

**NOTICE OF MEETING
PLANNING AND ZONING COMMISSION
CITY MUNICIPAL BUILDING, 2 NORTH MAIN STREET
STAFF CONFERENCE ROOM, 1ST FLOOR
AUGUST 20, 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, August 20, 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
AUGUST 20, 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 August 6, 2012.

Item 2: [P-FY-11-42](#) – Consider and take action on the Final Plat of Lake Pointe Phase I, a 7.42± acre, 42-lot residential subdivision, located on the south side of Prairie View Road, east of North State Highway 317 and west of Dewberry Lane.

B. ACTION ITEMS

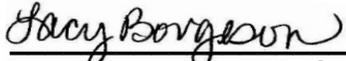
Item 3: [Z-FY-12-57](#) – Code Amendment to allow CUP request for off-premise sign relocating due to proposed state right-of-way requirements.

Item 4: [Z-FY-12-56](#) – Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow an off-premise sign on Lot 1, Block 1, Bird Creek Valley Commercial Phase VII, located at 5275 South General Bruce Drive.

C. REPORTS

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 3:00 PM, on August 16, 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, AUGUST 6, 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
James Staats

PLANNING AND ZONING MEMBERS ABSENT:

Greg Rhoads

STAFF PRESENT:

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

The agenda for this meeting was posted on the bulletin board at the Municipal Building in compliance with the Open Meetings Law.

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

With a quorum present, Chair Martin opened the work session at 5:00 p.m. and asked Ms. Autumn Speer, Director of Planning, to proceed.

Ms. Speer stated the final plat of Prairie Crossing had no issues and it is on the Consent Agenda.

A public hearing is required for Temple Bioscience Park since it is a replat and P&Z is the final approving body.

There is an appeal to the UDC regarding two signs for Johnson Brothers Ford which will go on to City Council for final determination.

The applicant requested to postpone Z-FY-12-50 until October 1, 2012 meeting.

Due to an outside applicant request, the City Manager has directed Staff to look at the State and National Flag requirements for nonresidential areas. A Citywide Ordinance currently prevents a pole from being over 50 feet in height. The proposed amendment would allow greater height unless adjacent to a residential area.

The Director's Report has some plats coming forward but not scheduled yet.

A code amendment and public hearing to allow a CUP for off-premise signs. Due to the TxDOT acquisition, several Lamar Advertising billboards are being relocated. Currently, 1,500 foot spacing requirements are required. When the state does relocations they allow 500 feet spacing. Staff is requesting a CUP process so they may be looked at individually.

The Thoroughfare Plan and Trails Master Plan need some clean ups along with some other text amendments.

City Council approved everything on second reading on July 19, 2012.

There being no further discussion, Chair Martin adjourned the meeting at 5:04 P.M.

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

PLANNING AND ZONING MEMBERS PRESENT
Chair Derek Martin

COMMISSIONERS:

Will Sears	James Staats
H. Allan Talley	Mike Pilkington
David Jones	Bert Pope
Chris Magaña	

PLANNING AND ZONING MEMBERS ABSENT:

Greg Rhoads

STAFF PRESENT:

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

The agenda for this meeting was posted on the bulletin board at the Municipal Building, August 2, 2011 at 10:45 a.m. in compliance with the Open Meetings Law.

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

Chair Martin called Meeting to Order at 5:30 P.M.

Invocation by Commissioner Pilkington; Pledge of Allegiance by Chair Martin.

A. CONSENT ITEMS

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

Approved by General Consent.

Item 2: 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 (Applicant: Friars Ridge Ltd).

Vice-Chair Staats made a motion to approve Item 2, **P-FY-12-27**, and Commissioner Sears made a second.

Motion passed: (8:0)

Commissioner Rhoads absent

B. ACTION ITEMS

Item 3: P-FY-12-30 – Hold a public hearing to consider and take action on the Final Plat of Temple Bioscience Park Subdivision, Phase II, a 42.489 ± acre 11-lot, 3 block, nonresidential subdivision, being a replat of Block 1 and Block 3, Temple Bioscience Park Subdivision.

Ms. Tammy Lyerly, Planner, stated the plat is located on Research Parkway/Hilliard Road and the P&Z is the final plat authority since no exceptions have been requested.

The plat was deemed administratively complete by DRC on July 30, 2012. The property is zoned Light Industrial (LI) district and the plat proposes 11 nonresidential lots and the creation of a 32 foot wide service alley within a 52 feet right-of-way along the rear perimeter of Block One. Water would be provided through an eight-inch water line within a 35 foot wide drainage and utility easement in Block Two and an eight-inch water line along the service alley. Wastewater services will be provided through an eight-inch sanitary sewer line within a 25 foot drainage and utility easement in Block Two.

This replat is minus one nonresidential lot and includes a service alley. The prior plat was not vacated so according to Texas Local Government Code a public hearing is required for this replat.

Staff recommends approval of this item.

Chair Martin opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Talley made a motion to approve Item 3, **P-FY-12-30**, and Commissioner Jones made a second.

Motion passed: (8:0)

Commissioner Rhoads absent

Item 4: Z-FY-12-51 – Discuss and make a recommendation on an appeal of Section 6.7.5.G, Signs, of the Unified Development Code related to standards in the I-35 Corridor Overlay Zoning District for a vehicle sales establishment currently under construction at 7455 South General Bruce Drive.

Ms. Beverly Zendt, Senior Planner, stated the applicant for this appeal is Johnson Brothers Ford and the location is 7455 South General Bruce Drive.

Construction of a 50,000 square foot facility along IH-35 has triggered standards for this property. The appeal is for two signs at the proposed new site.

The first sign is a Ford sign, approximately 47 feet tall and sign two is a Lincoln sign, approximately 24.3 feet tall. They are set back approximately 25 feet from the property line and spaced approximately 60 feet apart, and have reinforced fiberglass cladding at the base.

I-35 permits pylon signs up to 25 feet tall. Some additional I-35 sign requirements include, but are not limited to, supports must be finished in a primary building material, masonry is applicable. This new building under construction will be architectural metal and Staff has determined this type of reinforced fiberglass is compatible with the metal and meets the standard.

Sign height to width ratio must be 1:15, must be internally luminated, and maximum area per sign face must be 200 square feet.

The Ford sign is an existing sign and will be relocated; the Lincoln sign will be a new sign.

Requirements Met for Sign 1: The Ford sign meets the minimum setback and spacing requirements, is internally luminated, the pylon enclosure (base) is compatible with the building material, and the sign meets the maximum area per face requirement.

Requirements Not Met for Sign 1: The sign exceeds the maximum height of 25 feet (proposed for 47 feet which is the current height), the sign base does not meet the 1:15 height to width ratio and would require a seven foot base to meet this ratio.

Requirements Met for Sign 2: The Lincoln sign meets the minimum setback and spacing requirements, is internally laminated, the pylon enclosure is compatible with the building material, and the sign meets the maximum area per face requirement and height requirements at 24.3 feet.

Requirements Not Met for Sign 2: The sign does not meet the 1:15 height to width ratio.

Staff recommends disapproval of the appeal of the standard related to height restrictions on the Ford sign and recommends bringing the sign closer to or meeting the standard of 25 feet maximum. Staff recommends approval of the Ford sign for the height to width ratio if the sign is brought down closer to or meets the requirement of 25 feet.

Staff recommends approval for the height to width ratio standard for the Lincoln sign as proposed.

Ms. Zendt stated the applicant, Mr. Harry Adams, was present for any questions.

Chair Martin asked if the height of the Ringler Chevrolet sign was known and Ms. Zendt did not know but stated most of the existing signs are approximately 50 to 75 feet probably due to preexisting standards.

Ms. Zendt explained the Ford sign would only be relocated and reinstalled at its current height. Commissioner Magaña asked how long the sign has been at the current location and Ms. Zendt stated she would defer that question to the applicant.

Chair Martin asked Mr. Adams to approach and answer questions.

Mr. Harry Adams, President of Johnson Brothers Ford Lincoln, 503 N. General Bruce Drive relocating to 7455 S. Interstate 35 stated the Ford sign has been standing for approximately five or six years. It is the latest Ford sign by design, and at the time it was installed it was permitted and approved by the City of Temple. The sign cost roughly \$80,000 and Ford has allowed them to move the sign to the new location. Mr. Adams stated the sign was in good shape and he is very proud of the sign and what it represents.

Mr. Adams stated his concerns mostly centered around cost issues and requested to relocate the sign without changing the height. Mr. Adams stated it would be costly to change the sign in order to meet the guidelines set forth. Mr. Adams asked the Commission to grant the variance.

Mr. Adams did not know the height of the Ringler sign but felt the Ford sign was higher. Mr. Adams stated the rest of their facility meets the criteria of the rest of the Overlay Ordinance.

Commissioner Pilkington asked if part of the bottom of the pole could be removed and Mr. Adams replied he did not know but felt it would be costly.

Vice-Chair Staats asked if Ford had a height requirement and Mr. Adams stated no. Mr. Adams stated he was before the Commission because the existing sign is a perfectly good sign and can be relocated to the new location.

Mr. Adams stated Lincoln required their signs to be shorter in height.

Vice-Chair Staats stated he understood about the relocation and/or resizing and cost issues but it is an existing sign. If it were a new sign being requested, he would not hesitate to follow the Overlay requirements. Commissioner Magaña was in agreement.

Vice-Chair Staats made a motion to approve Item 4, **Z-FY-12-51**, as requested by the applicant and Commissioner Magaña made a second.

Motion passed: 6:2

Commissioners Sears and Pilkington voted nay; Commissioner Rhoads absent

Item 5: Z-FY-12-50 – Hold a public hearing to discuss and recommend action on a rezoning from Planned Development-Urban Estates District (PD-UE) to Planned Development Single Family One District (PD-SF-1) on 39.3 ± acres of land, being part of the William Frazier Survey, Abstract #310 located south of FM 93 along the west side of Dubose Road. ***(Applicant has requested this item be tabled)***.

Ms. Autumn Speer, Director of Planning, stated the applicant has requested that the public hearing be postponed until October.

There being no speakers present for the public hearing, Vice-Chair Staats made a motion to table Item 5, **Z-FY-12-50**, until a later date and Commissioner Pilkington made a second.

Motion passed: (8:0)

Commissioner Rhoads absent

Item 6: Z-FY-12-55 – Hold a public hearing to consider and recommend action on an amendment to Ordinance No. 2010-4413, Temple Unified Development Code, Article 7.5, Signs, to amend requirements for State and National Flags in nonresidential zoning districts.

Ms. Speer stated this item came as an outside request through the City Manager's Office and Staff has been directed to prepare a text amendment which would apply Citywide. There is a limitation of 50 feet for how high the pole can be. A maximum area of 375 square feet on I-35 and 150 square feet in other nonresidential districts. The proposed change would be no limit on the height of the pole, however, it could not go over 50 feet if located within 100 feet of a residential area.

Staff recommends approval of this item.

Commissioner Pilkington asked about the height of other flags in Temple and Ms. Speer stated the flag at Johnson Brothers Ford is 70 feet and the one on Adams (bank) is also 70 feet high. Currently, the height limit is 50 feet. The proposal would be to have no limit on the height unless it is located within 100 feet of a residential area it would require a maximum height of 50 feet. The area of the flag would not change.

Chair Martin opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Pilkington made a motion to approve Item 6, **Z-FY-12-55**, as proposed and Commissioner Talley made a second.

Motion passed: (8:0)

Commissioner Rhoads absent

C. REPORTS

Item : 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, the meeting was adjourned at 5:59 p.m.

Respectfully submitted,

Leslie Evans



PLANNING AND ZONING COMMISSION AGENDA ITEM

08/20/12
Item #2
Consent Agenda
Page 1 of 1

APPLICANT / DEVELOPMENT: WBW Development, Ltd.

CASE MANAGER: Tammy Lyerly, Planner

ITEM DESCRIPTION: P-FY-11-42 Consider and take action on the Final Plat of Lake Pointe Phase I, a 7.42± acre, 42-lot residential subdivision, located on the south side of Prairie View Road, east of North State Highway 317 and west of Dewberry Lane.

STAFF RECOMMENDATION: Staff recommends approval of the Final Plat of Lake Pointe Phase I.

ITEM SUMMARY: The Development Review Committee reviewed the Final Plat of Lake Pointe Phase I on April 25, 2012. It was deemed administratively complete on August 2, 2012.

The Final Plat of Lake Pointe Phase I is a 42-lot residential subdivision located on the south side of Prairie View Road, east of North State Highway 317. The proposed plat complies with the property's Single Family Two District (SF-2).

A six foot wide sidewalk is required along Prairie View Road because it is classified as a minor arterial in the Thoroughfare plan (UDC Section 8.2.3.). The plat contains a note regarding this sidewalk requirement, including mention that the City may fund an additional two foot width for a total of eight feet of sidewalk along Prairie View Road.

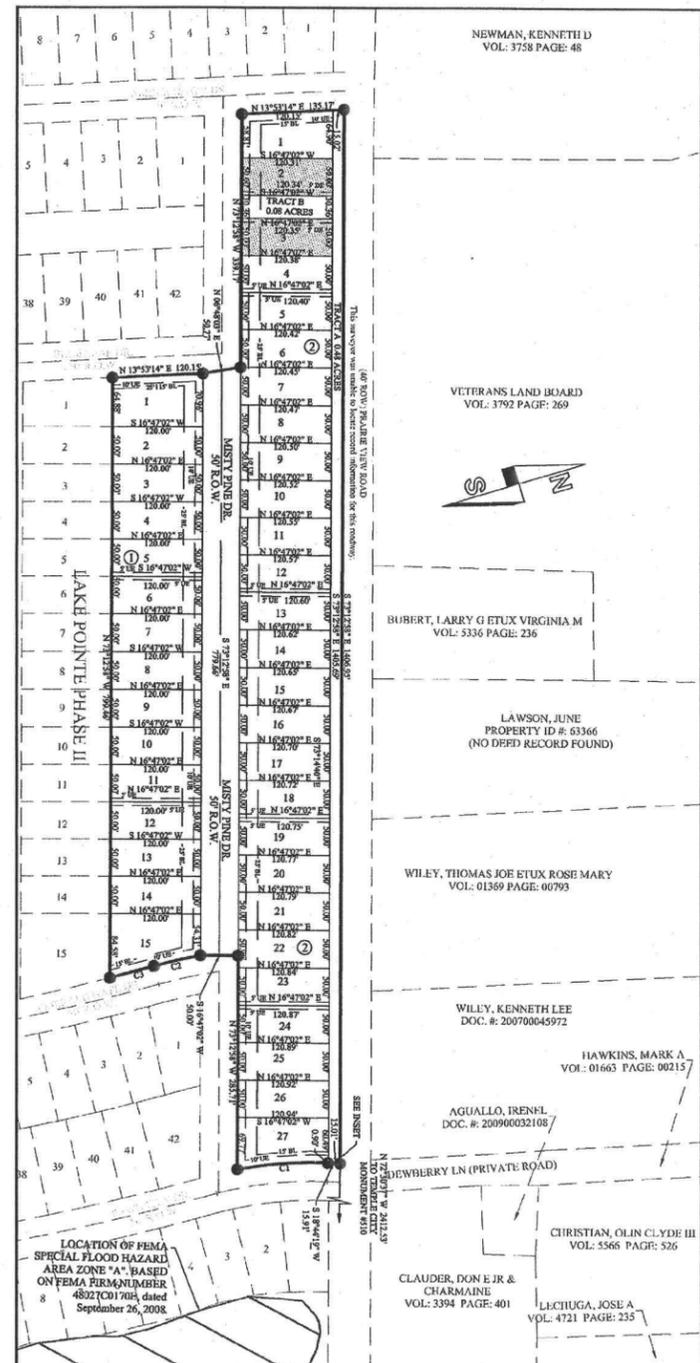
Water services will be provided through existing and proposed 6-inch water lines. Wastewater services will be through existing and proposed 8-inch sanitary sewer lines.

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

FISCAL IMPACT: A certified bank letter of credit is required in the sum of \$9,450 for the 42 lots at \$225 per lot, since a private park is to be built in a future phase prior to or upon issuance of a building permit for construction of the 60th home within this development.

ATTACHMENTS:

Plat



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	504.62	119.37	119.47	S 12°17'15" W	19°33'48"
C2	794.62	63.47	63.42	S 03°42'00" W	04°34'26"
C3	3033.86	60.37	60.37	S 91°29'31" W	81°08'24"

FFE DATA TABLE			
BLOCK	LOT	BASE FLOOD ELEVATION	MIN REQUIRED FFE
2	2	671.81	673.81
2	3	671.81	673.81

NOTE:
The City of Temple Criteria and Design Manual allows for major storm runoff to accumulate to levels above the top of curb. Homeowners and homebuilders are advised to consider this when preparing site grading plans and setting finished floor elevations.

No portions of this tract is within a Special Flood Hazard Area per FEMA's Flood Insurance Rate Map (FIRM) Panel for Bell County, Texas Dated September 26, 2008, panel number 48027C0170A. The Surveyor does not certify as to the accuracy or inaccuracy of said information and does not warrant, or imply, that structures placed within any of the platted areas will be free from flooding or flood damage.

NOTE: 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. 510. The combined factor (CCF) is 0.999833. Grid distance = surface distance X CCF. Geodetic north = grid north + theta angle. Published City coordinates for City Monument No. 510 are N=10,388,529.14 E=3,207,137.72 Reference tie from City Monument No. 510 to northeast corner of this tract is N 72°30'37" W 2412.53 feet.

- All boundary corners set are 1/2" iron rods with cap marked "1852" unless otherwise noted hereon.
- 0.08 Acres reserved for drainage, 1.37 Acres reserved for right-of-ways, and 5.97 Acres are for residential lots.

- NOTES:
- Streets located within a 50 ft. right-of-way shall have a minimum pavement width of 31 ft. back-to-back of curb.
 - A 6' sidewalk shall be constructed along the south side of Prairie View Road by the developer (funded by the City of Temple). The City may fund an additional 2' of width, for a total of 8'.

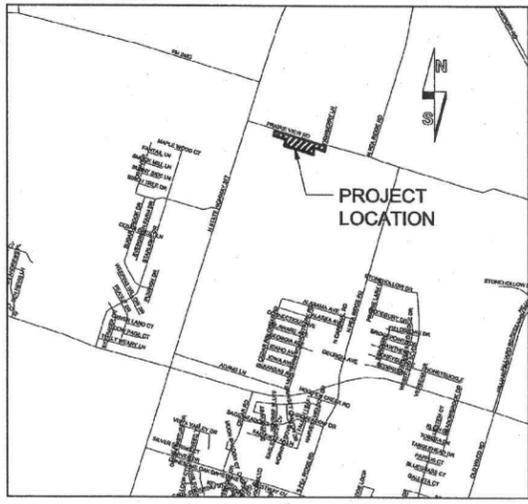
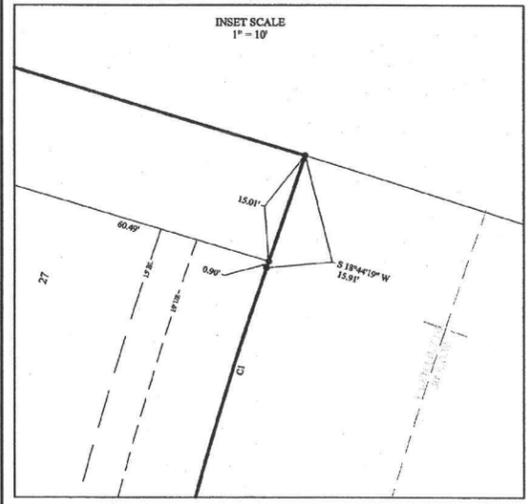
TAX CERTIFICATE

The Bell County Tax Office, the taxing authority for all entities in Bell County, Texas, does hereby certify that there are currently no delinquent taxes due or owing on the property described by this plat.

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

BELL COUNTY TAX OFFICE

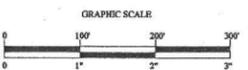
By: _____



- LEGEND**
- AE ACCESS EASEMENT
 - BM BENCHMARK
 - DA DRAINAGE AREA
 - ELEV ELEVATION
 - NFS NOT TO SCALE
 - NO NUMBER
 - RE REFERENCE
 - REV REVISION
 - TRM TEMPORARY BENCHMARK
 - TYP TYPICAL
 - UT UTILITY EASEMENT
 - LOT WITH MIN FFE (SEE TABLE)
 - IRON ROD FOUND (MONUMENT)
 - IRON ROD SET (MONUMENT)
 - CHANGE IN BEARING

REV.	DESCRIPTION	DATE	BY
7	ADDED CITY SECRETARY SIGNATURE BLOCK	4/26/2012	BTW
6	REMOVED DRAINAGE NOTE, ADDED SIDEWALK NOTE AND INSET DETAIL	4/24/2012	BTW
5	UPDATED FFE TABLE, NOTES, AND SIGNATURE BLOCKS		
5	RENUMBERED BLOCKS	2/15/2012	JAT
4	ADJUSTED PLAT BOUNDARY		
4	ADDED NEIGHBOR INFORMATION	8/25/11	JAT
3	ADDED NOTES FOR OFFSITE 15" SANITARY SEWER EASEMENT	8/25/11	JAT
2	REMOVED NOTES	8/25/11	JAT
1	ORIGINAL RELEASE	8/04/11	BTW

PROJECT INFORMATION		BENCHMARK	
TOTAL SIZE:	7.42 ACRES	5/8" IRON ROD IN CONCRETE	
TOTAL BLOCKS:	2	TEXAS STATE PLANE CENTRAL	
TOTAL LOTS:	42	COORDINATES	
TOTAL TRACTS:	2	N - 10388688.117	
		E - 3206779.315	



FINAL PLAT
LAKE POINTE PHASE I
TO THE CITY OF TEMPLE, BELL COUNTY, TEXAS BEING PART
OF THE BALDWIN ROBERTSON SURVRY, ABSTRACT No. 17

STATE OF TEXAS: I, the undersigned owner of the land shown on this plat, and designated herein as LAKE POINTE PHASE I, Temple, Bell County, Texas, being 7.42 ACRES of land part of the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, and whose name is subscribed hereto, hereby dedicates to the use of the public forever, all streets, alleys, water courses, drains, easements, and public places as shown hereon.

Grantor does hereby give, grant, convey and transfer to the City of Temple, Texas, in fee simple, the drainage areas shown as Tract B on the plat.

Grantor does hereby give, grant, convey and transfer to the City of Temple, Texas, in fee simple, the ROW shown as Tract A on the plat.

For: BWV Development, L.P.D.,
By: BWV Development Management, LLC
Its: General Partner

Bruce White, President

STATE OF TEXAS: BEFORE ME, the undersigned authority, on this day personally appeared Bruce White, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purpose and consideration therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 31 day of July, 2012 A.D.

Notary Public for the State of Texas



SURVEYOR'S CERTIFICATE

STATE OF TEXAS: I, the undersigned, Registered Professional Land Surveyor, in the State of Texas, do 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 on the ground, and that all boundary survey monuments are correctly shown thereon.

A. W. Kessler
Registered Professional Land Surveyor No. 1852



ENGINEER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS: THAT I, Scott A. Brooks, do hereby certify that I prepared all drainage Calculations and designed all drains, streets/roads and appurtenances in accordance with the City of Temple Subdivision Regulations.

Scott A. Brooks
SCOTT A. BROOKS
REGISTERED PROFESSIONAL
ENGINEER NO. 99801



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.

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.

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

PLAT FILED FOR RECORD this the _____ day of _____, 20____ A.D. in Cabinet _____, Side _____, Plat Records of Bell County, Texas.

DEDICATION FILED FOR RECORD this the _____ day of _____, 20____ A.D. in Volume _____, Page _____, Official Records, Bell County, Texas.

FINAL PLAT OF
LAKE POINTE PHASE I

VERA & ASSOCIATES, L.C.
3707 SERRA DR.
GEORGETOWN, TX 78628
PH (512) 864-9804

Yalgo, LLC
3000 Illinois Ave., Suite 100
Killeen, TX 76543
PH (254) 953-5353
FX (254) 953-0032

SHEET
1
OF



PLANNING & ZONING COMMISSION ITEM MEMORANDUM

08/20/12
Item #3
Regular Agenda
Page 1 of 2

DEPT. / DIVISION SUBMISSION & REVIEW:

Planning Department / Autumn Speer

APPLICANT: City Staff

ITEM DESCRIPTION: Z-FY-12-57: Hold a public hearing to consider and recommend action on an amendment to Ordinance 2010-4413, Temple Unified Development Code, Article 7.5 Signs to establish procedure to request a Conditional Use Permit for off-premise signs relocating due to proposed state right-of-way requirements.

STAFF RECOMMENDATION: Staff recommends approval of the proposed text amendment. The I-35 Corridor is one of the city's top priorities for improving aesthetics and creating a more positive image for Temple. The I-35 Ordinance was adopted in 2009 which places specific criteria on all development as it relates to materials, landscaping and signage. Earlier this year, City Council approved the amendment to the I-35 sign ordinance to limit the number, placement and height of on-premise signs more so than any other locations in the city. In light of these efforts, staff does not support decreasing our requirements for off-premise signs. Allowing the conditional use permit request will allow the opportunity for specific discretionary review of each request if needed.

BACKGROUND: The TxDOT right of way acquisition project is displacing numerous existing off-premise signs (billboards). The majority of billboards in the city are owned and leased by Lamar Advertising. City Staff and Lamar Advertising have held several meetings over the last few months in an attempt to coordinate and determine the best approach for the replacement of these signs both for the applicant and the City's best interest.

City staff has maintained the position that if an existing off-premise sign on I-35 must be relocated because of the I-35 expansion, City staff will approve the sign relocation on the same site. If the existing zoning is not correct we will consider processing a zoning change to allow compliance or a Planned Development if the straight zoning is not a positive option for the City. If the sign cannot be relocated on the same site, the City will consider an alternate location on I-35 if the correct zoning is in place (Commercial, Light Industrial and Heavy Industrial), the spacing requirements can be met (1,500 feet of another off-premise sign), and dimensional standards are met (total area per face of 672 square feet or less and no more than 42.5' tall).

The current UDC ordinance language states:

*If a sign located within the proposed public street right-of-way of a state highway is to be relocated to accommodate a regulated highway project and the Texas Department of Transportation issues a permit for relocation of the sign, the Director of Construction Safety **may** also issue a Sign Permit if the sign meets all current City standards, except that the relocated sign:*

1. *Does not require payment of a permit fee;*
2. *May be erected a minimum of five feet from any highway right-of-way line;*
3. *May be constructed with the same number of poles and same type of materials as the existing sign; and*
4. *May be erected without enlarging the sign face.*

In some instances the ordinance requirements cannot be met in regards to spacing between signs. The current ordinance requires 1,500' between signs; however, TxDOT will permit 500' spacing for relocation. Lamar has requested the City honor TxDOT requirements; however, City Staff cannot make favorable decisions without a full picture of what the final outcome will be.

The timing of the TxDOT row acquisition prevents Lamar from bringing in a complete overview of what off-premise signs will remain after the row taking. This proposed text amendment to allow a Conditional Use permit request for decreased standards will allow Lamar Advertising to make their request for relocation and allow City Council the discretion to make a decision in the best interest of the City.

PROPOSED SIGN AMENDMENT: This proposed amendment modifies Article 7.5 of the UDC. The current ordinance permits the Director of Construction Safety authority to consider approving a Sign Permit if the sign meets all current City standards, except that the relocated sign:

- Does not require payment of a permit fee;
- May be erected a minimum of five feet from any highway right-of-way line;
- May be constructed with the same number of poles and same type of materials as the existing sign; and
- May be erected without enlarging the sign face.

The proposed ordinance amendment would add language to allow an applicant to request relocation that does not meet all city criteria with the approval of a Conditional Use Permit:

PUBLIC NOTICE: The newspaper printed notice of the Planning and Zoning Commission public hearing on August 6, 2012, in accordance with state law and local ordinance.

FISCAL IMPACT: NA

ATTACHMENTS:

[Attachment 1: Article 7.5 – Sign Excerpt](#)

7.5.11 Standards for Off-Premise Signs

An off-premise sign erected after March 7, 2002, must comply with the following standards unless an alternate standard applies because the sign is erected under incentive or relocation provisions.

A. Sign Permit Required

A person may not erect an off-premise sign without a Sign Permit issued in accordance with Sec. 3.14. The Director of Construction Safety may issue a permit for an off-premise sign only when all requirements of this section are met. A permit for off-premise sign construction is valid for a period of six months from date of issuance. The Planning Director may extend the time limit for construction of a sign for up to one additional year. The permittee may present, and the Planning Director must consider, evidence relating to market conditions for new sign construction, availability of local financing for new sign construction, the permittee's history of compliance with the requirements of this section, and other relevant factors.

B. Dimensional Standards

1. Location

An off-premise sign is permitted solely in the C, LI and HI zoning districts on property fronting Interstate Highway 35 or H. K. Dodgen Loop.

2. Minimum Spacing

- a. An off-premise sign along Interstate 35 may not be erected within 1,500 feet of another off-premise sign.
- b. An off-premise sign along H. K. Dodgen Loop may not be erected within 2,000 feet of another off-premise sign, except that, in exchange for the removal of one double-faced sign that is larger than 386 square feet and existing along the Loop on March 7, 2002, three 386-square-foot double-faced signs may be erected within 1,500 square feet of another of off-premise sign, if the permittee has sufficient sign replacement credits.
- c. Spacing is measured on the same side of the road, between points along the public street right-of-way of the regulated highway perpendicular to the center of the signs.

3. Area

The dimensions of an off-premise sign erected on property fronting Interstate 35 must be 14 feet by 48 feet, for a total area per face of 672 square feet. The dimensions of an off-premise sign erected on property fronting H. K. Dodgen Loop must be 10 feet, 6 inches by 36 feet, for a total area per face of 386 square feet.

4. Height

An off-premise sign must be 42 feet and six inches in height. Sign height is measured from the grade level of the centerline of the main-traveled way closest to the sign, at a point perpendicular to the sign location.

5. Setback

An off-premise sign must be set back a minimum of 20 feet from public street right-of-way line, measured from the closest part of the sign.

C. Design Standards

1. Faces

An off-premise sign may be single-faced or double-faced, but may not contain more than one face on each side of the display.

2. Roof

An off-premise sign may not be erected or maintained upon the roof of any building structure.

3. Light

An off-premise sign may not be constructed where it obscures or shades the windows or doorways of adjacent buildings.

4. Traffic Hazard

An off-premise sign is not permitted that, because of its size, shape or location, may endanger or obscure or obstruct the view of vehicular or pedestrian traffic . An off-premise sign must not be designed to be confused with any authorized traffic control device.

5. Scenic Vista

An off-premise sign may not be permitted that, because of its size, shape or location, may impair any scenic vista from the highway or a building adjacent to the highway or to the off-premise sign.

6. Construction

An off-premise sign must have a steel post and be constructed and erected in conformance with Chapter 7, City Code, Buildings.

7. Encroachment

- a. A part, foundation or support of any off-premise sign may not be placed on, in or over any of the following:
 - i. Public property or street rights-of-way;
 - ii. Telephone or utility poles; or
 - iii. Natural features such as trees and rocks.
- b. Encroachment into a public utility or drainage easement may be allowed with a street use license.

D. New Off-Premise Signs

1. Off-Premise Sign Cap

The number of off-premise signs in the City is limited to the number of such signs in existence on March 7, 2002.

2. Inventory

The owner or operator of one or more off-premise signs within the City must inventory the signs on forms the Planning Director provides and file the completed forms with the planning department within six months from March 7, 2002. Incentive credit or permit for alteration or relocation may not be issued for an off-premise sign that was not inventoried and reported to the City in a timely manner.

3. Incentives

- a. To encourage removal of off-premise signs that do not comply with current sign standards, the owner of a sign that was lawfully erected in compliance with all standards then in effect or lawfully in place at the time it was annexed into the City may be awarded credit for removing such sign.
- b. One credit will be awarded for each face that is removed from a lawfully existing off-premise sign. In order to receive a Sign Permit for the erection of an off-premise sign, 1.25 credits must be used per new face.

- c. The Director of Construction Safety may issue a Sign Permit to any person holding sufficient credits, for erection of an off-premise sign in an eligible location as set forth in paragraph B.1 above, in his or her sole discretion. The Sign Permit must state the number of faces to be erected.
- d. Credits are transferable.
- e. Credit is received when a permittee removes a sign voluntarily, even if the reason is loss of the lease. Credit may not be awarded for the removal of an off-premise sign that was in violation of federal, state or City laws when erected.
- f. To be awarded a credit under the incentive program, a sign owner or operator must notify the City within 60 days of the removal of an off-premise sign and receive a letter from the City awarding a credit. Failure to apply for a credit within 60 days from removal of a sign bars the awarding of credit for that sign. Any unused credits will be held in reserve indefinitely, in order to give incentive for immediate removal of current faces.
- g. The Planning Director must provide to the Planning and Zoning Commission, as part of the Commission's annual report, an accounting of unused credits. The Commission's annual accounting is final if not appealed in writing to the Commission within 30 days from the date that the accounting is presented to the Commission. In making a final determination, the Commission will consider evidence that the appellant, Planning Director or any other interested person presents.

E. Residential Zoning Districts

An off-premise sign is not permitted if residentially-zoned property is located between the sign location and the roadway toward which the sign would be oriented.

F. Consent

A part, foundation or support of any off-premise sign may not be placed on, in or over any private property without the written consent of the property owner.

G. Protected Vegetation

Notwithstanding any other provision or other applicable law or regulation, a person may not remove, cut or otherwise alter any vegetative screening on public property or private landscaping required in Sec. 7.3 in order to improve the visibility of a nearby off-premise sign. Should such an alteration occur, any off-premise sign so benefited is deemed nonconforming and must become the next nonconforming off-premise sign relocated.

H. Identification

An off-premise sign must be permanently identified with the name of the sign owner or operator with letters of sufficient size to be easily read from the nearest roadway.

I. Alteration

An off-premise sign may not be altered with regard to size, shape, orientation, height or location without the prior issuance of an alteration or relocation permit. Ordinary and necessary repairs that do not change the size, shape, orientation, height or location of an inventoried off-premise sign do not require an alteration permit. An alteration permit expires if the approved modifications are not completed within 90 days of permit issuance.

J. Demolition

A demolition permit is required prior to removal of an existing off-premise sign. Demolition must be completed within 90 days from permit issuance. The permit must state the number of faces to be demolished.

K. Maintenance

If the Planning Director finds that any off-premise sign on the authorized list is not maintained in good repair and has not deteriorated more than 50 percent of its replacement value, the Planning Director will notify and order the owner to repair the sign within 30 calendar days. If the Director finds that an off-premise sign has deteriorated more than 50 percent of its replacement value, or is not repaired within 30 calendar days, the Planning Director must notify the owner of the off-premise sign and the owner of the real property on which the off-premise sign is located to remove the off-premise sign or poster panel from the property within a specified time. All off-premise signs ordered to be

removed must be stricken from the authorized list when the time limit is set and the removal notice ends.

L. Relocation

If a sign located within the proposed public street right-of-way of a state highway is to be relocated to accommodate a regulated highway project and the Texas Department of Transportation issues a permit for relocation of the sign, the Director of Construction Safety may also issue a Sign Permit if the sign meets all current City standards, except that the relocated sign:

1. Does not require payment of a permit fee;
2. May be erected a minimum of five feet from any highway right-of-way line;
3. May be constructed with the same number of poles and same type of materials as the existing sign; and
- 4. May be erected without enlarging the sign face.**
- 4.5. If the proposed off premise sign does not meet all city standards including minimum spacing, area, height and setback, an applicant must receive approval of a Conditional Use permit for the new location.**



PLANNING AND ZONING COMMISSION AGENDA ITEM

08/20/12
Item #4
Regular Agenda
Page 1 of 3

DEPT. / DIVISION SUBMISSION & REVIEW:

Planning Department / Autumn Speer

APPLICANT: Lamar Advertising

ITEM DESCRIPTION: Z-FY-12-56 Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow an off-premise sign relocation closer than 1,500 feet from another off-premise sign at 5275 S General Bruce Drive.

STAFF RECOMMENDATION: Staff recommends approval of the requested CUP. The area from the HK Dodgen Loop to the southern city boundaries currently includes 21 off-premise sign structures in use by Lamar and two dilapidated structures not in use. Based on current City spacing requirements of 1,500', this area (approximately 4.14 miles) should not exceed 14-15 signs on each side if an average spacing were calculated. The existing western side of I-35 currently has 11 off-premise signs and the east side of the interstate has 12 including the dilapidated structures. The proposed sign is 822' from the closest off-premise sign to the south sign and 1,314' from the closest off-premise sign to the north. The addition of one off-premise sign in this location will not significantly diminish the spirit of the ordinance. Any additional future requests in this immediate area will not receive favorable staff recommendations.

BACKGROUND: The TxDOT right of way acquisition project is displacing numerous existing off-premise signs (billboards). The majority of billboards in the city are owned and leased by Lamar Advertising. City Staff and Lamar Advertising have held several meetings over the last few months in an attempt to coordinate and determine the best approach for the replacement of these signs both for the applicant and the City's best interest. Lamar Advertising currently operates approximately 117 billboard signs in the city limits. Seventy-three of these signs are located on I-35 and 18 signs have been identified at this time by Lamar that will not be able to be located on the remainder of the property after the TxDOT row acquisition (some have already been removed).

There are currently 13 off-premise signs located north of HK Dodgen Loop, five will not be permitted to go back on the remainder of the property. Inside the loop there are 29 signs along the interstate, 13 of which will not be permitted to go back on the remainder and south of HK Dodgen Loop there are 21 Lamar signs, none of which are affected by the TxDOT expansion.

City staff has maintained the position that if an existing off-premise sign on I-35 must be relocated because of the I-35 expansion, City staff will approve the sign relocation on the same site. If the existing zoning is not correct we will consider processing a zoning change to allow compliance or a Planned Development if the straight zoning is not a positive option for the City. If the sign cannot be relocated on the same site, the City will consider an alternate location on I-35 if the correct zoning is in place (Commercial, Light Industrial and Heavy Industrial), the spacing requirements can be met (1,500 feet of another off-premise sign), and dimensional standards are met (total area per face of 672 square feet or less and no more than 42.5' tall). For signs request not meeting this criteria, the Conditional Use Permit method has been created.

The current UDC ordinance language states:

*If a sign located within the proposed public street right-of-way of a state highway is to be relocated to accommodate a regulated highway project and the Texas Department of Transportation issues a permit for relocation of the sign, the Director of Construction Safety **may** also issue a Sign Permit if the sign meets all current City standards, except that the relocated sign:*

1. *Does not require payment of a permit fee;*
2. *May be erected a minimum of five feet from any highway right-of-way line;*
3. *May be constructed with the same number of poles and same type of materials as the existing sign; and*
4. *May be erected without enlarging the sign face.*

Lamar Advertising is requesting a Conditional Use Permit be granted for the relocation of the off-premise sign from to 5275 S. General Bruce Drive. The sign proposal is for a 14' x 48' monopole sign setback 20' from the row. The zoning of the property is Commercial. The Conditional Use Permit is required because the 1,500' spacing requirement between off-premise signs is not met. The proposed sign is 822' from the closest off-premise sign to the south sign and 1,314' from the closest off-premise sign to the north. This portion of I-35 is not affected by the TxDOT row acquisition.

Proposed Sign Location:



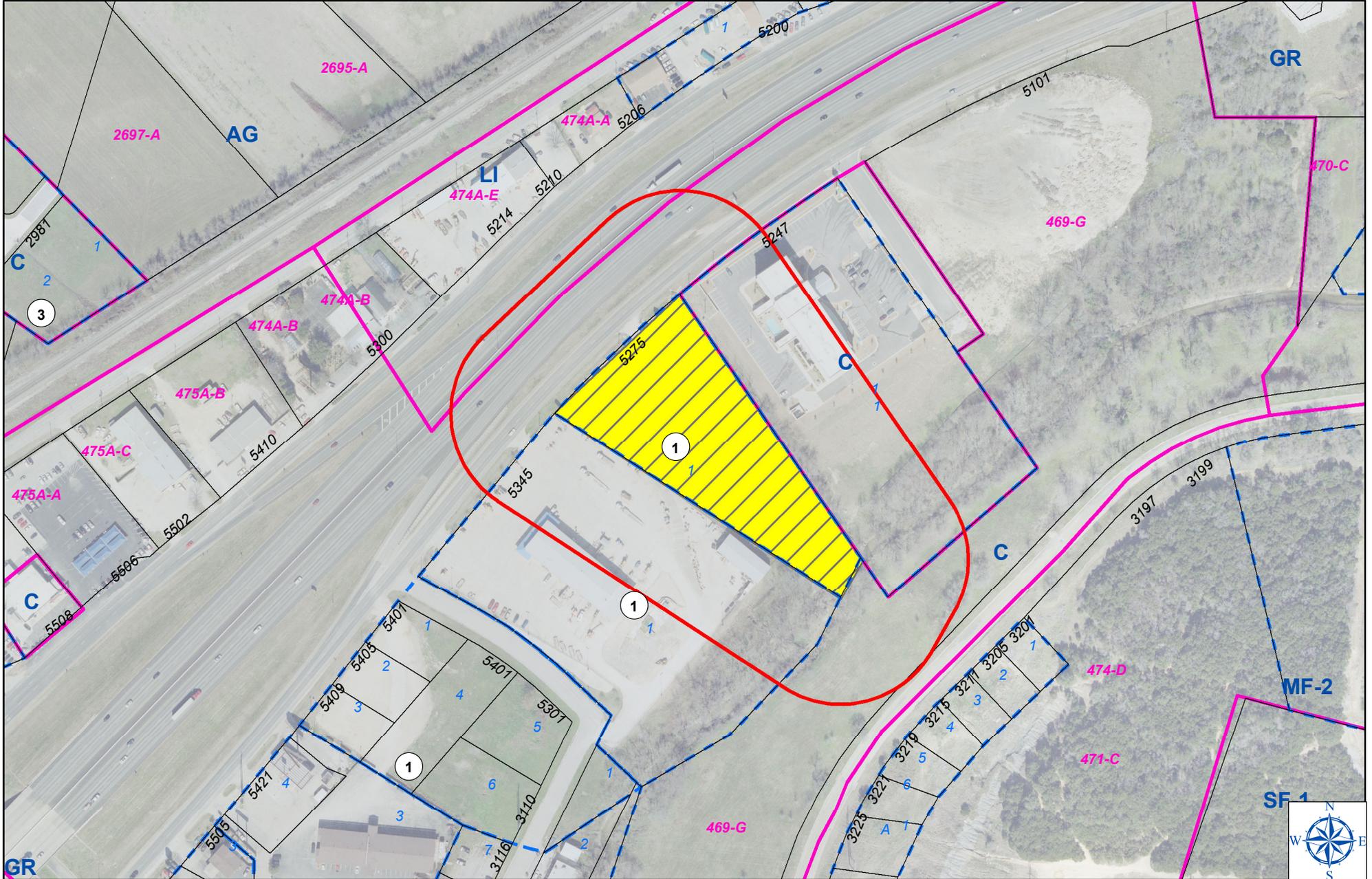
PUBLIC NOTICE:

Three notices of the Planning and Zoning Commission public hearing were sent to surrounding property owners. As of Wednesday, August 15th at 12:00 PM, no notices had been returned. The newspaper printed notice of the Planning and Zoning Commission public hearing on August 6th, 2012, in accordance with state law and local ordinance. Additionally 1 courtesy notices was sent to surrounding business operators within 300-feet of the subject property.

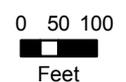
FISCAL IMPACT: Not Applicable

ATTACHMENTS:

- Aerial and Notification Map
- Applicant Submittal



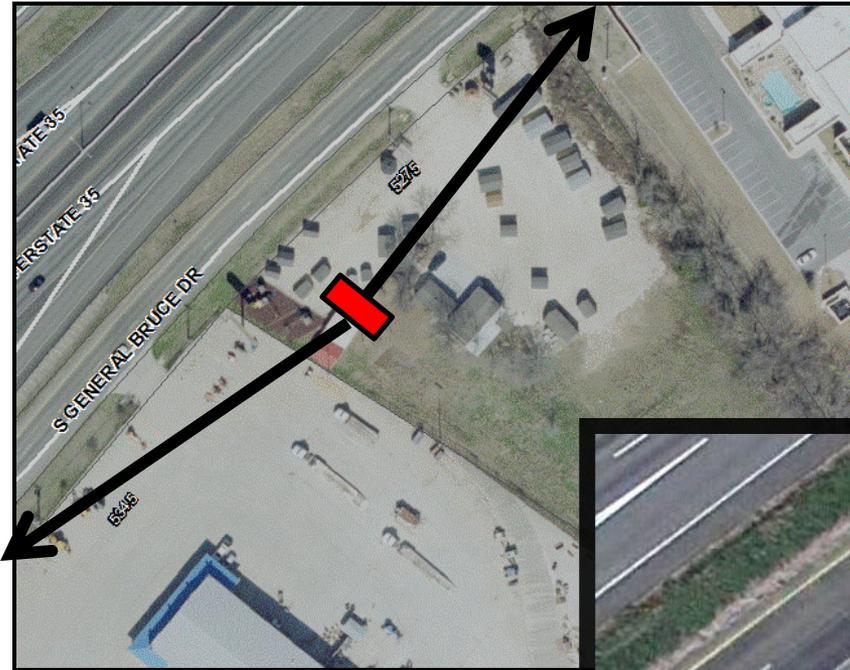
-  Case
-  Zoning
- 1234-A Outblock Number
-  200' Buffer
-  Subdivision
- 1234 Address
-  Block Number
- 1 Lot Number



7/24/2012
 City of Temple GIS
 asper

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.

Proposal for 14' x 48' Mono Pole Billboard Sign

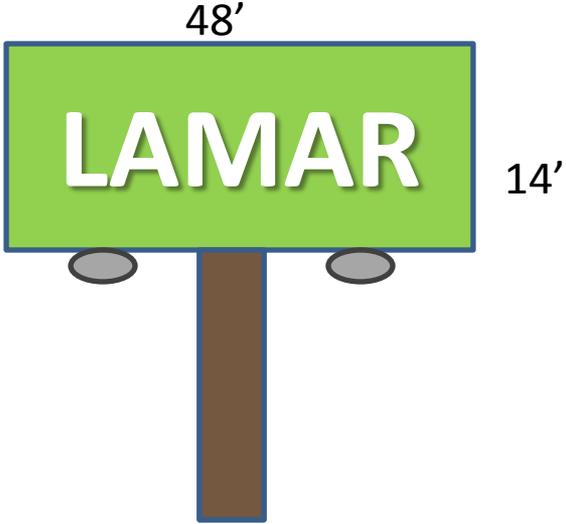


- Pole placement marked RED (below)
- No other OFF PREMISE Signs within 500' either direction
- Setback 20' from edge of ROW
- Commercial Zoning
- TX DOT Relocation

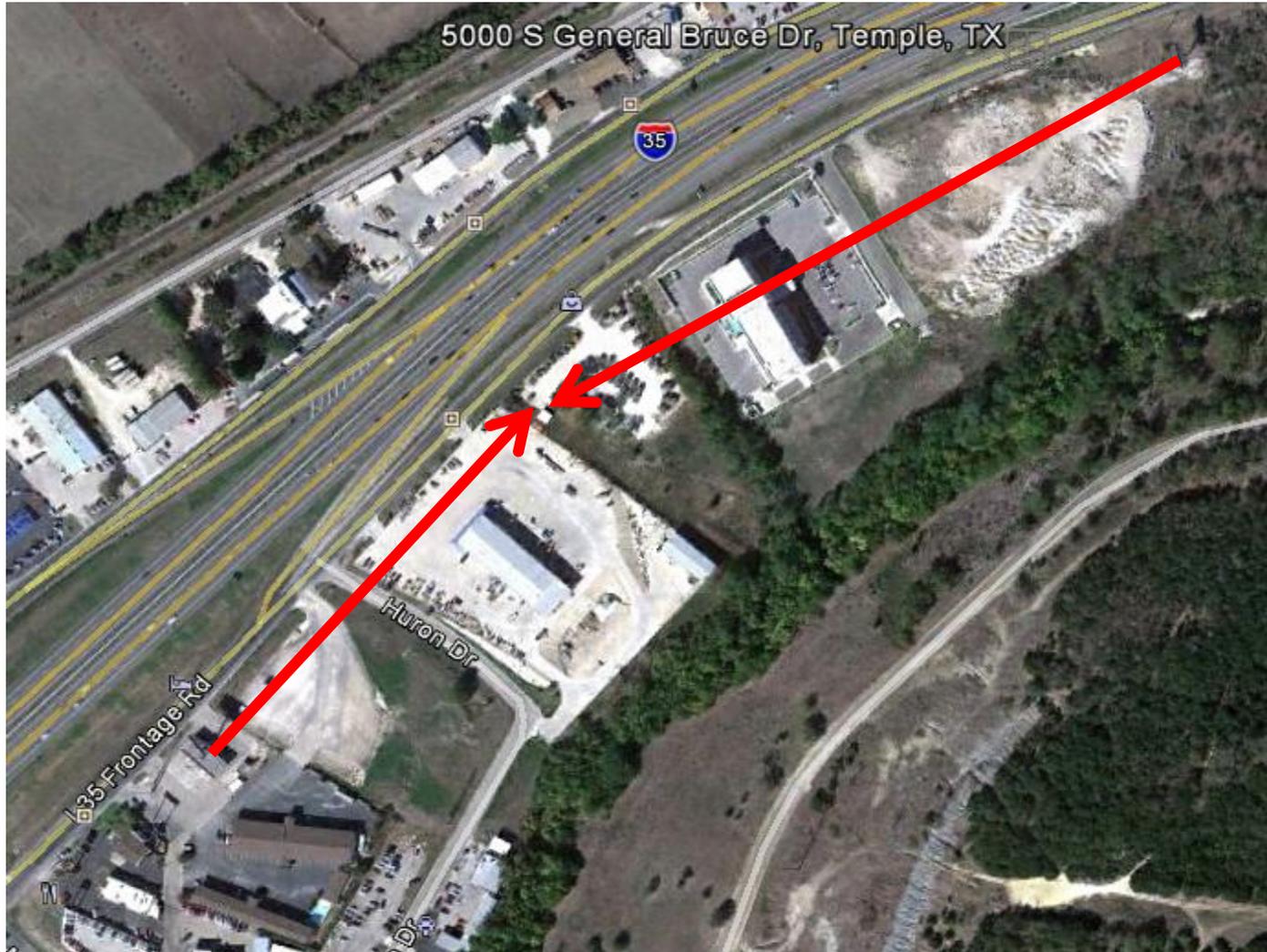


“Sample” Photo of Relocation Sign

14' x 48' Back to Back
Illuminated “V”



822' from south sign to proposed
1314' from north sign to proposed





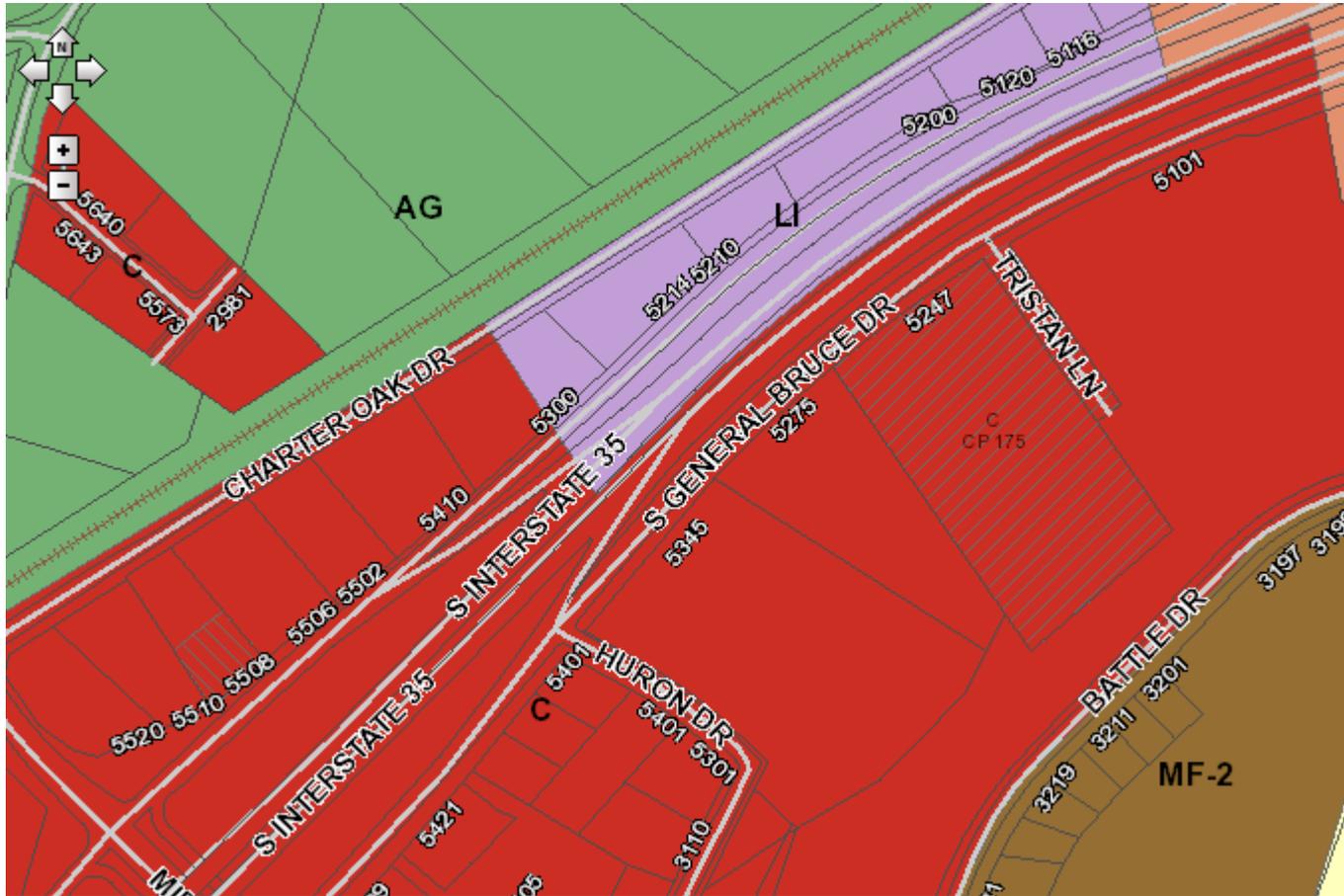
PROPOSED SIGN

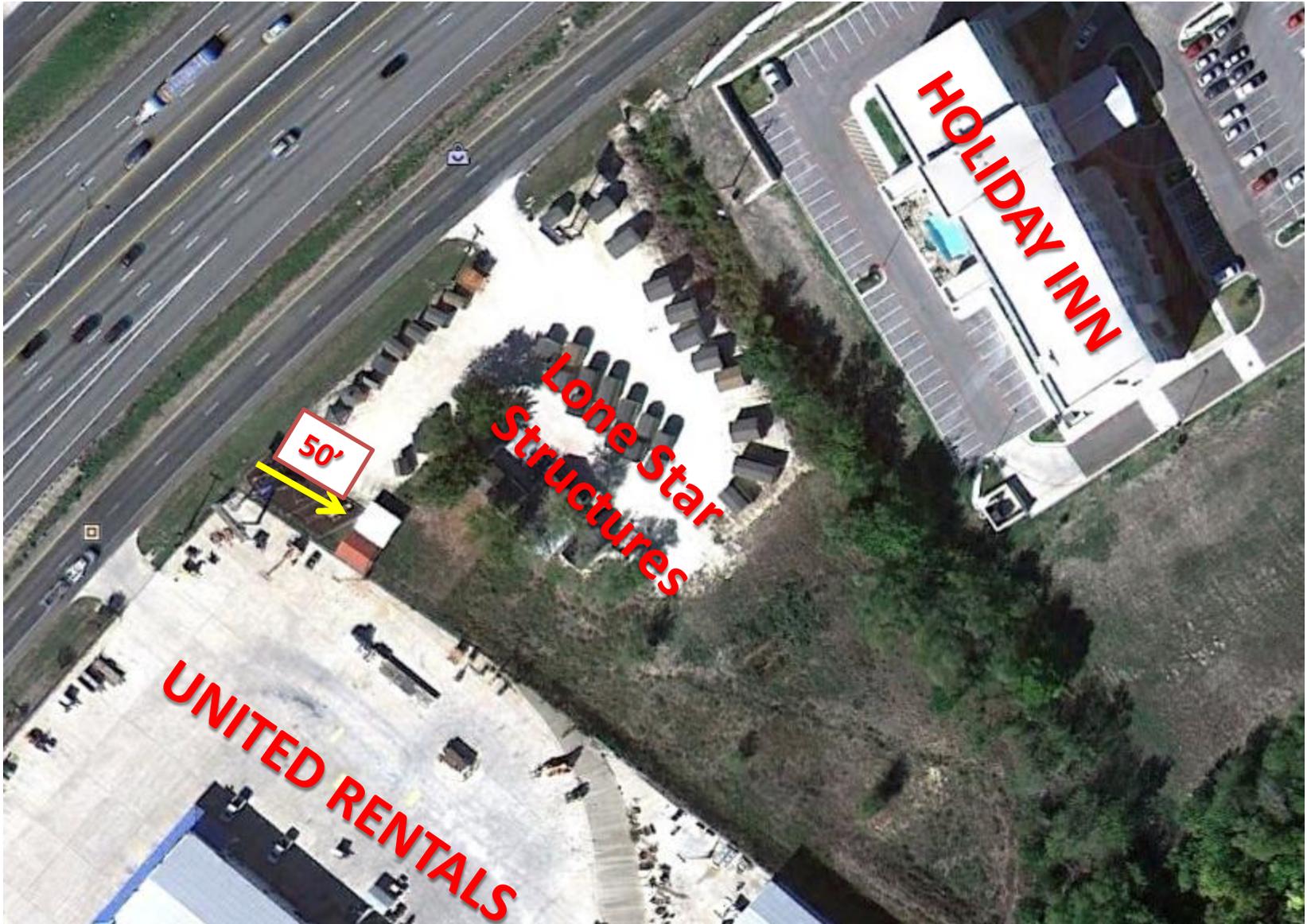
EXISTING SIGN

U.S. 190

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5275 S General Bruce Drive Commercial Zoning







PLANNING AND ZONING COMMISSION AGENDA ITEM

08/20/12
Item #6
Regular Agenda
Page 1 of 2

APPLICANT: Planning & Zoning Commission

CASE MANAGER: Autumn Speer, Director of Community Services

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

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

Future Commission Projects	Status	Applicant
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	2 nd DRC 9/05/12	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-12-29 - Hold a public hearing to consider and take action on the Final Plat of Nathans Addition Phase 2, a 0.257 ± acre, 2-lot residential subdivision, located at the northeast corner of South 22nd Street and East Avenue C	DRC 7/23/12	Turley Associates
P-FY-12-31 - Consider and take action on the Preliminary Plat of Valley Ranch Phases III & IV, a 44.234 ± acre, 94-lot residential subdivision, located at the southeast corner of FM 93 and Dubose	DRC 7/23/12	Gary Freytag for Lexington Holdings
P-FY-12-33 - Consider and take action on the Final Plat of Village of Sage Meadows Phase VI, a 15.12 ± acres, 66-lot, 3-block residential subdivision, located on the south side of Tarver Drive, across from Green Pasture Drive.	PZC 9/04/12	BSP Engineers for KB Homes Lone Star Inc
Z-FY-12-53 - Code Amendment to Update Trails Master Plan	PZC 9/04/12	COT

Z-FY-12-52 – Code Amendment to update curb and gutter requirements, preliminary plat requirements and ETJ requirements	PZC 9/04/12	COT
Z-FY-12-59 - Hold a public hearing to discuss and recommend action on a zone change from Agricultural District (AG) to General Retail District (GR) on 1.053 ± acres out of the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 3408 and 3410 South Kegley Road.	PZC 9/04/12	Russell Schneider
Z-FY-12-58 - Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (AG) to Multiple Family Two District (MF-2) on 12.163 ± acres, being a part of land situated in the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, located at 3000 South General Bruce Drive. (Reuben Marek for James & Shiela Mohler and David O’Leary)	PZC 9/04/12	Reuben Marek
Z-FY-12-54 – Code Amendment to update Thoroughfare Plan	PZC 9/17/12	COT

City Council Final Decisions	Status
Z-FY-12-45: Consider adopting an ordinance authorizing a rezoning from Agricultural District (AG) to Urban Estates District (UE) on 6.196 ± acres of land, situated in the S.P. Terry Survey, Abstract No. 812, Bell County, Texas, located north of the intersection of Rocky Lane and King’s Cove.	APPROVED on 2 nd Reading on August 2, 2012



**PLANNING AND ZONING COMMISSION
MEETING EVALUATION
August 20, 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	P	9	1
Mike Pilkington	P	P	P	P	P	P	P	P	P			P	10	
Allan Talley	P	P	P	P	P	P	P	P	P			P	10	
Derek Martin	P	P	P	P	P	P	A	P	P			P	9	1
Will Sears	P	P	P	A	P	P	P	P	P			P	9	1
Greg Rhoads	A	A	P	P	P	P	P	P	P			P	8	2
David Jones	P	P	P	P	P	P	P	P	P			P	10	
Chris Magaña				P	A	P	P	P	P			P	6	1
Bert Pope					P	P	P	P	A			P	5	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	A	P	P										11	2
Mike Pilkington	P	P	P										13	
Allan Talley	P	P	P										13	
Derek Martin	P	P	P										12	1
Will Sears	A	A	P										10	3
Greg Rhoads	A	P	A										9	4
David Jones	P	P	P										13	
Chris Magaña	A	P	P										8	2
Bert Pope	P	P	P										8	1

not a Board member