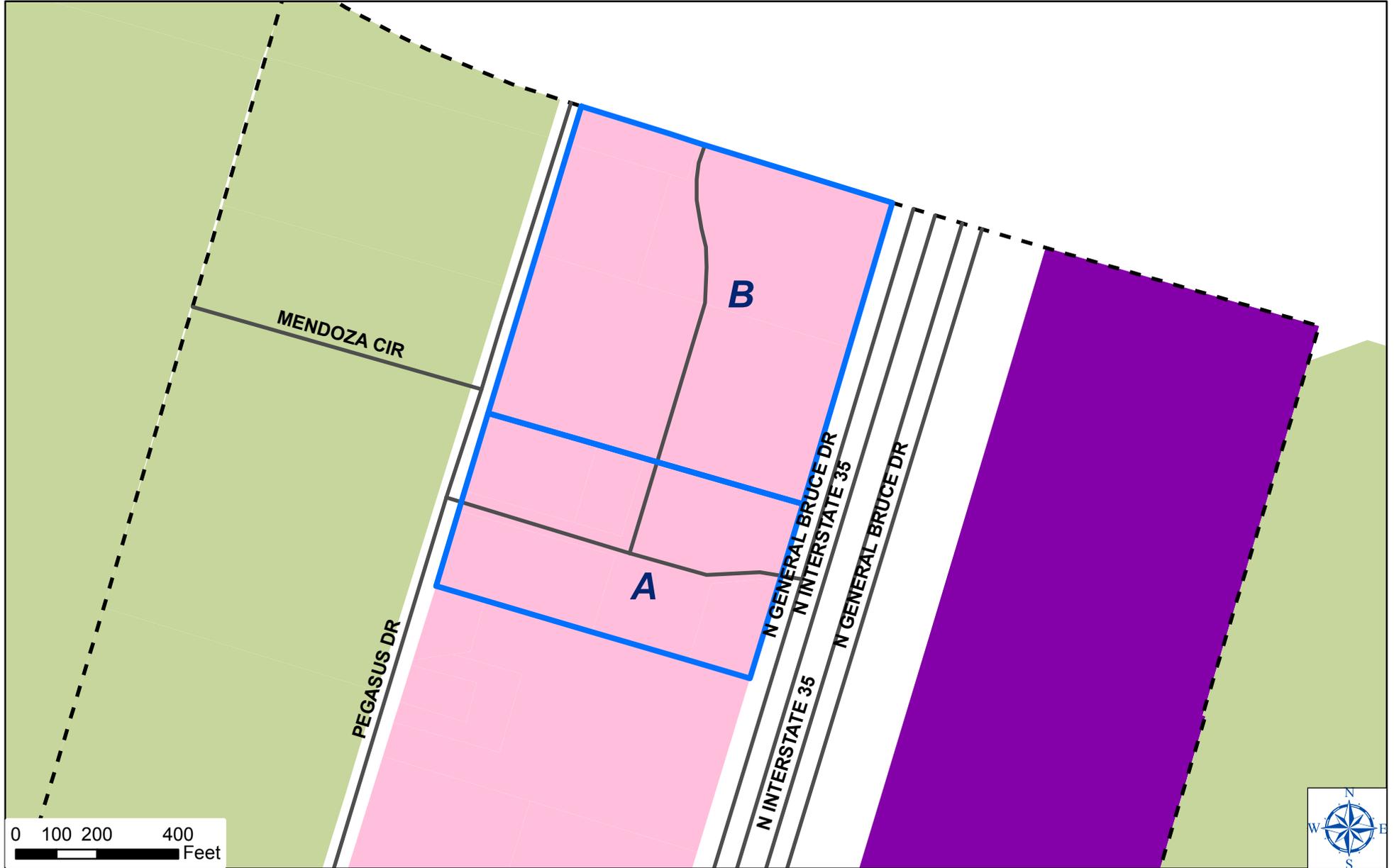








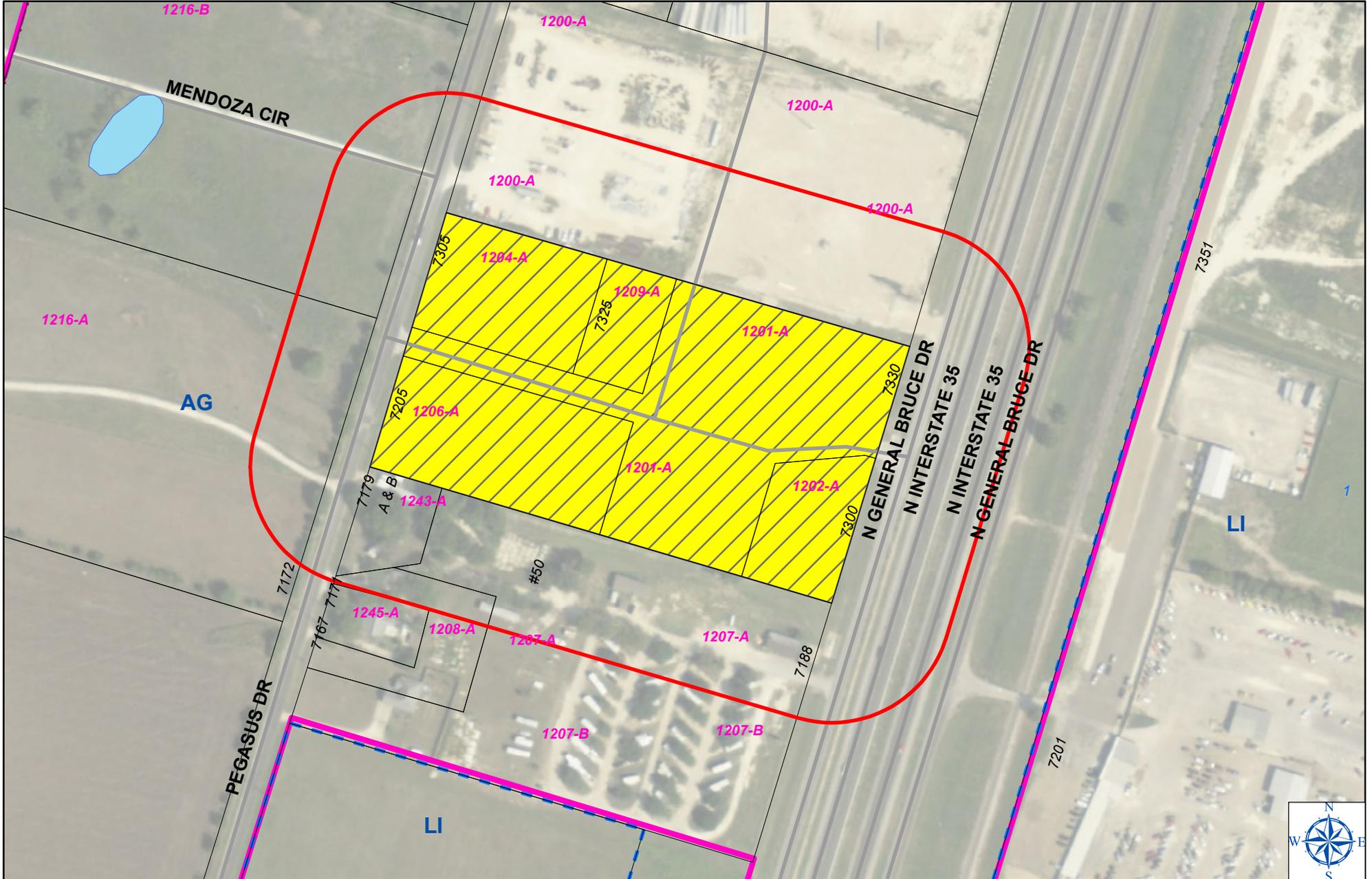




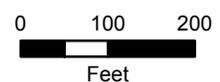
Future Land Use

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

GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



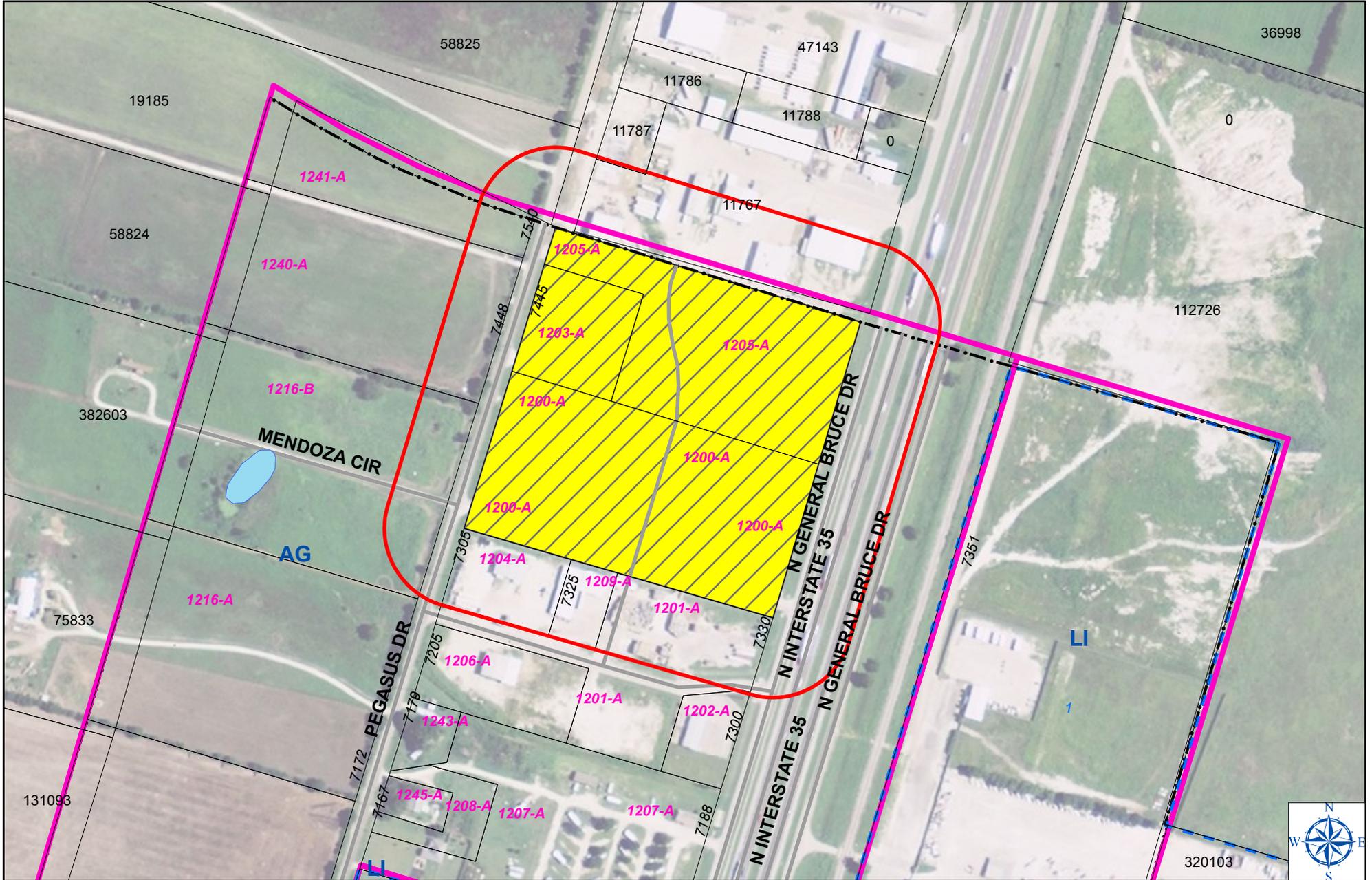
-  Case
-  Zoning
- 1234-A Outblock Number
-  200' Buffer
-  Subdivision
- 1234 Address
-  Block Number
- 1 Lot Number



5/22/2012
City of Temple GIS
gkeith

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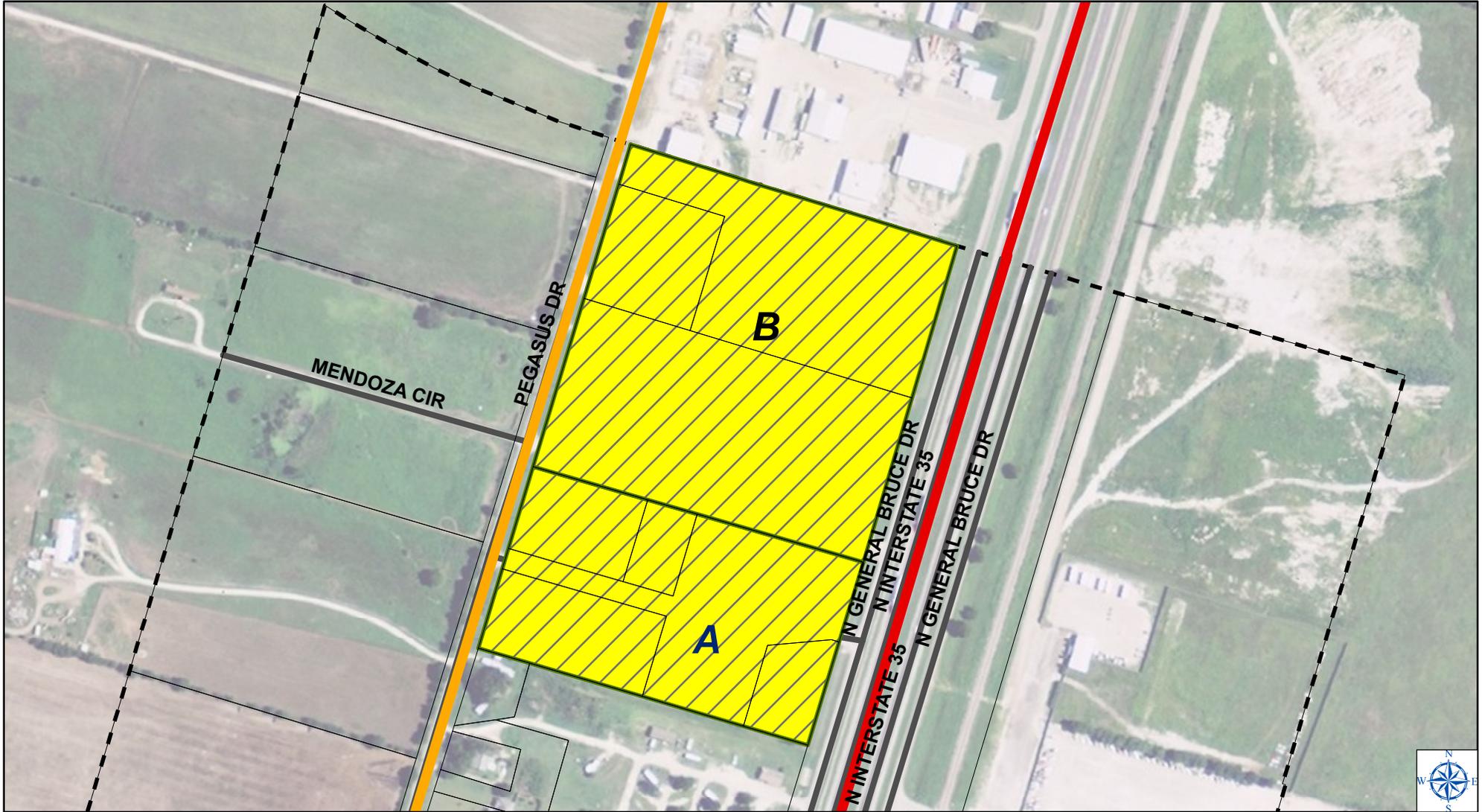




	Case		Zoning	1234-A	Outblock Number		Block Number	0	200	400
	200' Buffer		Subdivision	1234	Address		Lot Number	 Feet		

5/25/2012
 City of Temple GIS
 gkeith

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Trails

- Existing Citywide Spine Trail
- Under Design/Construction Citywide Spine Trail
- Proposed Citywide Spine Trail
- Existing Community-Wide Connector Trail

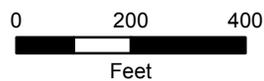
- Under Design/Construction Community-Wide Connector Trail
- Proposed Community-Wide Connector Trail
- Existing Local Connector Trail
- Proposed Local Connector Trail

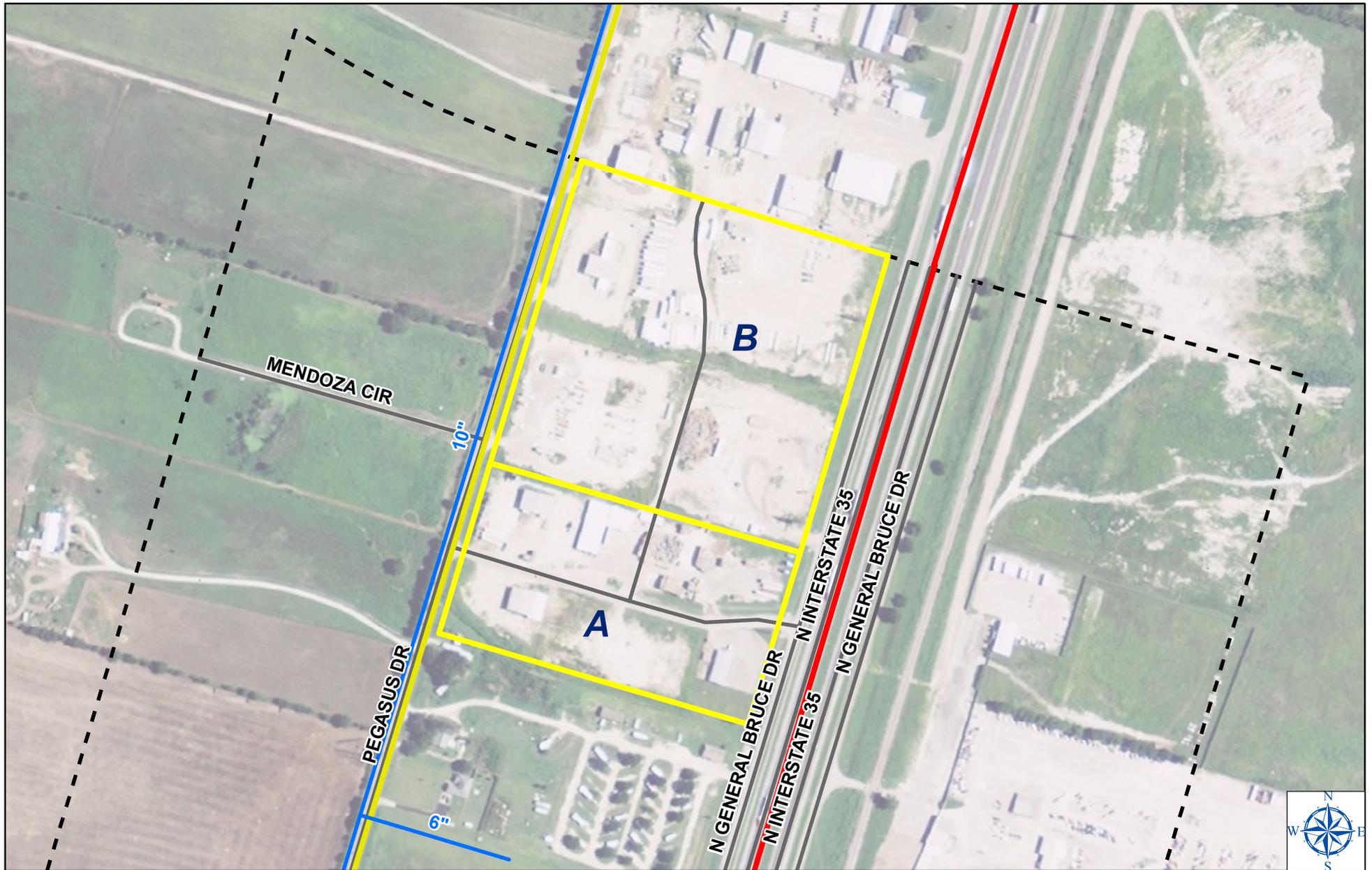
Thoroughfare

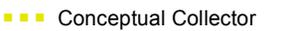
- Expressway
- Major Arterial
- Proposed Major Arterial

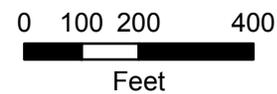
Proposed K-TUTS

- Minor Arterial
- Proposed Minor Arterial
- Collector
- Conceptual Collector





- | | | | | |
|---|--|---|--|---|
|  Case |  Water Line |  Proposed Major Arterial |  Proposed Minor Arterial |  City Limits |
|  Fire Hydrant |  Expressway |  Proposed K-TUTS |  Collector | |
|  Sewer Line |  Major Arterial |  Minor Arterial |  Conceptual Collector | |



6/1/2012
City of Temple GIS

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PLANNING AND ZONING COMMISSION ITEM MEMORANDUM

06/18/12
Item 6
Regular Agenda
Page 1 of 4

APPLICANT / DEVELOPMENT: B. Dell's Fire and Ice Grill L.P.

CASE MANAGER: Kim Foutz, Asst. City Manager / Acting Planning Director

ITEM DESCRIPTION: Z-FY-12-47 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 B. Dell's Fire and Ice Grill, on Lot 9, Block 2, Commerce Park Commercial Subdivision, a replat of a portion of Lots 3, 4, 5, & 7, Block 2, Commerce Park Commercial Subdivision, located at 221 S.W. HK Dodgen Loop.

STAFF RECOMMENDATION:

Staff recommends approval of the requested 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 in the existing building for the following reasons:

1. The request is compatible with the Future Land Use and Character Map;
2. The request complies with the Thoroughfare, Trails, and sidewalks plans/ordinances; and
3. Public facilities are available to serve the property.
4. The CUP Criteria is met

ITEM SUMMARY: The applicant requests this Conditional Use Permit (CUP) to allow the sale of alcoholic beverages for on-premise consumption of more than 50% and less than 75% of the gross revenue for B. Dell's Fire and Ice Grill. The subject property was formerly operated as a restaurant. The interior restaurant seats a total of 178 people including a bar area of 12 seats.

This CUP request exceeds the 300-foot distance separation required from public schools, public hospitals, and places of worship. The nearest residential structure is Barrington Suites and Apartments, which is approximately 376 feet from the CUP site.

If approved, B. Dell's must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within six months from the date of the issuance of the CUP. The applicant has initiated the license process with TABC. The license is pending the approval of this CUP request. All sales staff will undergo mandatory TABC Training. The permittee bears the burden of showing that the establishment does not exceed the limitation on gross receipts from sales of alcoholic beverages.

B. Dell's will be open during the following dining room hours: Closed on Mondays; Tuesday through Friday from 11:00 a.m. to 10:00 p.m.; Saturday 5:00 p.m. to 10:00 p.m.; and Sunday 11:00 a.m. to 7:00 p.m. Bar hours will be as follows: Closed on Mondays; Tuesday through Friday 3:00 p.m. to 11:00 p.m.; Saturday 5:00 p.m. to 11:00 p.m.; and Sunday 12:00 p.m. to 9:00 p.m. These hours fall well within the hours also allowable by TABC without a Late Hours permit.

The CUP site plan shows adequate parking (75 provided, 59 required) and traffic circulation throughout the property. The applicant's site plan submittals will be exhibited to the ordinance for this CUP if it is approved by City Council.

SURROUNDING PROPERTY AND USES:

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

Direction	Zoning	Current Land Use	Photo
Subject Property	C	Existing building; formerly used as restaurants	
North – across the Loop	T5 (TMED)	Cactus Jack	
South	C	Vacant land	

Direction	Zoning	Current Land Use	Photo
East	C	Bum's Sports Bar and Grill	
West	C	Undeveloped Land	

COMPREHENSIVE PLAN COMPLIANCE:

The proposed C.U.P. relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan:

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character	Yes
CP	Map 5.2 - Thoroughfare Plan	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities.	Yes
CP	Land Use Policy 9 – New development or redevelopment on infill parcels in developed areas should maintain compatibility with existing uses and the prevailing land use pattern in the area.	Yes
STP	Temple Trails Master Plan Map	Yes

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

Future Land Use and Character (Cp Map 3.1)

The Future Land Use and Character Map designates the subject property as Auto-Urban Commercial. B. Dell's Entertainment complies with this designation.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan classifies SW H K Dodgen Loop as an expressway. The proposed use is appropriate for location on an expressway. The request complies with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

A water line runs along the north property line and are 6". A wastewater runs near the southern boundary and is 6".

Trails Master Plan Map and Sidewalks: This section of the Loop is not on the Trails Master Plan. Sidewalks are not required on Expressways.

PUBLIC NOTICE:

Five notices of the Planning and Zoning Commission's public hearing were sent to surrounding property owners within the 200-foot radius surrounding the C.U.P. site. As of Wednesday, June 13, 2012 at 4:00 PM, no notices from property owners were returned in favor of the request and none were returned in opposition to the request. Additionally, four courtesy notices were sent to surrounding business operators within 300 feet of the subject property. One courtesy notice from surrounding businesses was received in favor of the request and none were received in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on June 7, 2012 in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Location and Zoning Map
Future Land Use and Character Map
CUP Notice Map – 200'; CUP Notice Map – 300'
CUP Site Plan
CUP Preliminary Conceptual Floor Plan
Thoroughfare, Sidewalk, and Trails Map
Utility Map
Notice Response Letter



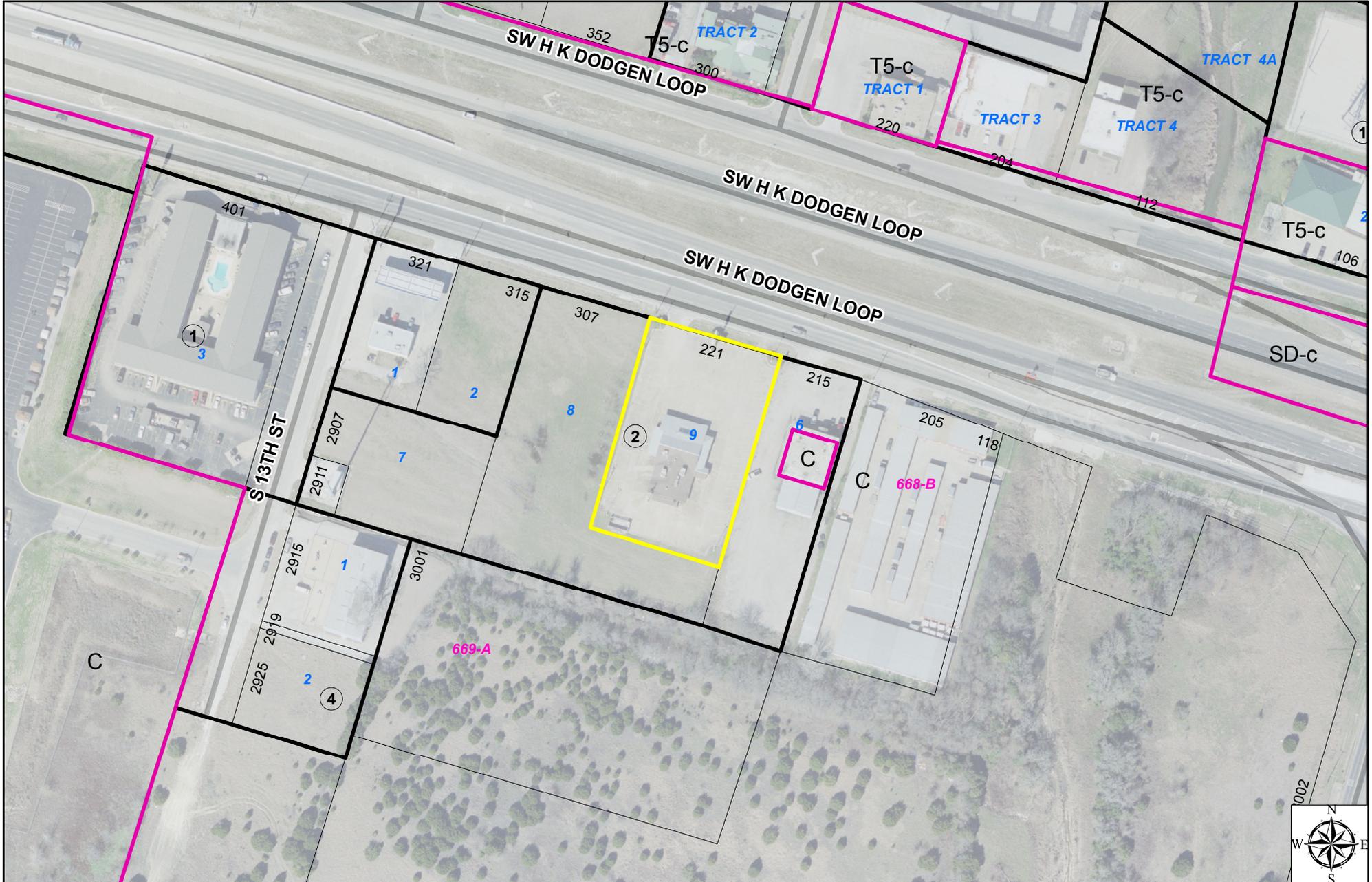
Z-FY-12-47

Location and Zoning Map

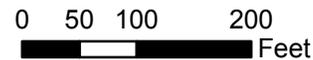
CUP

221 SW H K Dodgen Loop

More than 50%, Less Than 75%



- Case
- Subdivisions
- 1234-A Outblocks
- 1 Blocks
- Zoning
- Parcel
- 1234 Addresses
- 1 Lots



6/5/2012
City of Temple GIS

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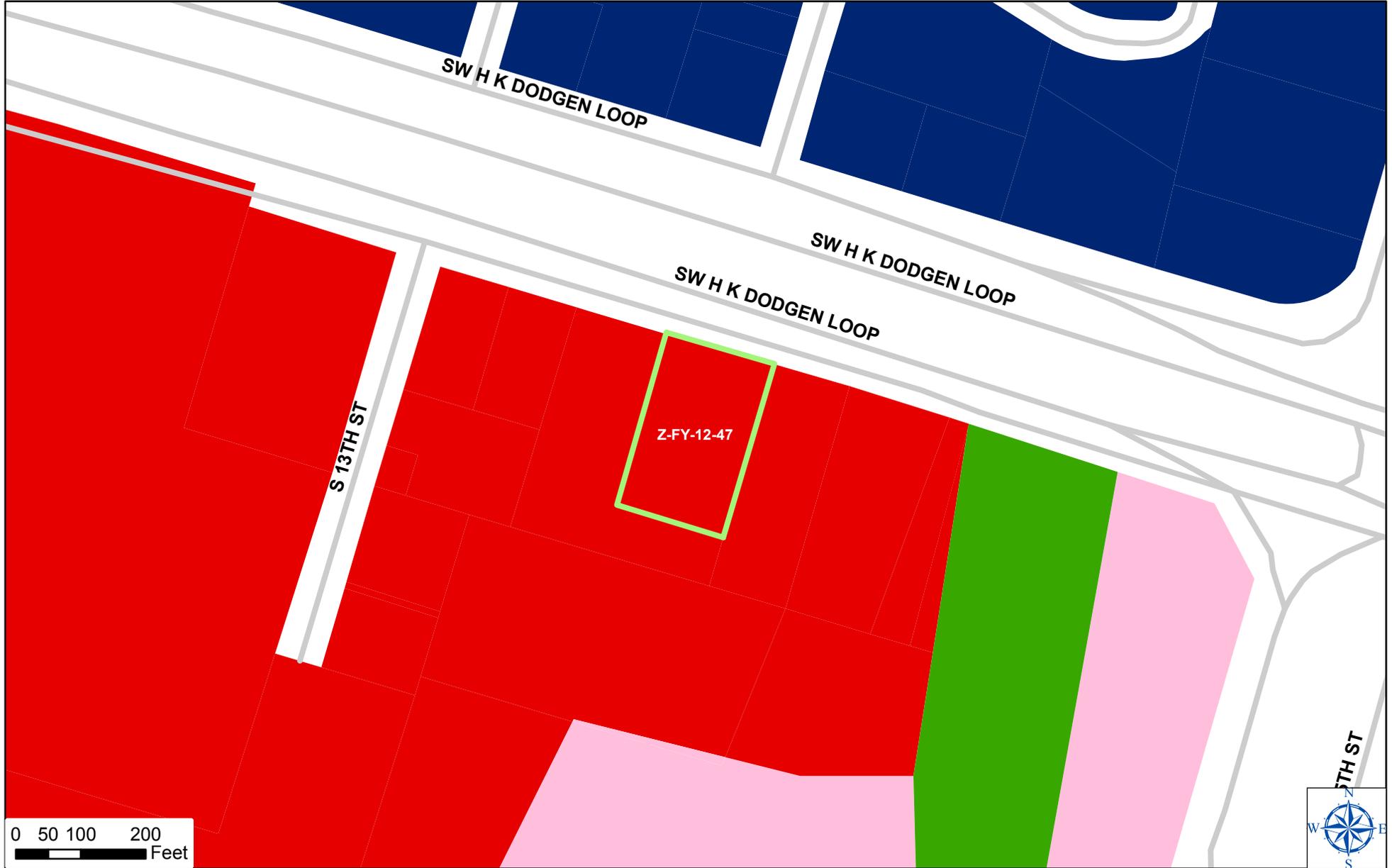
Z-FY-12-47

Future Land Use and Character Map

CUP

More Than 50%, Less Than 75%

221 SW H K Dodgen Loop



Future Land Use

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

GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



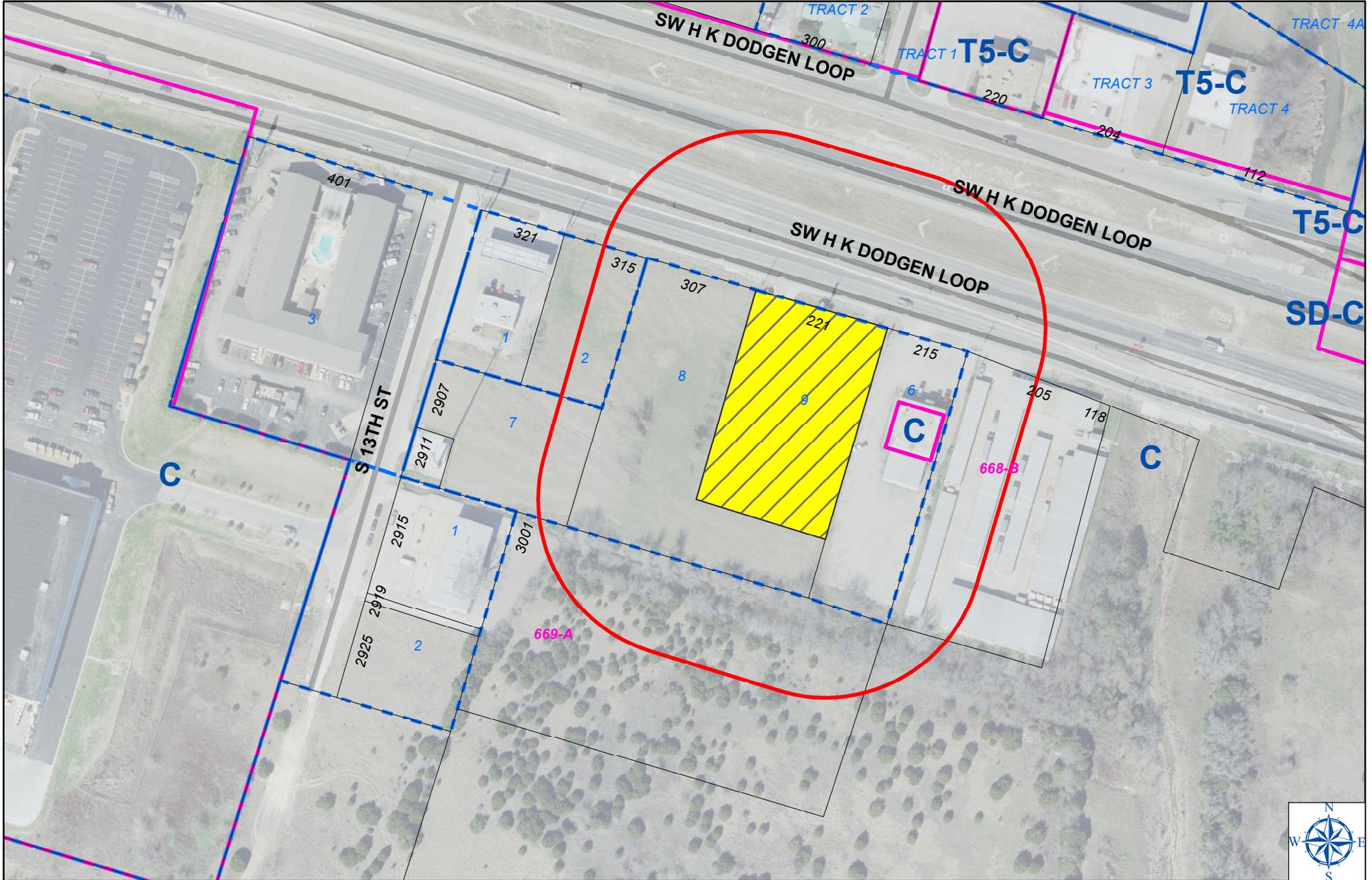
Z-FY-12-47

200' Notice Area

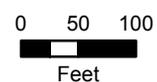
CUP

More Than 50%, Less Than 75%

221 SW H K Dodgen Loop



- Case
- Zoning Boundary
- 200' Buffer
- Subdivision Boundary
- 1234 Address
- ① Block Number
- 1 Lot Number
- 1234-A Outblock Number



5/18/2012
City of Temple GIS
gkeith

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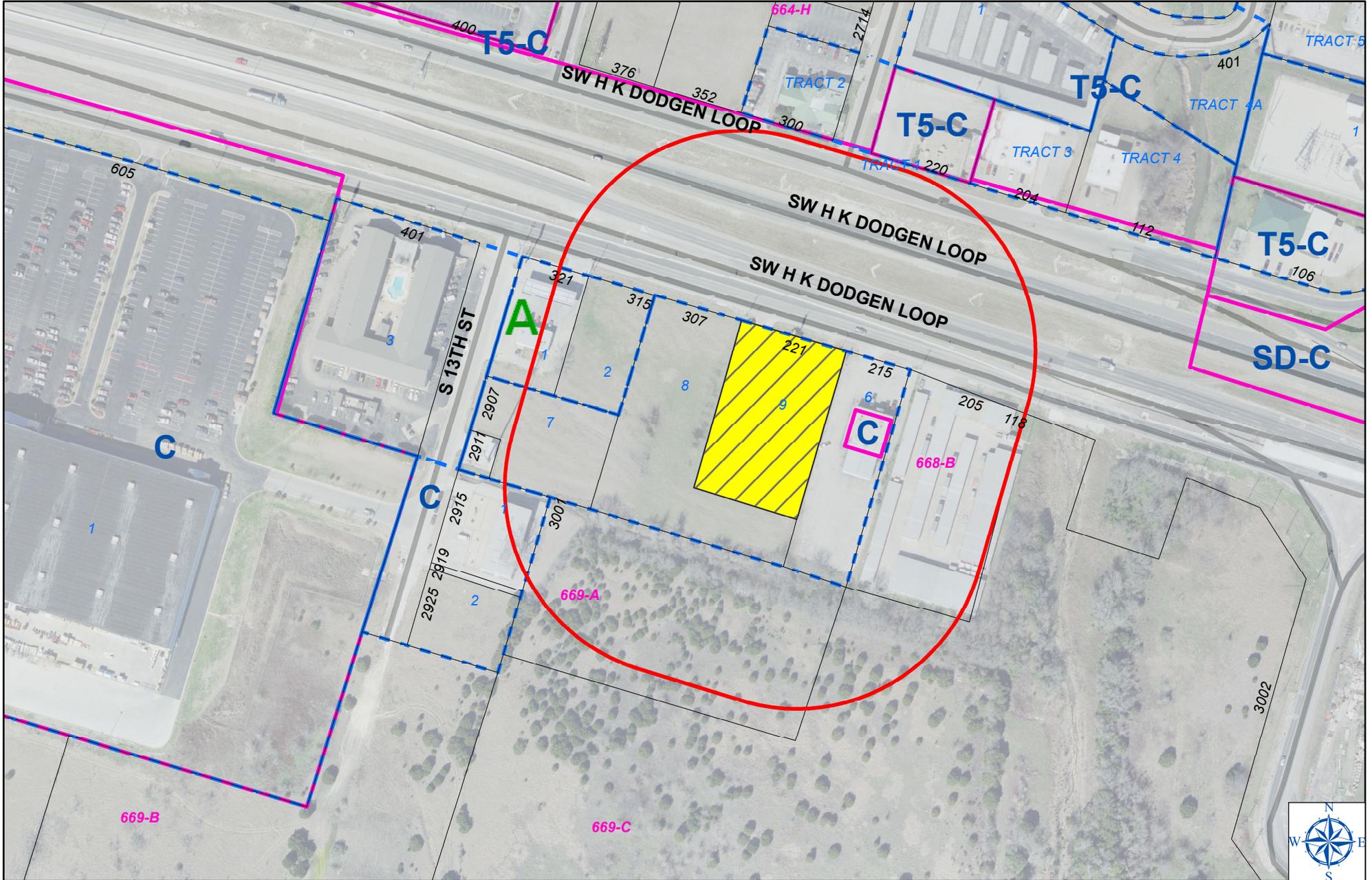
Z-FY-12-47

300' Notice Area

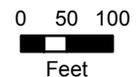
CUP

More Than 50%, Less Than 75%

221 SW H K Dodgen Loop



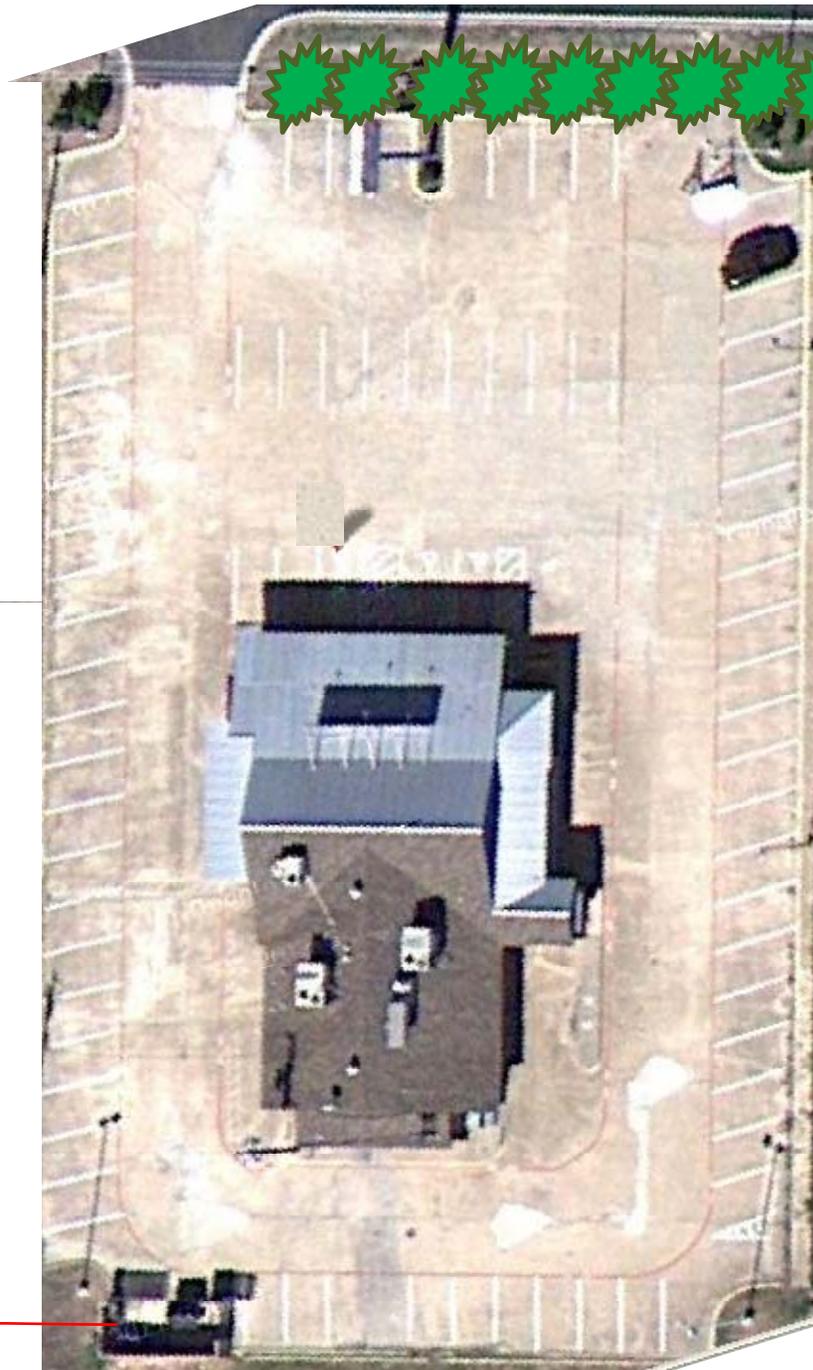
- Case
- Zoning Boundary
- 300' Buffer
- Subdivision Boundary
- 1234 Address
- ① Block Number
- 1 Lot Number
- 1234-A Outblock Number



5/18/2012
 City of Temple GIS
 gkeith

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CUP Site Plan



New continuous hedge of bushes

Existing Parking: 75 spaces

Existing refuse area

City of Temple
Planning & Development

MAY 17 2012

RECEIVED

45'3"

59'8"

Women's

Men's

Seats 65

Seats 16

Seats 34

Seats a total of 178

Hostess Station

Seats 63

Bar Area
Seats 12

Fire proof Glass

Pit

Wine Cellar



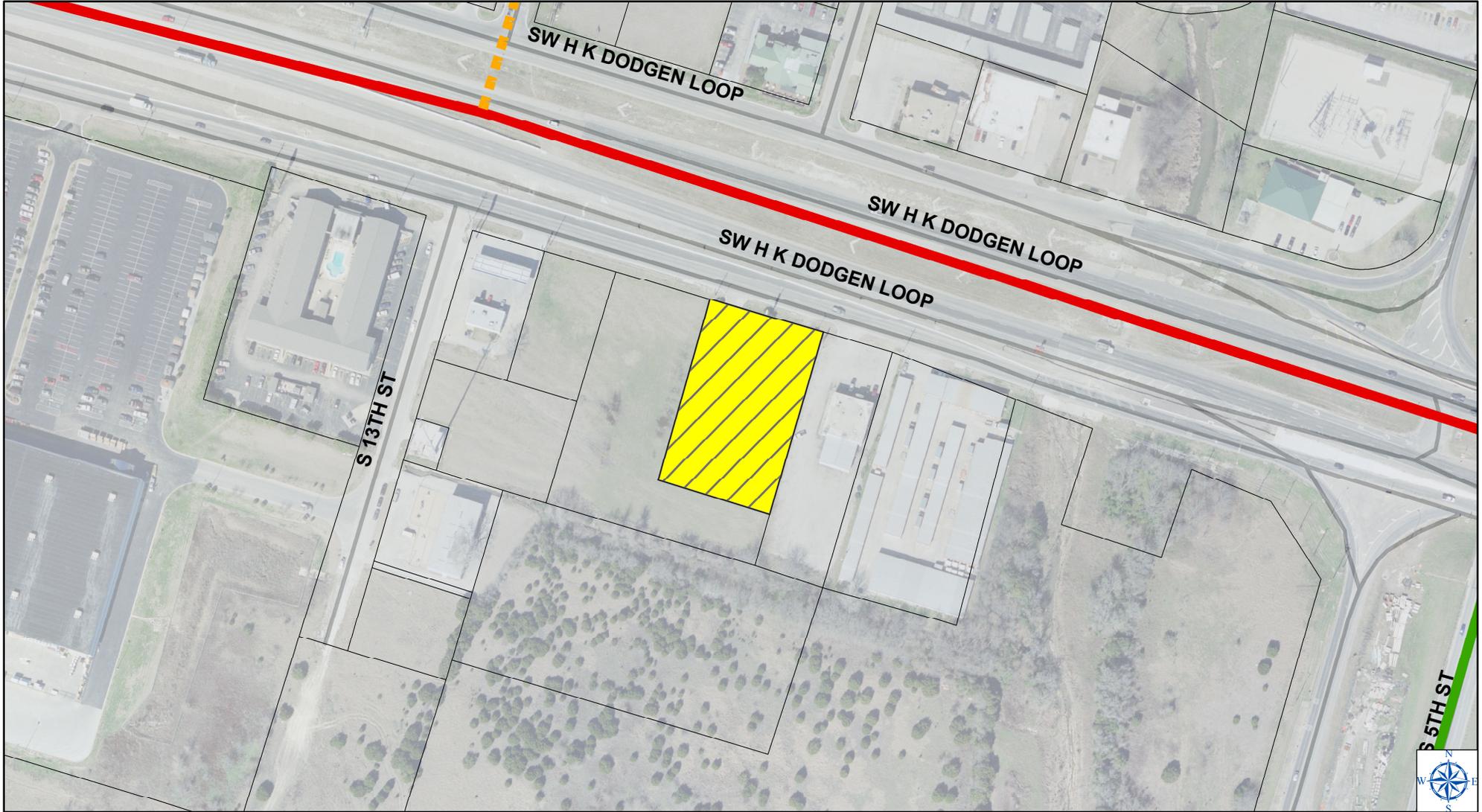
Z-FY-12-47

Thoroughfare, Trails, and Sidewalk Map

CUP

More Than 50%, Less Than 75%

221 SW H K Dodgen Loop



Trails

- Existing Citywide Spine Trail
- Under Design/Construction Citywide Spine Trail
- Proposed Citywide Spine Trail
- Existing Community-Wide Connector Trail

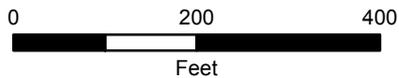
- Under Design/Construction Community-Wide Connector Trail
- Proposed Community-Wide Connector Trail
- Existing Local Connector Trail
- Proposed Local Connector Trail

Thoroughfare

- Expressway
- Major Arterial
- Proposed Major Arterial

- Proposed K-TUTS
- Minor Arterial
- Proposed Minor Arterial
- Collector
- Conceptual Collector

GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



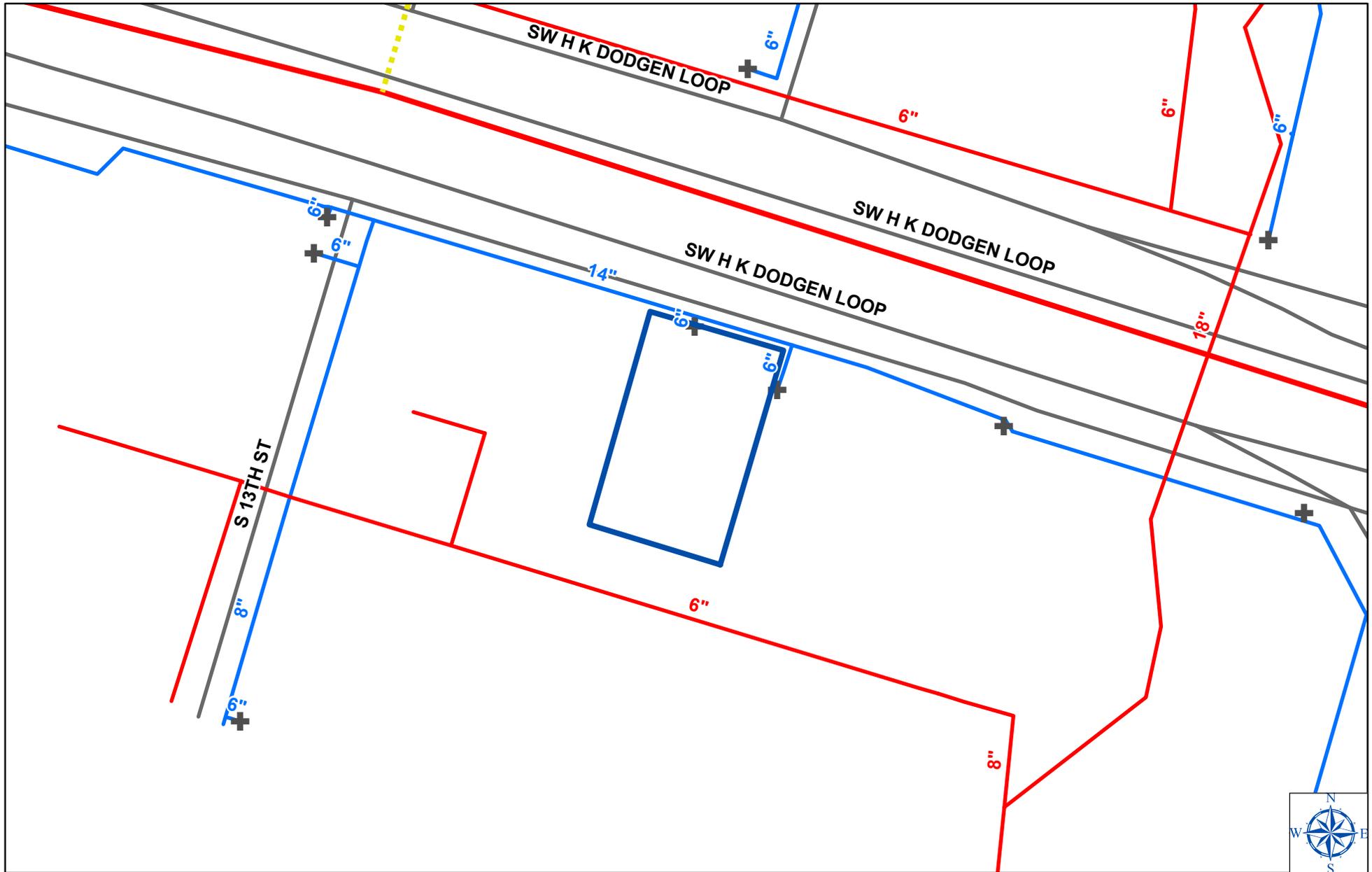


Z-FY-12-47

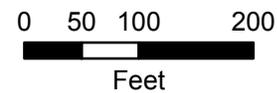
Utility Map
CUP

More Than 50%, Less Than 75%

221 SW H K Dodgen Loop



- Case
- + Fire Hydrant
- Sewer Line
- Water Line
- Major Arterial
- - - Proposed Major Arterial
- - - Proposed Minor Arterial
- - - Minor Arterial
- - - Proposed K-TUTS
- Collector
- - - Conceptual Collector



5/18/2012
City of Temple GIS

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**COURTESY NOTICE
CONDITIONAL USE PERMIT
CITY OF TEMPLE**

Sung Yol Yoo
Mobile Convenience Store
321 SW H K Dodgen Loop
Temple, Texas 76502

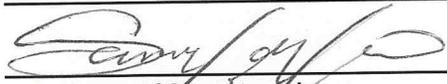
Zoning Application Number: Z-FY-12-47 Project Manager: Kim Foutz

Location: 221 SW H K Dodgen Loop

The proposed request for a Conditional Use Permit is the area shown in hatched marking on the attached map. The Conditional Use Permit will allow the sale of alcoholic beverages for on-premise consumption in a proposed restaurant. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have.

I recommend approval () denial of this request.

Comments:


(Signature)

SUNG YOO
(Print Name)

Please mail or hand-deliver this comment form to the address shown below, no later than June 18, 2012.

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

RECEIVED
JUN 12 2012
City of Temple
Planning & Development

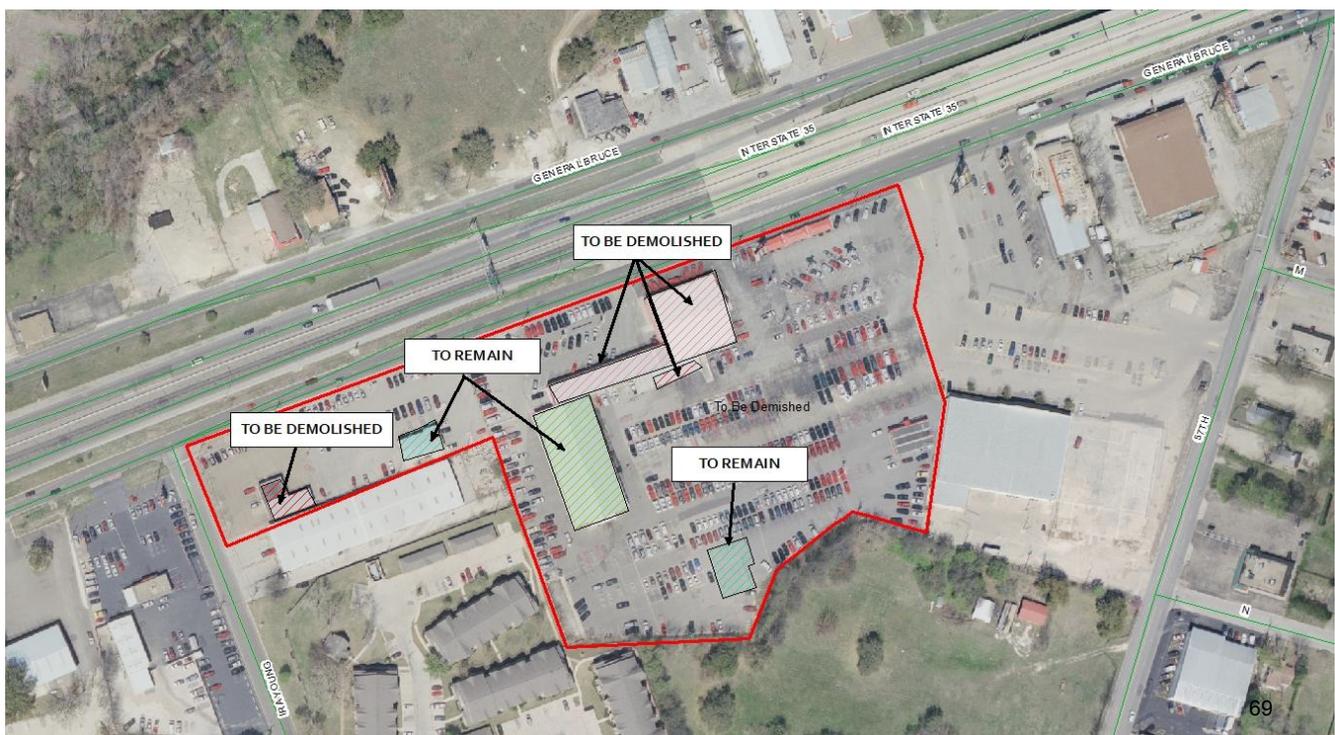
APPLICANT: MH Temple Realty GP, LTD

CASE MANAGER: Beverly Zendt AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-12-48 – Discuss and take action on an Appeal of Standards in Sec. 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for improvements to an existing vehicle sales establishment located at 3207 South General Bruce Drive.

BACKGROUND: The proposed project is located at 3207 South General Bruce Drive. The project is located in the I-35 Corridor Overlay District in the Freeway Retail/Commercial Sub-District. This project includes a total of 15,890 sq. ft. of new and existing construction. The current and future use of the property is vehicle sales locally known as Mac Haik Dodge. The proposed project includes both new construction and improvements to existing structures. Improvements include:

- Complete demolition of existing showroom and construction of new showroom setback approximately 120 feet from the right-of-way.
- New service building north of the new showroom setback approximately 110 feet from the right-of-way to be attached to existing service bays.
- A new drive-through area between the two proposed buildings.
- Improvements to one of two existing buildings – building in the rear of the property (collision center) will not be improved. A stucco veneer will be added to existing building fronting I-35 on the south end of the property.
- A landscape plan providing both a vegetative buffer along South General Bruce Drive and landscaping throughout the parking area and along the southern fence line.



The applicant will lose frontage along Ira Young Drive and the south entrance to provide right-of-way for the I-35 expansion project. TxDOT has agreed to provide a sidewalk along South General Bruce Drive as part of the I-35 expansion project.

2011 Bell County Appraised Value of Improvements = \$311,807. Estimated value of proposed improvements is \$2,665,000. Per the city’s Unified Development Code: Section 6.73 the following standards are applicable:

Development Type	Site Plan Review	Tree Preservation	Parking	Screening and Wall Standards	Architectural Design	Landscape	Signs	Lighting	Utilities
New construction	✓	✓	✓	✓	✓	✓	✓	✓	✓
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	✓	✓	✓	✓	✓	✓	✓	✓	✓

The applicant has worked closely with City Staff to develop a plan that meets the spirit and intent of the I-35 Overlay District. Staff has worked with the applicant to balance the City’s overall goals for this important corridor with the applicant’s needs and objectives for this redevelopment project.

The applicant desires to pursue a request for relief from complying with all standards in the form of this appeal.

I-35 Requirements Freeway Retail/Commercial Sub-District	Proposed	Standard Met?	Mitigation/ Rationale for Exception
SITE PLAN REVIEW (GENERAL)			
Required	MEETS	YES	NA
TREE PRESERVATION			
Required	NA	NA	NA
PARKING (GENERAL)			
5 per bay or 1 per 200 SF GFA	MEETS	YES	NA
Parking aisles must be designed to be perpendicular to the front of the building.	Perpendicular in front. Parallel on north side and in back.	<u>PARTIALLY</u> EXCEPTION REQUESTED AS PER PROPOSED	Current configuration takes into account lot dimensions, building location, and landscape requirements.
Wheel stops are required adjacent to all landscaped areas.	No wheel stops present in parking along buffer and other inventory parking.	<u>NO</u> EXCEPTION REQUESTED AS PER PROPOSED	Parking in these areas is primarily for inventory and will not be utilized by customers.
No parking is allowed in the landscape buffer	Applicant has proposed parking areas in the landscape buffer at five (5) locations along the frontage for display purposes.	<u>PARTIALLY</u> EXCEPTION REQUESTED AS PER PROPOSED	Parking areas are for display purposes only and are consistent with industry display practices.
SCREENING AND WALL STANDARDS (GENERAL)			
No outside storage, display or sales, leasing, or operation of merchandise outside of sales area unless screened with continuous solid screening device from all streets, and adjacent property lines of residentially zoned property.	Section of inventory parking along the back property line does not have adequate screening from multi-family use	<u>NO</u> EXCEPTION REQUESTED AS PER PROPOSED	NA

I-35 Requirements Freeway Retail/Commercial Sub-District	Proposed	Standard Met?	Mitigation/ Rationale for Exception
LANDSCAPE (GENERAL)			
Landscape Area 15%	Applicant has landscaped 11.5% of project area.	<u>PARITALLY EXCEPTION REQUESTED AS PER PROPOSED</u>	Landscape buffer, parking islands, and foundation plantings provide strong landscape plan for site.
Landscape buffer- One min. 3” caliper canopy tree must be planted for every 30’ of frontage along public ROW. If power lines are present four ornamental trees may be substituted for one canopy tree	Approximately 515 of frontage calls for 17 trees. 21 ornamental trees & 9 canopy trees proposed. Power lines are present – equivalent of 14 trees proposed.	<u>PARITALLY EXCEPTION REQUESTED AS PER PROPOSED</u>	Sufficient trees proposed to meet intent of ordinance.
Required landscape buffer must have a minimum of 60% evergreen trees	Total trees in landscape buffer all but 5 (20%) are deciduous	<u>NO EXCEPTION REQUESTED AS PER PROPOSED</u>	NA
Required landscape buffer berms not less than 24 inches covering 50% of landscape buffer area	Berms throughout landscape buffer -18” in height. 231’ of berm proposed for 515’ of frontage.	<u>PARITALLY EXCEPTION REQUESTED AS PER PROPOSED</u>	Berm height provides adequate screen.
Parking screen of hedge row 2.5 to 4’ high for all parking areas visible from public view	I-35 Side- multiple berms combine with gulf muhly and maidengrass provide screen in most sections. Some sections of landscape buffer provide turfed areas only. Landscaped islands shield perpendicular inventory aisles with 72 yaupon hollies.	<u>PARITALLY EXCEPTION REQUESTED AS PER PROPOSED</u>	Berm combined with shrubs provides substantial screening along 1-35 and Ira Young.
Interior parking islands 1 per every	No interior islands	<u>NO</u>	Proposed landscaping is sufficient for small customer

I-35 Requirements Freeway Retail/Commercial Sub-District	Proposed	Standard Met?	Mitigation/ Rationale for Exception
10 spaces minimum 170 sq ft (1 3" tree required in each) non-inventory.	visible on customer parking areas.	EXCEPTION REQUESTED AS PER PROPOSED	parking areas in front of showroom building and adjacent south building.
Terminal parking islands at the end of each row minimum 360 sq ft (2- 3" caliper tree) required in each (non-inventory)	Terminal islands in front of show room feature 4 Crape Myrtle trees (2 each) on terminal islands (50 sq. ft). 1 Live Oak and 1 Crape Myrtle proposed for service building (80 sq ft). Parking in front of showroom (across drive aisle) features full shrub beds - no trees (50 sq. ft).	PARITALLY EXCEPTION REQUESTED AS PER PROPOSED	Non-inventory terminal parking island trees adequate when combined with nearby/ adjacent landscaping.
Median islands minimum 10' in width must be located after every third parking bay (3" tree required every 30')	Would only apply to parking in the back.	NO EXCEPTION REQUESTED AS PER PROPOSED	Would require the additional loss of parking spaces for an area adequately shielded by structures and landscaping.
Landscape Vehicle Sales			
Parking lot islands must be located at the end of inventory aisles, span the aisle (both sides) (minimum depth of ten feet)	Inventory islands in front (perpendicular to the showroom) provide required terminal islands. Two parallel inventory aisles on the north side of site provide island on one side only. (15 ft width) No islands provided in back.	PARITALLY EXCEPTION REQUESTED AS PER PROPOSED	Parking in back and on north side is sufficiently shielded by buffer and other islands. Extending this standard to the rear of the building would require substantial loss of inventory parking.
ARCHITECTURAL DESIGN			

I-35 Requirements Freeway Retail/Commercial Sub-District	Proposed	Standard Met?	Mitigation/ Rationale for Exception
<p>All buildings must be architecturally finished on all sides with same materials, detailing and features. Facades not visible from the street may reflect only similar colors if screened with single row of trees- 30' offset; 50% canopy; 10 foot landscape edge</p>	<p>Significant amount of pre-engineered metal siding on building elevations. Existing service bays and recessed new construction (east part of showroom) are constructed with pre-engineered metal siding. Existing building in back and along frontage constructed primarily with metal siding.</p>	<p><u>PARITALLY</u> EXCEPTION REQUESTED AS PER PROPOSED</p>	<p>Screening provided with adjacent landscape islands and terminal parking islands for existing services bays - Recessed area along rear of showroom and existing back building are not visible to public. A stucco veneer and landscaping will be added to existing building in front (south end of property).</p>
<p>Building entrances must be articulated and defined to present a strong entry presence. Must be inset or offset by min 6'</p>	<p>Main building entrance inset 3' Secondary (service) building inset 2'.</p>	<p><u>PARITALLY</u> EXCEPTION REQUESTED AS PER PROPOSED</p>	<p>Although entrances are not offset 6', the building has a strong entry presence and the main entrance is clearly articulated. The additional offset would not represent any measurable visible improvement.</p>
<p>All buildings must be designed and constructed in tri-partite architecture</p>	<p>Some tri-partite elements incorporated in design:- limited use of materials; clean design style; use of windows etc.</p>	<p><u>PARITALLY</u> EXCEPTION REQUESTED AS PER PROPOSED</p>	<p>Although the building features some of the components of the tri-partite style, incorporating all elements would require a considerable change in architectural style which is more modern in character.</p>
<p>Windows must be a minimum of 40% up to a maximum of 80% or each building elevation</p>	<p>Showroom meets (45%). Secondary building (service) south of showroom (96 % stucco 4% glass). Approx. 158 ft of secondary (service)</p>	<p><u>NO</u> EXCEPTION REQUESTED AS PER PROPOSED</p>	<p>Because secondary building is primarily a parts storage and service area – additional landscaping provides a visual improvement to this part of the building.</p>

I-35 Requirements Freeway Retail/Commercial Sub-District	Proposed	Standard Met?	Mitigation/ Rationale for Exception
	building features stucco only- no windows. Side elevations do not meet requirement. Rear elevations do not meet requirement. Existing rear building does not meet requirement.		
No single building material may cover more than 80% of the front of any building.	Significant (96%) amounts of stucco on secondary (service).	<u>NO</u>	NA
Windows must not be glazed or re-glazed with mirrored or reflective glass.	Plans call for Solar Graylight 14 glazing.	<u>NO</u> EXCEPTION REQUESTED AS PROPOSED	Buildings are oriented northwest with large window sections. Some glazing will allow buildings to be more energy efficient.
Approved primary and accent building materials must be from the approved building materials list.	Plans identify substantial pre-engineered metal paneling on several elevation drawings. 30% of building frontage features Alucobond – not approved building material. Significant metal paneling on side and rear elevations.	<u>PARTIALLY</u> EXCEPTION REQUESTED AS PER PROPOSED	Alucobond is a high quality aluminum composite metal system commonly used in auto retail. Although significant metal paneling exists – none is present on the primary (front) façade and other elevations are adequately shielded.

I-35 Requirements Freeway Retail/Commercial Sub-District	Proposed	Standard Met?	Mitigation/ Rationale for Exception
LIGHTING			
Applicant has agreed to meet all lighting requirements.			
UTILITIES			
All electric, telephone, and cable television wires and cables from property line to structures must be buried underground.	MEETS	YES	NA

STAFF RECOMMENDATION: Staff recommends approval of this appeal request with the additional requirement that the applicant:

1. Meet the requirement to provide 60% evergreen trees in the landscape buffer;
2. Provide a continuous screening device from multi-family property along eastern (rear) property line approximately 60 feet; and
3. Provide additional material on secondary (service building) to meet standard (no more than 80% of approved material on the front of any building).

The Planning & Zoning Commission has the following final decision options.

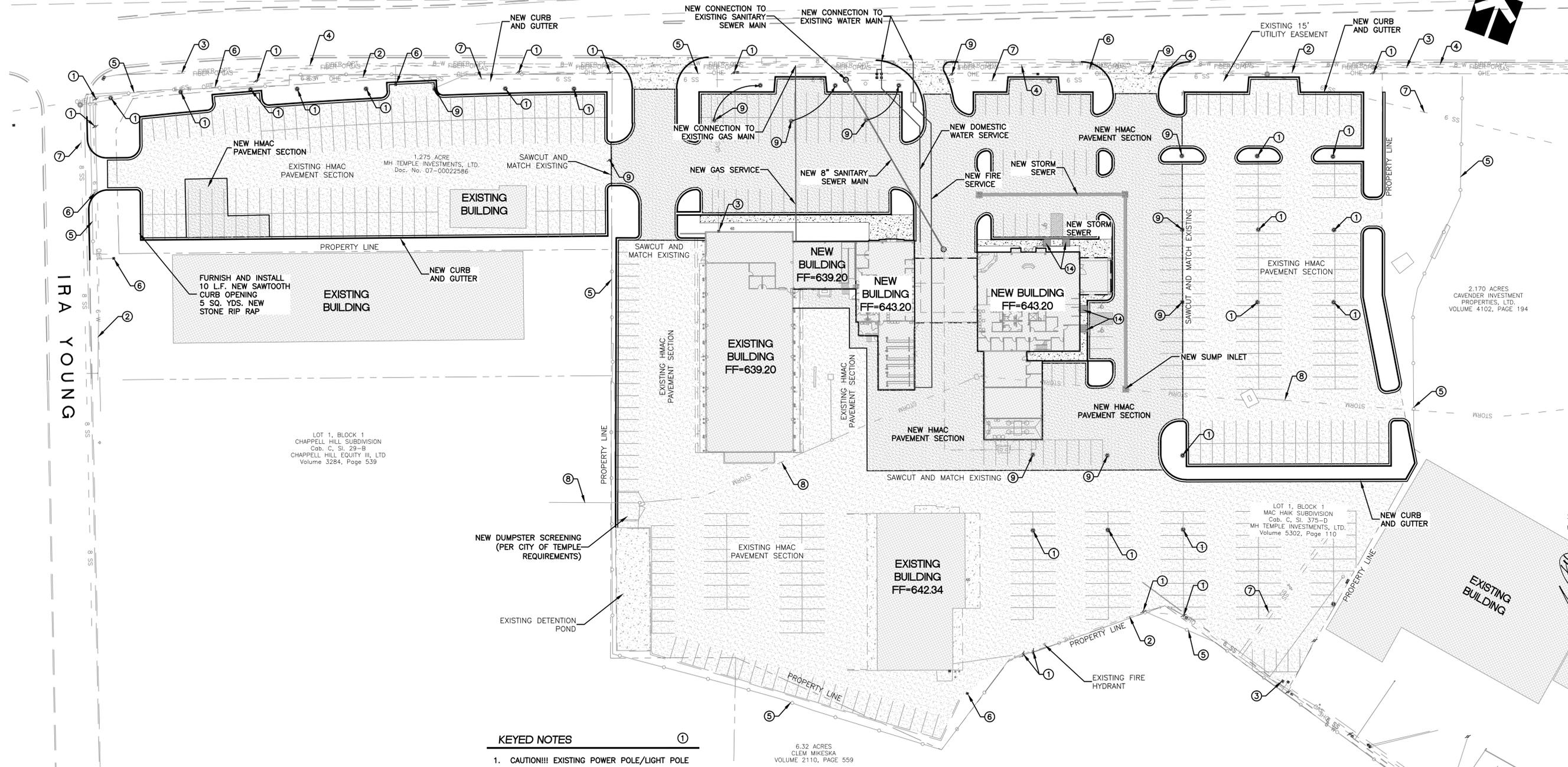
- Approve appeal request with requirements noted above in Staff Recommendation.
- Approve appeals with certain requirements either noted above in Staff Recommendation or others as determined necessary by the Commission and in accordance with the 1-35 Corridor Overlay Standards.
- Approve appeal request as submitted by the applicant.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[SITE PLAN](#)
[LANDSCAPE PLAN](#)
[BUILDING ELEVATIONS](#)

GENERAL BRUCE DRIVE



IRA YOUNG

LOT 1, BLOCK 1
CHAPPELL HILL SUBDIVISION
Cob. C, Sl. 29-B
CHAPPELL HILL EQUITY III, LTD
Volume 3284, Page 539

2.170 ACRES
CAVENDER INVESTMENT
PROPERTIES, LTD.
VOLUME 4102, PAGE 194

LOT 1, BLOCK 1
MAC HAIK SUBDIVISION
Cob. C, Sl. 375-D
MH TEMPLE INVESTMENTS, LTD.
Volume 5302, Page 110

6.32 ACRES
CLEM MIKESKA
VOLUME 2110, PAGE 559

KEYED NOTES ①

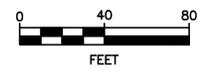
1. CAUTION!!! EXISTING POWER POLE/LIGHT POLE
2. CAUTION!!! OVERHEAD ELECTRIC
3. CAUTION!!! EXISTING GAS MAIN/METER
4. EXISTING TELEPHONE/FIBER OPTIC
5. EXISTING FENCING
6. EXISTING WATER MAIN/METER
7. EXISTING SANITARY SEWER
8. EXISTING STORM SEWER
9. REMOVE AND RELOCATE
1-EXISTING POWER/LIGHT POLE AS REQUIRED
TO FACILITATE NEW CONSTRUCTION
10. NEW SANITARY SEWER MAIN
(REFER TO UTILITY PLAN FOR CONSTRUCTION)
11. NEW DOMESTIC WATER/FIRE SERVICE
(REFER TO UTILITY PLAN FOR CONSTRUCTION)
12. NEW STORM SEWER
(REFER TO UTILITY PLAN FOR CONSTRUCTION)
13. NEW GAS SERVICE
(REFER TO UTILITY PLAN FOR CONSTRUCTION)
14. FURNISH AND INSTALL
1-HANDICAP SIDEWALK RAMP
(PER TAS STANDARDS)

NOTES

1. PRIOR TO BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL COORDINATE DEMOLITION OF EXISTING STRUCTURES, PAVEMENT SECTIONS, VEGETATION, ETC. WITH OWNER.
2. EXISTING UTILITIES WERE LOCATED BY FIELD RESEARCH/OBSERVATION. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL FIELD VERIFY UTILITY LOCATIONS AND COORDINATE UTILITY REMOVAL AND RELOCATION WITH OWNER AND APPROPRIATE UTILITY COMPANY.

LEGEND

- NEW HMAC PAVEMENT SECTION (PER PROJECT DETAILS)
- NEW HEAVY DUTY REINFORCED CONCRETE PAVEMENT SECTION (PER PROJECT DETAILS)
- NEW CONCRETE FLATWORK (PER PROJECT DETAILS)
- EXISTING HMAC PAVEMENT SECTION
- NEW CONCRETE CURB AND GUTTER (PER PROJECT DETAILS)
- FURNISH AND INSTALL PRECAST CONCRETE WHEEL STOP (PER DETAILS)



Revisions
Remarks:
REVISIONS MADE TO INCORPORATE UTILITY RELOCATIONS AND PROJECT CLARIFICATIONS.
REVISIONS MADE PER ARCHITECTURAL COMMENTS.
REVISIONS MADE TO REVISE SANITARY SEWER AND GRADING.
REVISIONS MADE TO PER ARCHITECTURAL COMMENTS

Date:
1-18-12
3-26-12
4-12-12
6-7-12

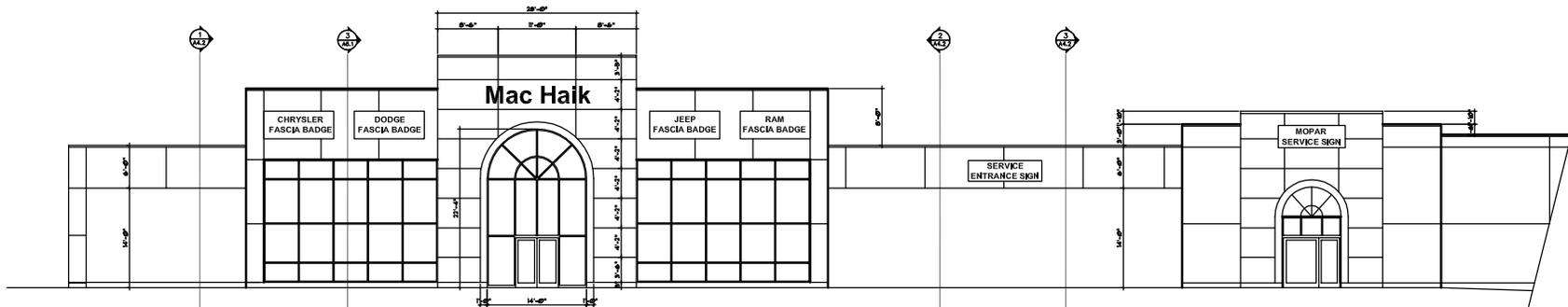


Additions and Alterations
MAC HAIK
DODGE CHRYSLER JEEP RAM
Temple, Texas
CIVIL SITE PLAN

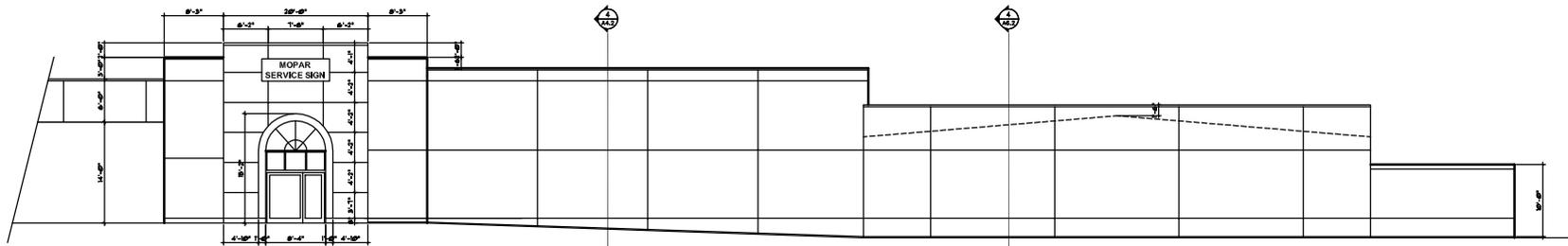
LARRY NEAL / ARCHITECT
1023 CANYON CREEK DRIVE #125
TEMPLE, TEXAS 76504
(254) 778-1466
DATE: June 7, 2012
JOB NO.: 11249.01

SHEET NO.
C2.1

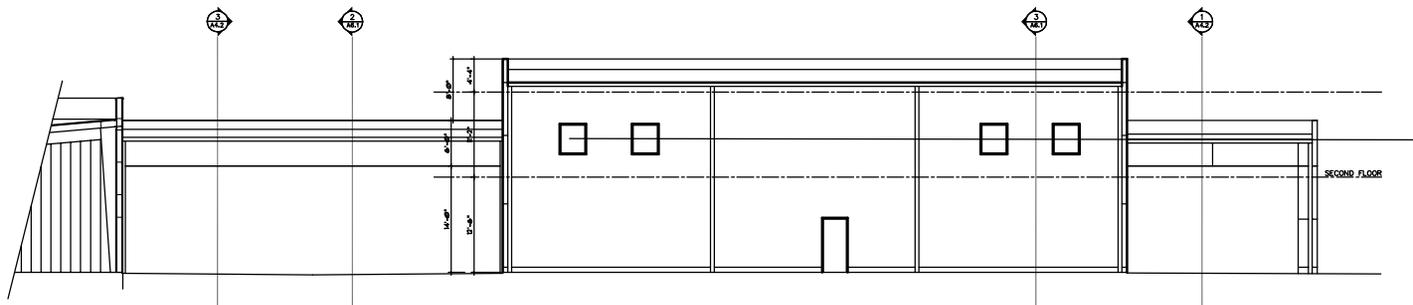
CLARK & FULLER
CIVIL ENGINEERING • DESIGN • PLANNING
215 North Main Street, Temple, TX 76501
254.899.0899 www.clark-fuller.com F-10384



stucco 31%
 alucobond 24%
 Glass 45%



stucco 96%
 Glass 4%





PLANNING & ZONING COMMISSION ITEM MEMORANDUM

06/18/12
Item #8
Regular Agenda
Page 1 of 2

APPLICANT: City of Temple

DEPT. /DIVISION SUBMISSION & REVIEW: Kim Foutz, Assistant City Manager/Acting Planning Director

ITEM DESCRIPTION: Z-FY-12-49: Hold a public hearing to discuss and recommend action on an amendment to Ordinance 2010-4413, Temple Unified Development Code, Articles 3,5,7, and 8 of the Unified Development Code to: 1) add requirement for Site Plan and establish review procedures and submission standards related to such requirement; 2) clarify language related to requirement for enclosure of Major Vehicle Repair; 3) clarify language related to Access and Circulation standards; 4) add requirement for Curb and Gutter for off-street parking and landscaping; 5) amend required size of subdivision Water and Wastewater Mains; and 6) eliminate developer cost participation requirements on certain streets adjacent to subdivisions.

BACKGROUND: Staff has prepared the following text amendments to provide correction and clarification to certain Sections of the Unified Development Code. Additionally, certain proposed amendments have also been included in order to facilitate the responsiveness, effectiveness, and accuracy of the development review process.

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

1. Add/clarify a requirement that a Site Plan be submitted and approved before a Building Permit may be issued;
2. Clarify language related to Major Vehicle Repair – eliminating unneeded language related to garage bay doors;
3. Clarify language related to Access and Circulation – eliminating the term advisory guide;
4. Add a requirement for curb and gutter for non-residential off-street parking around landscape islands and around perimeter of parking areas;
5. Amend the size requirement for water and wastewater mains for new subdivisions; and
6. Eliminate the developer cost participation requirements for certain streets adjacent to subdivisions.

SITE PLAN REQUIREMENT (ATTACHMENT 1): This proposed amendment modifies Article 3 of the UDC. The proposed amendment requires the submittal of a site plan with an application for a building permit for a nonresidential or multiple family uses. Additionally, this amendment provides standards for submittals and a process for staff review. Although the UDC provides detailed Site Plan submittal requirements for the TMED and I-35 Overlay Districts, the new requirement will apply to all nonresidential and multiple family projects requiring a building permit. The requirement for a site plan will assist staff in determining if the proposed project conforms to land use policies and regulations in

a more timely and efficient manner. Additionally, the amendment provides predictability for the developer and prevents delays related to incomplete or insufficient submittals.

MAJOR VEHICLE REPAIR ENCLOSURES (ATTACHMENT 2): This proposed amendment modifies Article 5 of the UDC. The proposed amendment eliminates unnecessary and inconsistent language allowing for “bay doors to be left open” on buildings enclosing major vehicle repair.

ELIMINATION OF THE WORD ADVISORY GUIDE FROM ACCESS AND CIRCULATION 3): This proposed amendment modifies Article 7 of the UDC. The proposed amendment eliminates the word “advisory guide” and clarifies that Access and Circulation standards are required, not advisory, in the determination of drive approaches in the City of Temple.

CURB AND GUTTER FOR OFF-STREET PARKING (ATTACHMENT 4): This proposed amendment modifies Article 7 of the UDC. The proposed amendment adds a requirement for curb and gutter around the perimeter of parking areas and landscaped parking islands for Off-Street parking. This requirement is currently in place for both the TMED and I-35 Overly Districts. By adding this requirement, the City will establish a consistent standard for off-street parking city wide.

WATER AND WASTEWATER MAINS SIZE REQUIREMENTS (ATTACHMENT 5): This proposed amendment modifies Article 8 of the UDC. The proposed amendment clarifies the minimum size of water mains and wastewater mains and makes the language more consistent with previous subdivision standards.

PERIMETER STREET FEES (ATTACHMENT 6): This proposed amendment modifies Article 8 of the UDC. The proposed amendment would eliminate the requirement that developers pay improvement/construction costs for Perimeter Streets adjacent to subdivisions. The existing requirement to dedicate right-of-way, when the adjacent street has not been built according to design standards, for the classification identified on the Thoroughfare Plan remains in place with some clarification provided. One additional change calls for the extension of this requirement to future streets identified on the Thoroughfare Plan. The proposed elimination of this requirement will be counterbalanced by a new requirement to submit a Preliminary Plat for all development projects of 50 lots or greater. The new requirement will be brought forward at a later date.

PUBLIC NOTICE: The newspaper printed notice of the Planning and Zoning Commission public hearing on June 7, 2012, in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of the proposed amendments.

FISCAL IMPACT: NA

ATTACHMENTS:

- [Attachment 1: Article 3 – Building Permit](#)
- [Attachment 2: Article 5 – Major Vehicle Repair](#)
- [Attachment 3: Article 7 – Access and Circulation](#)
- [Attachment 4: Article 7 – Off-Street Parking and Loading](#)
- [Attachment 5: Article 8 – Water and Wastewater](#)
- [Attachment 6: Article 8 – Perimeter Street Fees](#)
- [Attachment 7: TABA Letter of Support](#)

Sec. 3.13. Building Permit

3.13.1 Applicability

A. A Building Permit may not be issued for any property until one of the following events has occurred.

1.A. Approved Plat

The lot appears on an approved plat of record filed in the plat records of Bell County.

2.B. Development Plan Approval

The property is all or part of a Development Plan that the City Council has officially approved in a Planned Development district in accordance with Sec.3.4.2. The Development Plan must provide all utility and drainage easements, alleys, streets and other public improvements necessary to meet the normal requirements for platting including designation of building areas. Such easements, alleys and streets must have been properly dedicated and the necessary public improvements provided.

3.C. Unplatted Property

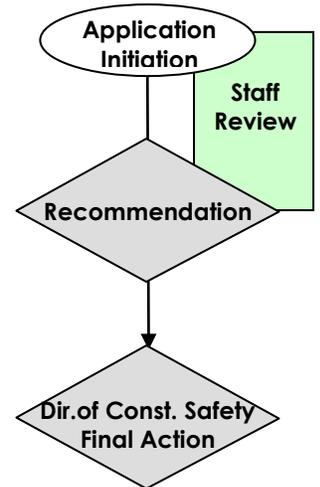
A Building Permit for only one principal building may be issued without requiring Final Plat approval in accordance with Section 3.6 where the property faces upon a publicly dedicated street and the last division of the property from other land occurred prior to:

a.1. September 1st, 1983;

b.2. City annexation; or

c.3. Extension of the City's extraterritorial jurisdiction.

B. Exceptions to this requirement apply when lot lines are shifted parallel to the original lot line shown on a plat of record in compliance with the Amending Plat provisions in Sec. 3.8.



3.13.2 Site Plan Required with Building Permit for Nonresidential or Multiple Family Uses

A. Applicability

1. In addition to the above requirements, a Building Permit may not be issued for any nonresidential or multiple family property until a Site Plan has been submitted for review and approval by the Planning Director.
 2. Site Plan submission and review for projects in the Temple Medical and Educational (TMED) Overlay District will be conducted in accordance with Sec.3.11.
 3. Site Plan submission and review for projects in the I-35 Corridor Overlay District will be conducted in accordance with Sec 6.7.4.
- B. The applicant must submit a legible Site Plan together with a Site Plan check list certified for completeness with the applicant's signature.
- C. The Site Plan may be submitted in advance or concurrently with the building permit application.
- D. The Site Plan must be drawn to scale, dimensioned and labeled. The site plan must include the following information:

1. Existing and proposed condition of lot or lots;
2. Adjacent development;
3. Lot dimensions;
4. Uses;
5. Sidewalks;
6. Curb cuts and drive approaches;
7. Curb and gutter locations;
8. Off-street parking and loading spaces;
9. Drive aisles;
10. Fire Hydrants;
11. Easements;
12. Access and circulation;
13. Utilities;
14. Drainage area locations
15. Building locations, heights, and gross floor area;
16. Setbacks from property lines;
17. Location of signs;
18. Refuse containers and compactors;
19. Outdoor storage and display areas;
20. Location and material of fences;
21. Screening and buffering;
22. Lighting;
23. Mechanical equipment location;
24. Existing and proposed pole locations;
25. Public open space, parks, and playgrounds;
26. Landscaping areas;
27. North arrow;
28. Any other information reasonable required to make an informed judgement about the conformance with development standards.

3.13.23.13.3 Review Process

A. Planning Director Review

~~The Planning Director must review the submitted application and make a recommendation to the Director of Construction Safety.~~

1. The Planning Director must determine whether a Site Plan is complete and satisfies the submittal requirements.
2. If the Site Plan is determined incomplete, the Planning Director must notify the applicant in writing. The notification must list all missing or incomplete items.
3. The Planning Director may request additional information that is required for the accurate review of the proposal.
4. Upon receipt of the complete Site Plan, the Planning Director must review the Site Plan and the submitted Building Permit application for compliance with development standards and make a recommendation to the Director of Construction Safety.

B. Director of Construction Safety Final Action

The Director of Construction Safety must approve, approve with conditions or deny the Building Permit.

5.3.22 Major Vehicle Repair

A major vehicle repair facility may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards.

- A. Vehicle repair must be conducted within a building. ~~However, the building may not necessarily be completely enclosed at all times, as bay doors may need to be left open to provide ventilation.~~
- B. All buildings must be set back a minimum of 20 feet from:
 - 1. Residentially zoned or developed property; and
 - 2. Public property such as a school or park.
- C. Vehicle parts, wrecked vehicles, commodities, materials and equipment may be stored behind a building in the rear area if screened from public view from any street, residentially developed or zoned property, or adjacent or opposite public property such as a school or park. Such storage may not occupy more than 10 percent of the lot or tract. A solid wooden or masonry fence, a minimum of one foot higher than the stored items, must screen such storage area.
- D. There is no size limit for vehicles being repaired.

5.3.23 Minor Vehicle Servicing

A minor vehicle servicing establishment may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards.

- A. Vehicle servicing must be conducted completely within an enclosed building.
- B. Vehicles being serviced may not exceed one and one-half tons.
- C. All buildings must be set back a minimum of 25 feet from:
 - 1. The public street right-of-way;
 - 2. Residentially zoned or developed property; and
 - 3. Public property such as a school or park.
- D. No outside storage or display of any kind is permitted.
- E. No parking of damaged motor vehicles is permitted, except on a temporary basis not to exceed 72 hours.

Sec. 7.2. Access and Circulation

7.2.1 Applicability

- A. The following access and circulation standards ~~must be utilized~~ ~~serve as an advisory guide~~ in the determination of drive approaches in the City of Temple. These standards address factors including curb cut placement, width, angle, number of approaches per tract and other elements as appropriate to provide adequate and safe access between private property and the public street system in the City.

7.4.5 Off-Street Parking Design Standards

A. Dimensional and Access Standards

1. A typical 90 degree parking space must be striped and measure nine feet by 18 feet.
2. Off-street parking spaces and areas must be designed so that a driver can exit the space or area without backing a vehicle into a public street, right of way or alley. This provision does not apply to residential uses in the following zoning districts: AG, UE, SF-1, SF-2, SF-3, SFA, SFA-2, SFA-3, 2-F, TH and MH.

B. Curb and Gutter

Curb and gutter six inches in height is required around the perimeter of the parking area and all landscaped parking islands. An alternative design may be proposed by a design engineer to be considered for approval by the Planning Director.

B.C. Material Standards

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

C.D. Where questions arise concerning the minimum off-street parking requirements for any use not specifically listed in the table in paragraph 7.4.4B, the Planning Director may apply the parking requirements of a similar use to the use in question.

D.E. Where a determination of the minimum parking requirements cannot be readily ascertained for new or unlisted uses according to paragraph A above, the minimum off-street parking requirements are established by the same process as provided in Sec.5.2 for classifying new and unlisted uses.

8.2.7 Water and Wastewater

A. Size of Water Mains

Water mains must be a minimum of six inches in diameter. The following items will be taken into account in determining if a larger water main is needed: ~~Water mains smaller than six inches, but not less than three inches may be constructed to serve blocks with a maximum of six dwelling units, taking into account:~~

1. The recommendation of the design engineer for the developer;
2. Peak demands for domestic and irrigation use of water;
3. Fire protection and hydrant coverage; and
4. Growth and development possibilities for the area.

B. Size of Wastewater Mains

Wastewater mains must be a minimum of ~~six~~ six eight inches in diameter The following items will be taken into account in determining if a larger water main is needed:

1. The recommendation of the design engineer for the developer;
2. Peak demands; and
3. Growth and development possibilities for the area.

Sec. 8.5. City Participation

8.5.1 Perimeter Streets

A. Local and Collector Streets

Where a subdivision is adjacent to an existing street or future street classified as a local or collector street on the Thoroughfare Plan and ~~such the existing~~ street is not built according to the design standards for such street classification or the future street is not yet constructed, the developer ~~must~~ ~~must:~~ dedicate the additional right-of-way for the existing street or future street. The developer must dedicate one-half of the land required for an existing street to be upgraded or one half of the land required for a future street to be constructed.

- ~~1. Dedicate land for one-half of the required public street right-of-way of an adjacent local and collector street; and~~
- ~~2. Pay the improvements costs or build one-half of the required width of adjacent local and collector streets, including curbs, gutters and storm drainage.~~

B. Arterial and Larger Streets

Where a subdivision is adjacent to an existing street or future street classified as a major or minor arterial street on the Thoroughfare Plan and ~~such the existing~~ street is not built according to the design standards for such street classification or the future street is not yet constructed, the developer ~~must~~ ~~must:~~ dedicate the additional right-of-way for the existing street or future street. The developer must dedicate a proportional share of the land required for an existing street to be upgraded or a proportional share of the land required for a future street to be constructed.

- ~~1. Dedicate a proportional share of the public street right-of-way for arterial and larger streets; and~~
- ~~2. Pay the improvements costs for or build a proportional share of the required street width for arterial and larger streets, including curbs, gutters and storm drainage, not to exceed the amount that would be required for one-half of a collector street.~~

~~C. Designated County, State or Federal Roadways~~

~~Where a subdivision is adjacent to a county, state or federal roadway classified as a collector street, arterial street or major thoroughfare on the Thoroughfare Plan and such street is not built according to the design standards for such street, a financial contribution is not required other than dedication of public street right-of-way.~~

~~D. Construction and Funding~~

~~A letter of credit, escrow account or other means approved by the Director of Public Works may secure the developer's obligations to build or fund streets.~~

8.5.2 Internal Streets

The developer must pay all costs for the installation of streets in a subdivision, including those streets, special access arrangements and related drainage structures required because:

- A. A substantial amount of traffic will be generated from, to or through the subdivision because of existing or future conditions; or
- B. The -Comprehensive Plan indicates a need for certain major thoroughfares through or adjacent to the subdivision.



June 13, 2012

Temple Planning and Zoning Commission
2 N. Main St
Temple, TX 76501

RE: June 2012 UDC Text Amendments

Honorable Commissioners,

On behalf of our 250+ members and their workforce of 8,000+ people strong, thank you for the opportunity to provide written comments regarding changes to the City of Temple UDC text amendments.

- Article 3 Development Site Plan Requirement – adding requirement for Site Plan and establishing review procedures and submission standards related to such requirement. Specifically sections 3.13.1 Applicability, 3.13.2 Site plan required with building permit for nonresidential or multifamily uses and 3.13.3 Review Process; and
- Article 7 Access and Circulation - clarifying language related to Access and Circulation standards; specifically section 7.2.1 Applicability; and
- Article 7 Off-Street Parking – adding a requirement for curbing for off-street parking and landscaping; Specifically section 7.4.5 (B) Curb and Gutter; and
- Article 8 Water and Wastewater Mains - amending the required size of subdivision water and wastewater mains; Specifically section 8.2.7 (A) Size of Water Mains and 8.2.7 (b) Size of Wastewater mains; and
- Article 8 Perimeter Street Fees – eliminating developer cost participation requirements on certain streets adjacent to subdivisions. Specifically section 8.5.1 Perimeter Streets;

We have met with planning staff and other city representatives to provide input into these and other revisions to the city's Unified Development Code. We believe the proposed amendments will provide needed corrections and clarification to certain sections of the Unified Development Code and will facilitate both development and the development review process.

Additionally, we anticipate an additional text amendment, to be brought forward at a later date, requiring that a preliminary plat be submitted with development projects of 50 lots or more. While we have not seen the initial proposal, we do look forward to working with the city on this issue as part of the comprehensive package of UDC text amendments.

Please do not hesitate to contact me directly if you have any further questions. We thank you for the opportunity to comment and appreciate your commitment to the City of Temple.

Sincerely,

A handwritten signature in blue ink, appearing to read "Blair", with a long horizontal flourish extending to the right.

Blair Anderson
Government Affairs Director
TABA

Cc: David Blackburn, Temple City Manager; Kim Foutz, Deputy City Manager, Temple Planning Department



PLANNING AND ZONING COMMISSION AGENDA ITEM

06/18/12
Item #9
Regular Agenda
Page 1 of 2

APPLICANT: Planning & Zoning Commission

CASE MANAGER: Kim Foutz, Assistant City Manager

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

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

Future Commission Projects	Status	Comments
P-FY-12-19 - Final Plat of The Campus At Lakewood Ranch Phase VIII, a 15.047 ± acres, 19-lot, 3 block residential subdivision, located at the north end of Richland Drive, north of The Campus At Lakewood Ranch Phase VII	DRC 5/07/12	Turley Associates
P-FY-12-23 - Consider and take action on the Preliminary Plat of The Oaks At Lakewood, a 19.065 acres ±, 1 block, 38-lot residential subdivision located on the east side of Morgan's Point Road, north of the intersection of West Adams Avenue and Morgan's Point Road	DRC 5/21/12	Jason Carothers
P-FY-12-27 - Consider and take action on the Final Plat of Prairie Crossing Addition, a 6.91 ± acres, 33-lot, 2-block, residential subdivision located at the northeast corner of North 8th Street and East Young Avenue	DRC 6/04/12	Friars Ridge Ltd

City Council Final Decisions	Status
Z-FY-12-33: Consider adopting an ordinance approving a conditional Use Permit for 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.	APPROVED on 2 nd Reading May 3, 2012

City Council Final Decisions	Status
<p>Z-FY-12-04: Hold a public hearing to discuss and recommend action to Unified Development Code to establish a 1st Street and 3rd Street Overlay, add standards for development in the specified area and consider a zoning map amendment defining the boundaries of the 1st and 3rd Street Overlay..</p>	<p>APPROVED on 2nd Reading May 17, 2012</p>
<p>Z-FY-12-36: Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (AG) to General Retail District (GR) on two 0.75 acre tracts of land situated in the John Simmons Survey, A-737, Bell County, Texas, located at 5412 North SH 317. (Sandy Adcock for James Ledger)</p>	<p>APPROVED on 1st Reading, June 7, 2012</p>
<p>Z-FY-12-38: Hold a public hearing to discuss and recommend action on rezoning from Single Family Two District (SF2) to Single Family Three District (SF3) on Lots 12 and 13, Block 9, Carriage House Village Phase I. (Applicant: Mike Pilkington)</p>	<p>APPROVED on 1st Reading, June 7, 2012</p>
<p>Z-FY-12-39: Hold a public hearing to discuss and recommend action on a rezoning from Single Family One District (SF1) to Office One District (O1) on 0.50 ± acres of land out of the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located at 3606 South 5th Street.</p>	<p>APPROVED on 1st Reading, June 7, 2012</p>
<p>Z-FY-12-40: Hold a public hearing to discuss and recommend action to an amendment to Ordinance No. 2011-4493, originally approved December 15, 2011, Conditional Use Permit, to reduce the number of security lights from three to two on portions of Lots 11 and 12, Block 22, Original Town Addition, located at 11 East Central Avenue. (Applicant: Howard Leshikar)</p>	<p>APPROVED on 1st Reading, June 7, 2012</p>
<p>Z-FY-12-42: Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (AG) to Neighborhood Service District (NS) on 3.00 ± acres of land and from Agricultural District (AG) to Urban Estates District (UE) on 7.04 ± acres of land, both being part of the Redding Roberts Survey, Abstract No. 692, in the City of Temple, Bell County, Texas, located on the east side of South 31st Street, south of Fox Glen Lane and north of Venice Parkway. (Applicant: Bobby Arnold)</p>	<p>APPROVED on 1st Reading, June 7, 2012</p>
<p>Z-FY-12-43: Hold a public hearing to discuss and recommend action on a rezoning from Two Family District (2F) to General Retail District (GR) on Lot 1, Block 15, Freeman Heights Addition, located at 101 South 31st Street. (Applicant: Rudy Garza for Diane Waters)</p>	<p>APPROVED on 1st Reading, June 7, 2012</p>



**PLANNING AND ZONING COMMISSION
MEETING EVALUATION**

June 18, 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	P	P	No Meeting Held	No Meeting Held		8	1	
Mike Pilkington	P	P	P	P	P	P	P	P	P					9	
Allan Talley	P	P	P	P	P	P	P	P	P					9	
Derek Martin	P	P	P	P	P	P	A	P	P					8	1
Will Sears	P	P	P	A	P	P	P	P	P					8	1
Greg Rhoads	A	A	P	P	P	P	P	P	P					7	2
David Jones	P	P	P	P	P	P	P	P	P					9	
Chris Magaña				P	A	P	P	P	P					5	1
Bert Pope					P	P	P	P	A					4	1

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

not a Board member