NOTICE OF MEETING
PLANNING AND ZONING COMMISSION
CITY MUNICIPAL BUILDING, 2 NORTH MAIN STREET
STAFF CONFERENCE ROOM, 1ST FLOOR
JANUARY 7, 2013, 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, January 7, 2013.
2. Receive and discuss the Planning Director's Report containing items for future meetings regarding subdivision plats, zoning cases, conditional use permits, annexations, and proposed text amendments to the Unified Development Code (UDC).

NOTICE OF MEETING
PLANNING AND ZONING COMMISSION
CITY MUNICIPAL BUILDING, 2 NORTH MAIN STREET
CITY COUNCIL CHAMBERS, 2ND FLOOR
JANUARY 7, 2013, 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 December 17, 2012.

B. ACTION ITEMS

Item 2: **P-FY-13-11**: Consider and make a recommendation on a Final Plat for Gateway Center, a 29.60 + acre, 4-lot, General Retail subdivision, with a developer requested exception to Section 8.1.3A(7) of the Unified Development Code (UDC) related to fire hydrant placement and spacing requirements and a sidewalk waiver per Section 3.10 of the UDC for a 4-foot sidewalk along Gillmeister Lane, being out of the George Givens Survey, Abstract No. 345, Bell County, Texas, located at 4501 South General Bruce Drive.

Item 3: **Z-FY-13-09:** Consider and make a recommendation on an Appeal of Standards in Section 6.7, Unified Development Code related to the I-35 Corridor Overlay Zoning District for Gateway Center, located at 4501 South General Bruce Drive.

Item 4: **Z-FY-13-07:** Hold a public hearing to consider and recommend action on a zone change from Planned Development (Office Two) District (PD-O2) to General Retail (GR) District on 1.010 ± acres of land situated in the Maximo Moreno Survey, Abstract No. 14, Bell county, Texas and being a part of land described as Lot 2, Block 1, Country Lane Addition, Phase II, recorded in Cabinet D, Slide 196-B, plat records of Bell County, Texas, located at 1497 Country View Lane.

Item 5: **Z-FY-13-08:** Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow an off-premise sign (billboard) on 3.43± acres, part of the A.G. Moore Survey, Abstract # 596, City of Temple, Bell County, Texas, located at 1612 North 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 2:00 PM, January 4, 2013.

Lacy Borgeson
_____
City Secretary, TRMC
City of Temple

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

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 _____2013.
Name/Title_____

PLANNING AND ZONING COMMISSION
MONDAY, DECEMBER 17, 2012
5:00 P.M.
WORK SESSION

PLANNING AND ZONING MEMBERS PRESENT

Chair James Staats

COMMISSIONERS:

Will Sears	Chris Magaña
H. Allan Talley	Randy Harrell
David Jones	Greg Rhoads
Patrick Johnson	Derek Martin

PLANNING AND ZONING MEMBERS ABSENT:

STAFF PRESENT:

Autumn Speer, Dir. of Planning & Development
Trudi Dill, Deputy City Attorney
Beverly Zendt, Assistant Planning Director
Tammy Lyerly, Senior Planner
Mark Baker, 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 Staats opened the work session at 5:00 p.m. and asked Ms. Autumn Speer, Director of Planning and Development, to proceed.

Item 2 is the final plat of King's Cove which is a small residential subdivision.

Item 3 is a Planned Development for SF-1. There is some opposition to this item. A couple has a residential property and would like to add on a sewing room. The property is zoned AG and has been since 1997 when it was first annexed. AG requires a side yard setback of 15 feet. Five yard setbacks were stated in their deed restrictions prior to being annexed. Staff suggested the quickest solution was to recommend requesting a variance to ZBA. There was some opposition to the five yard setback and the variance was denied. The second option is to request a zoning application. The SF-1 zoning which is appropriate for their sized lot and use and meets the Future Land Use and

Character Map requires a seven and a half foot side yard setback. The only other option was to ask for a PD with a five foot side yard setback.

The whole neighborhood would probably be rezoned sometime in the future but the timing was not in the applicant's favor.

Commissioner Jones asked if City zoning trumps deed restrictions and Ms. Speer responded yes. The City does not enforce deed restrictions. When the area was annexed the deed restrictions still existed for certain issues, but for setbacks the City regulations override.

Commissioner Talley asked about the people who denied the request and if they were interested in rezoning. Ms. Speer stated one neighbor was very opposed to it. Ms. Dill stated one of the neighbors across the street spoke at the Zoning Board of Adjustment and he feels he would be aggrieved because if the room were added to the house because it would be an area above the applicant's rear fence that he can view now that he would not be able to view later.

The current setback is 16 feet, the applicant would like to go to five, and the Fire Department is fine with everything. A site plan was provided to the Commissioners.

Staff recommends support of this request.

There are two CUPs coming for billboard relocations due to TxDOT expansion and do not meet the 1,500 foot spacing. Some opposition to one of the billboards has been recanted.

Item 6 is a rezone from AG to SF-3 and O-2 on Old Waco Road. The SF-3 zoning is not exactly according to the Future Land Use and Character Map but matches the adjacent residential zoning and the O-2 is along the frontage. One notice was received in opposition.

Item 7 and Item 8 deal with I-35 Appeals. Item 7 concerns the standards for Texas Roadhouse. They are losing all of the front parking, except for approximately 20 feet, and relocating parking in the rear of the restaurant which trigger the I-35 standards. Most of the standards are met but they are appealing the landscaping requirements.

Negotiations have been made and Staff recommends approval of the appeal.

Item 8 is not due to TxDOT expansion but because of an expansion of Johnson Brothers site. Additions are being made to the maintenance bays in the back off of Jack White and S. 31st Street. The property has a very low assessed value for what it is but triggers some compliance.

Staff recommends approval. Ms. Zendt has worked very hard with their consultant to come to agreement.

Ms. Speer gives the Director's Report.

Valley Ranch Subdivision on 93 and rezoning are still pending.

A final plat for Trinity Evangelical Lutheran Church is pending.

A final plat for Waters Dairy Addition is going to another DRC and should be coming before P&Z soon.

A rezoning change for PD-O-2 to GR on Country Lane Addition off of MLK.

A final plat for Cloud Family Properties located in the industrial area and should be coming before P&Z in January.

An appeal for standards are the Gateway Center, the new Cinemark theater, for landscaping and building issues.

The final plat for the Cinemark theater which will be coming in January.

A CUP for another billboard sign in January.

City Council approved the rezoning for Campus at Lakewood Ranch.

There being no further discussion, Chair Staats adjourned the meeting at 5:13 P.M.

PLANNING AND ZONING COMMISSION
DECEMBER 17, 2012
5:30 P.M.

PLANNING AND ZONING MEMBERS PRESENT

Chair James Staats

COMMISSIONERS:

Will Sears	Chris Magaña
H. Allan Talley	Randy Harrell
David Jones	Greg Rhoads
Patrick Johnson	Derek Martin

PLANNING AND ZONING MEMBERS ABSENT:

STAFF PRESENT:

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

The agenda for this meeting was posted on the bulletin board at the Municipal Building, December 13, 2012 at 3:15 p.m. in compliance with the Open Meetings Law.

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

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

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

A. CONSENT ITEMS

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

Motion made by Vice-Chair Sears, seconded by Commissioner Johnson and unanimously approved.

B. ACTION ITEMS

Item 2: P-FY-12-36: Consider and take action on the Final Plat of King's Cove, a 6.464 ± acres, 5-lot, 1-block residential subdivision, located north of the intersection of Rocky Lane and King's Cove. (Applicant: All County Surveying for Edanbra Development).

Vice-Chair Staats stated he would abstain from this item.

Ms. Beverly Zendt, Senior Planner, stated P&Z would be the final authority on this action.

The boundaries of the property exclude the hammerhead shaped area in the center which is a private drive. The property is zoned Urban Estates (UE) which calls for larger lot development.

This development has access along a 25 foot wide private drive. All abutting property owners share ownership of the private drive and have a perpetual easement to that private drive which was established in a partition deed on March 6, 1981. When the applicant is able to obtain full ownership of the private drive, the proposal is to widen the private drive to include Tracts A., B, and C in order to provide a consistent right-of-way distance along the entire distance of the drive and potentially dedicate that drive to the City as a local road. Staff requested the applicant exclude this tract until full ownership has been established. The ownership the applicant does have will transfer to the Homeowners Association (HOA) at such time it is created.

Utility service to the site would be provided by an eight-inch water line which would be extended to include all lots. The applicant proposes on-site sewage facilities for these lots.

This plat was deemed administratively complete on December 6, 2012 and Staff recommends approval of the final plat.

Chair Staats asked if on-site sewage required half acre minimum and Ms. Zendt confirmed.

Commissioner Talley made a motion to approve Item 2, **P-FY-12-36**, and Commissioner Johnson made a second.

Motion passed: (8:0)
Vice-Chair Sears abstained

Item 3: Z-FY-13-01: Hold a public hearing to discuss and recommend action on permanent zoning from Agricultural District (AG) to Planned Development-Single Family One District (PD-SF-1) at 305 Ben Nevis Lane, located on Lot 4, Block 1, The Highlands Phase 1.

Ms. Tammy Lyerly, Senior Planner, stated after P&Z this item would go to City Council on January 3, 2013 for first reading and January 17, 2013 for second reading.

The property is zoned Agricultural (AG) and the request is for a Planned Development Single Family-One (PD-SF-1) district. The applicant's request is to establish a permanent single family residential zoning district to allow a reduced side yard setback at their south property

line. A Planned Development is a special, customized zoning district with a base zoning district of SF-1 and all PDs require a site plan.

The plat was recorded in 1979 and the property was annexed by City of Temple in 1997.

Surrounding properties include single family residents to the south, undeveloped land to the east, and single family residents to the north and west.

Ms. Lyerly cites some of the allowed and prohibited uses in a SF-1 base zoning and clarifies that Industrialized housing is not a manufactured home or mobile home.

Development Standards for SF-1 District permits single-family detached residences and related accessory structures and provides standard single-family lots and should serve as a transition between larger and smaller lot single family districts.

Ms. Lyerly cites the dimensional standards for SF-1:

Minimum Lot size: 7,500 square feet
Minimum Lot width: 60 feet
Minimum Lot depth: 100 feet
Front Yard setback: 25 feet
Side Yard setback (interior): 10% of Lot width with 6 feet (minimum) and 7.5 feet (maximum)
Side Yard setback (corner yard): 15 feet
Rear Yard setback: 10 feet

The subject property is a bit different since it was platted prior to annexation. The plat was created and recorded without any zoning standards applied. AG zoning district has a minimum front yard setback of 50 feet and the recorded plat has a front yard setback of 25 feet. The requested SF-1 base zoning agrees with the recorded plat of the 25 foot setback.

In this case, a zone change to SF-1 district would require the applicant's property to observe a seven and a half foot setback on both sides. The PD proposal is to agree with the side yard setback shown on the site plan for the required development. Site plan is shown to the Commission.

The expansion of the existing house would go out towards the south property line and would leave a minimum setback of five feet six inches which would be the closest to the south property line. This is an expansion of the house and not a separation and would match the materials of the existing house. In SF-1 accessory structures are allowed but if it is not attached to the home a ten foot separation is required.

The Future Land Use and Character Map designate this area as Suburban-Residential and the SF-1 base zoning complies with this designation. Public utilities are available to serve the area and the property has a septic system.

The Thoroughfare Plan shows Ben Nevis as a local street which is appropriate for residential development.

Thirteen notices were mailed out and four were received in agreement and three in opposition. Last minute responses were copied for the Commission.

Staff recommends approval of the zone change request from Agricultural (AG) district to Planned Development Single Family-One district subject to the site plan and following reasons:

The request complies with the Future Land Use and Character Map, the Thoroughfare Plan, and public and private facilities are available to the property.

Commissioner Talley asked if the room could be used for a business in any manner whatsoever and Ms. Lyerly stated a residential property can have a home occupation, but the regulations for a home occupation are very strict: the individuals living in the home are the only ones allowed to conduct the business, no traffic is allowed to come to the home, no sales may be made from the home; however, the product can be made in the home but must be sold somewhere outside of the home, and no advertising is allowed on the property.

Chair Staats opened the public hearing.

(by direction the following transcription is verbatim)

Mr. Steven Haire, 312 St. Andrews Place, Temple, Texas: If you look at the map right there, I live right at the intersection of Ben Nevis and St. Andrews. That's my, right where that pointer is right now. I actually look right at the side of this house. My house, when you sit in my dining room or my kitchen, you are looking at the side of this house, his fence, the trees, things like that. So, I really have an interest in that.

I canvassed my neighborhood and I understand that I asked everyone to send in their letters and asked everyone to make the meeting, if possible. Most of them couldn't make the meetings. There's actually four in disagreement because I'm here to disagree. So, I didn't send a letter in because I knew I was coming.

I have a few things to say about it. First of all, I'm going to disagree with the Staff in the Future Lane Use Plan. The Future Land Use Plan calls for this to be a rural type area, talks about open space, big lots, things like that. We came in to the City as a, let me make a statement right quick. Everything I say is my personal opinion. If I say something that is out of a Code or something, it is your responsibility, the City Attorney is present, I don't want to get sued. I know how that goes.

But anyway, beyond that, and I expect you to go look it up, if you don't know, look it up. Your Future Land Use Plan calls for big lots, things like that. When I moved to this neighborhood that's what attracted us there. My wife wanted to live there. I was so sick I couldn't even get up and go see the house. She wanted to buy the house and I guess you know how that goes.

I talked to all my neighbors and I tried to talk to everyone involved. And I actually talked to the corner lot which is Joel Weatherford and he was against it. I told him to send his letter in and I didn't realize at the time he wasn't in the circle so he didn't get a letter. But anyway, you can call him if you'd like or you can take my word for it or you can disregard it. I talked to everyone else, now my next door neighbor which would be on that same side towards 2305 W. Adams, talked to him he is definitely against it and I hope that's one of his letters that got there. That's Mike, he owns the store there down at the corner. And then my house, my next door neighbor is, that house has been for sale for about a year now. You can't sell it. I said it's for sale, it's vacant. They can't sell it, they haven't got it where they can sell it yet _____ for some time, the owners walked off and left it.

People drive up there all the time, stop at that house, they come over to my yard when I'm mowing or out in the yard and ask me, you know, how do I buy this house. And basically, I just tell them, you know, keep calling. I've had people ask me to call them when this house goes for sale. And the reason they're interested in it, and cause I'm curious, there's, you can move probably less than a half a mile away you can buy a brand new house with a five to six foot setback, side yard setback, brand new for the same price or less than you can buy these houses in this neighborhood. The reason this neighborhood holds that value is because, and everyone I've talked to is, big lots, wide open spaces, the country living. One of the people that actually came in and talked, that I went to talk to, and he wasn't' interested in talking, he said that they liked it because it was country when they moved out there. Well, it's not country, it's not exactly country anymore, there's houses all around us. So basically, it doesn't meet the Future Land Use Plan. The Future Land Use Plan is put in place to give you, I guess you've heard of fair, your best, highest and best use of property. That's what your Future Land Use Plan does. It basically sets out what you do with this property. If you want to go out and you want to put in a bunch of single family small lot, that sort of thing, you need to go in there and you need to change the Future Land Use Plan, put your lots in, and then get zoning, and then do your subdivision plan, then go ahead and do it. Basically, the, move on to the next so I contend it doesn't meet that Plan. They were talking about a five to six foot lot. Five foot is the minimum you can have without a firewall for residential. It will kill your ISO (?) rating with the state, or the, your insurance rating I guess you could say for people who don't know what I _____. But anyway, the, so, it doesn't meet that at all.

As far as the lot sizes, the Ordinance allows your lot sizes to be grandfathered. When you bring a lot in, our lots are half an acre or an acre for AG, but your lot size is grandfathered. It doesn't apply anymore. You've become a nonconforming use, not an illegal use, a nonconforming use and there's specific rules for that. Same thing on your front yard setbacks. You was talking about the 25 foot versus the 50 foot setback. Your setback line in the front yard is not like a side yard or rear yard setback. Basically, the law states out that that line is it. You can't move it, you can't back them up, you can't make them build or move your house back. So basically, you've got that. The only time you can do something about that is if you come in and the City wants to do some kind of overlay and for future use you can keep building or repairing or doing things like that so that you can tear them out and build a bigger street. So you're really limited on what you can do with the front yard setbacks.

So basically what I'm saying is we meet that, under the AG we actually meet all the requirements. There are some houses there but that have setbacks that may not meet my setbacks on my house or similar to what his are. Mine's about 18 to 20 feet on one side and 17 feet on the other. My neighbor's are all similar, close to 15 feet. You know, that's what we're required.

So basically, my first contention is we don't meet, we're not meeting the Future Land Use Plan. If you put this in you might as well go down and buy the little house down the street or the bigger house down the street for the same money. So you're actually degrading the property values there by allowing this.

My next tenant is they want to go with Planned Development. If you read in your Ordinance, Planned Development lays out why you do Planned Development. Basically it says that when you do a Planned Development you go in and you design the streets, the drainage, it's for heat, light, and air, ventilation, and that sort of thing. So you go in and you design this to fit.

You'll see a place once in a while where you do have a Planned Development on a business. The reason you have a Planned Development on a business is because you have traffic in and out, you have to worry about getting traffic in and out, parking, and things like that. So you do see a single, you don't ever see single family houses in the middle of a block zoned like this. This is just unheard of. I've never seen it before and I did Planning and Zoning for a long time. So basically what I'm saying is, it doesn't meet the criteria of your own Ordinance for a Planned Development. Your Ordinance starts out by saying that you shall not violate the intent of the Ordinance. The intent of this Ordinance is to have these open spaces, big yards, big setbacks, and that's where we are now. You're violating that Ordinance by going in and reducing it down to what wouldn't fit that deal. Now you can go back and if you want to do this you can go back and you can redo your Future Land Use Plan. And once you do that you can come back in and you can do what you want to with these houses. That's up to y'all. But you need to meet that Ordinance first. You need to read your Ordinance and make sure you're meeting that because it does meet it all.

The next item is they're doing one lot in a subdivision. We're basically a subdivision and we all should have equal rights. There's one, and actually they came up under this, this particular one went before the Board for a specific use permit or special permit whatever it's called here and I went to that meeting and basically the City, the owners actually told me that the City recommended they go to that Board and when he told me that I said that's illegal, why would they do that? And he said I don't know, it cost me seventy dollars. So I don't know why they sent him there or not. I think they should give him his seventy dollars back. They're really nice people, they're sitting right here. They're really nice people. I know they're not speaking to me and I've got a couple of other neighbors, I see one of my neighbors back here that's really mad at me and he's not speaking to me. I've got three of them that aren't speaking to me. But they're nice people and I don't hold that against them. They have a right to their opinion and they have a right to their say. The big thing is the City is not doing what they should do. This is spot zoning. You've gone in the middle of a neighborhood and you're giving this man this house a right to do something I can't do. You can't promise me that I can do it later because you may not be on this Board. So if I come back later and there's different members on this Board and I want to do this, there's no guarantee that I will be able to do it. You zone, your zoning Ordinance is set out to zone strips of land, large pieces of land, you go from behind my house there's large lots, big setbacks, transitioned to our side, which is right now AG with big lots and big areas, big setbacks. The whole neighborhood's like that. There's very few houses in there that don't have the large setbacks. Then you've got a, the open area that's beyond that, then you have that, the, I'm not sure how it's zoned, it's the Windmill Farms Addition which has the real narrow setbacks, which is what they're asking for here. Basically, if you want that go buy Windmill Farms.

So I think you violate your Ordinances, you violate the intent of the Ordinance if nothing else because the intent of the Ordinance is to have the, meet the Future Land Use Plan, have the big open spaces, and you violate the intent of the Ordinance in going to one house and saying you can do this when nobody else can. So that's a direct violation. That's like saying, you know, you go sell beer on your lot but the guy next door can't. Well, your lot would be worth a lot of money if you can sell beer on it on the corner but if everybody else, if no one else around can. So basically it's spot zoning, it's illegal, it's like a farmer trying to write a contract _____ that you can't do.

I thank you for your time.

Mr. Rick Lewis, 305 Ben Nevis, Temple, Texas and I guess you know me already as the property owner. I have some problems. We did try to do a variance on this and Mr. Haire shot that down. We didn't have that many disagreements so I think there has been some misinformation put out there that wasn't put out to begin with. A case in point, we had a lady that changed her vote. Did we get that in?

Ms. Lyerly: Yes.

Mr. Lewis: Ok. Mrs. Mebane had changed her vote. I guess it is in your packet. So I would like for you to consider that. In addition, I know this is immaterial now that we have been annexed, but the deed restrictions originally when we bought the property back in 1986, showed five foot setbacks, side setbacks and we did not know this until Heffner Brothers Builders who built our original house, came in and we were going to add, do the addition and we found out once we applied for the permit that the five foot was no longer the deal. So that is basically all I have. I just thank you for your consideration and see where it goes from here.

Mr. Fayne Holloway, 401 St. Andrews Place, Temple, Texas: I am the neighbor that basically he is coming up to and I'm here to speak in his behalf because I have no problem with him doing what he is doing. Like Mr. Haire said, he's a very good neighbor and he keeps the best yard in the whole neighborhood as far as I'm concerned. His house with what he is adding on to is going to match what he's got there. He's not going to degrade the value of any property around there by doing this because it's actually going to maybe raise our taxes a little bit if he gets it done on his half and somebody else wants to do it it's going to raise taxes on everybody that gets to do it if they want to add on to.

Now I don't any of the zoning and all this as Mr. Haire speaks, but I do know that probably a lot of the people had been scared into believing that there is going to be traffic coming in to a business because some of the neighbors told me that's what the information they got from Mr. Haire. My understanding from Mr. Lewis and from what this zoning commission says, that won't be happening. This is their own private use, they're wanting a, I understand, a quilting room for him, for her, not him, so I'm all for it and that's all I really have to say about it is I'm for it and he's a very good neighbor and I think if everybody understood exactly what he was doing over there, they would be for it.

Mr. Haire asked to response.

Again, I'm Steven Haire, 312 St. Andrews Place. I didn't tell anyone, period, that they were going to run a business. No one. Absolutely not. I actually stopped and talked to Mr. Holloway today to tell him exactly what I said. I told everyone that this could be a business if a realtor were going to sell a house and it's got a side piece on there like that, that the realtor, the first thing a realtor is going to say is that's a perfect place for an office.

What I told everyone was that I had heard from two different people that there, she might be teaching classes in there. I don't, and I told them, I don't know. Just like I told y'all, you know, this is speculation I don't what they're doing, go ask them. That's what I told all the people, go ask them. So I didn't say that and I wasn't trying to taint anyone's opinion by saying something that wasn't true or I didn't know. But I don't know what they're going to do with it. They didn't say anything in the other meeting about what they're going to do with it _____ in the air so now we know exactly it's on record what they're going to, so it's a moot point.

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

Commissioner Talley asked about the intent of the Ordinance because Mr. Haire indicated the City was not living up to the intent of the Ordinance. Commissioner Talley stated the Staff has approved this and he would like to know more.

Ms. Lyerly stated Staff disagrees with Mr. Haire's theories or what he believes the land use map to be. Staff uses it as a guideline. Ms. Lyerly points out the area designated as Suburban-Residential and open space. When property is brought in with no zoning and undeveloped, that land will usually be zoned AG. Suburban Residential has already been established in the subject area by the plat in 1979. Ms. Lyerly stated Staff is following the land use plans since this fits, the base zoning of Single Family-One fits, the classification of Suburban-Residential and this subdivision is built out for the most part.

Ms. Lyerly stated this was not considered spot zoning. If the applicants wanted to put in a store and asked for nonresidential zoning, such as offices or retail, that would be considered spot zoning. What we have is someone already in an established single family residential neighborhood wanting to solidify their existence as a single family residence.

Mr. Haire wanted to respond and Chair Staats stated the public hearing was closed.

Vice-Chair Sears asked about the spacing on the other side of the house. Ms. Lyerly confirmed if fit the SF-1. The north side is 18 feet from the north property line, the back corner is 19.8 feet and exceeds the AG district and would exceed the SF-1 zoning.

Vice-Chair Sears made a motion to approve Item 3, **Z-FY-13-01**, and Commissioner Talley made a second.

Motion passed: (9:0)

Item 4: Z-FY-13-02: Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow an off-premise sign (billboard) on the NW part of Lot 1, Block 1, Hillside Addition, located at 3010 South General Bruce Drive. (Applicant: Lamar Advertising).

Ms. Beverly Zendt, Assistant Planning Director, stated this was for a Conditional Use Permit (CUP) for an off-premise sign that is not compliant with spacing requirements of 1,500 feet. The proposed location to the new sign is 3010 S. General Bruce Drive. This item will go to City Council for final approval on January 3, 2013.

The standards of the Unified Development Code (UDC), specifically Section 7.5.11, address off-premise signs. Ms. Zendt indicated that the chief applicable provisions are found in Sections 7.5.11B-D and 7.5.11L. Section 7.5.11B-D sets out basic standards for new signs and replacement signs and provides dimensional requirements, minimum spacing, setback requirements, appropriate zoning districts, maximum area for sign face, etc. The number of signs in the City is limited to the number that was in place on March 7, 2002. Section 7.5.11L provides specific standards related to signs that are displaced due to a TxDOT project, in this case the I-35 expansion.

This section of the Ordinance states that all signs must comply with the earlier standards established and also states that relocated signs must also meet those standards but do not require a permit fee, may be erected five feet from the right-of-way and may keep the same number of poles and same materials as the existing sign, and may be erected without enlarging the sign face. These are standards specific to signs affected by TxDOT improvement projects. All the signs that do not meet these requirements must get a CUP.

The subject sign is currently located at 2914 S. General Bruce Drive. This location will be affected by the TxDOT expansion project. The applicant proposes to relocate the sign to 3010 S. General Bruce Drive which is approximately 254 feet away from the existing site.

Materials standards, dimensional standards, zoning requirements and setbacks have been met for the proposed sign. The only standard not met is the spacing requirements. The proposed sign would be 620 feet away to the nearest existing sign to the south. There is a 1,650 buffer to the north.

Surrounding properties include Lone Star Drywall to the south and Southern Fastening Systems to the north.

Six notices were mailed out and zero were received in favor or in opposition.

Staff recommends approval of this CUP.

Chair Staats opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Martin made a motion to approve Item 4, **Z-FY-13-02**, and Commissioner Rhoads made a second.

Motion passed: (9:0)

Item 5: Z-FY-13-03: Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow an off-premise sign (billboard) on 5.71 acres, part of the Nancy S. Ferguson Survey, Abstract No. 222, City of Temple, Bell County, Texas, located at 2502 North General Bruce Drive. (Applicant: Lamar Advertising).

Mr. Mark Baker, Planner, introduced himself to the public.

Mr. Baker stated this was a request for a CUP to allow the relocation of an off-premise sign closer than 1,500 feet which is the required spacing. This item would go to City Council on January 3, 2013.

As described in the previous item, this sign is being moved due to the TxDOT acquisition and expansion of I-35.

The standards of the Unified Development Code (UDC), specifically Section 7.5.11, addresses off-premise signs. Section 7.5.11B-D sets out basic standards for new signs, replacement signs, gives dimensional requirements, minimum spacing, indicates appropriate zoning districts, maximum area for sign face, etc. The signs must be set 20 feet away from the right-

of-way and the number of signs in the City is limited to the number that was in place on March 7, 2002. Section 7.5.11L provides specific standards related to signs that are displaced due to a TxDOT project, in this case the I-35 expansion. All signs that do not meet these standards must have a CUP.

The existing sign is located at 2810 S. General Bruce Drive and proposed to be relocated at 2502 N. General Bruce, a distance of approximately 2.86 miles. The only standard not met is the 1,500 spacing requirement. The relocated sign would be located on the west side of I-35 approximately 1,200 feet of an existing off-premise sign to the south and 1,625 to an existing sign to the north.

Three notices were mailed out and two were received in favor and one in opposition. Staff received an email from property owner's son this morning stating he was now in agreement with the CUP. Staff provided the Commissioners with a copy of this email.

The relocation would not increase or decrease the number of signs and Staff recommends approval of the CUP.

Chair Staats opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Rhoads made a motion to approve Item 5, **Z-FY-13-03**, and Commissioner Talley made a second.

Motion passed: (9:0)

Item 6: Z-FY-13-04: Hold a public hearing to discuss and recommend action on a zone change from Agricultural District (AG) to Single Family Three District (SF- 3) on 64.073 ± acres and Office Two District (O-2) on 9.665 ± acres, situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located on the west side of Old Waco Road, adjacent to Westwood Estates and Hills of Westwood, south of Jupiter Drive.

Ms. Lyerly stated this request is one piece of property but asking for two different zoning changes. One being Single Family-Three (SF-3) for interior to the lot, and Office-Two (O-2) along the Old Waco Road right-of-way area. This is scheduled to proceed to City Council on January 3, 2013.

The requested SF-3 is consistent with the adjacent SF-3 zoning for the Hills of Westwood to the west and O-2 is proposed along all of Old Waco Road.

Surrounding properties include undeveloped and rural residential to the south, AG and rural residential to the east and north, and undeveloped and single family to the west.

Ms. Lyerly cites the allowed and prohibited uses for both SF-3 and O-2, along with dimensional and development standards for each. The subject property is designated on the Future Land Use and Character Map as both Suburban-Residential and Suburban-Commercial. Although SF-3 is a little smaller than recommended by Suburban-Residential, it is consistent with what is

already there to the west (Hills of Westwood) and this would continue the Hills of Westwood Development. The O-2 complies with the Suburban-Commercial recommendation.

There are four inch water lines along Old Waco Road and 14 inch on the south edge of the property. There are a series of sewer lines to the west (Hills of Westwood) so water and sewer facilities are available for the property.

The Thoroughfare Plan shows Old Waco Road as a proposed major arterial and there is a citywide spine trail.

Twenty-three notices were mailed out with zero returned in favor and one in opposition.

Staff recommends approval of this request from AG to SF-3 since although it does not fully comply with but is consistent with the adjacent SF-3 subdivision on the Future Land Use and Character Map, the Thoroughfare Plan, and public utilities will be available to serve the public.

Staff recommends approval of the request from AG to O-2 since the request complies with the Future Land Use and Character Map, the Thoroughfare Plan, and public utilities will be available to the subject property.

Chair Staats opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Talley made a motion to approve Item 6, **Z-FY-13-04**, and Commissioner Jones made a second.

Motion passed: (9:0)

Item 7: Z-FY-13-05: Consider and make a recommendation on an Appeal of Standards in Section 6.7, Unified Development Code related to the I-35 Corridor Overlay Zoning District for landscaping and parking for Texas Roadhouse, located at 624 North General Bruce Drive.

Ms. Zendt stated this was an appeal of the I-35 Overlay standards as they relate to the Texas Roadhouse. This item will go to City Council on January 3, 2013 for first reading.

The subject site will be affected by the I-35 expansion and right-of-way acquisition which will eliminate most of their front parking. Specific improvements proposed to reconfigure this site include 54 new parking spaces in the back of the structure, new parking islands, a 960 square foot north buffer north of the entrance and a 3,078 square foot south buffer just south of the driveway entrance. There will be new parking islands for existing parking located on the north side where the front entrance is and a relocation of existing lighting poles to the back parking area. The structure itself will be unaffected by the acquisition.

The proposed improvements will cost approximately $200,000 which is 21% of the total assessed value. The level of modifications and amount of investment of the modifications, relative to total value of the property determines what standards apply to the project. All new construction must comply with I-35 standards. The 21% increase will require additional

compliance such as: site plan review, tree preservation, screening and wall standards and landscaping for the entire site.

Ms. Zendt showed the proposed landscape plan and described some of the proposals and negotiations discussed. A large amount of standards have been met by the applicant for this request.

Appeals recommended for approval include parking and landscaping. Parking-some of the parking parallel to the front of the building versus perpendicular. Most of the parking is in back and not visible and does not detract from the appearance of the site. No wheel stops are proposed but the applicant has provided curb and gutter. Staff recommends approval of parking appeals.

The landscape buffers are not quite as large as requested but given the available frontage Staff felt it was adequate. No berms provided.

The lighting will be relocated from the front parking area to the rear parking area.

Landscaping items: applicant is in partial compliance but Staff recommends approval as a very strong landscape plan has been developed by the applicant. Staff recommends approval of all appeals submitted.

Chair Staats asked if the overhead sign would be affected and Ms. Zendt stated she did not believe they were moving it.

Chair Staats asked about drainage issues due to the expansion of the parking area. Ms. Zendt stated with the building permit they would be required to meet all requirements by the City in order to prevent any problems. If it is more than an acre it would be looked at carefully.

The applicant approached to respond to this question.

Mr. Craig Burnet, engineer with Greenberg Farrell, the applicant, 11 _____ Street, North Grafton Mass, stated it was under an acre and the DOT would be doing all the work in the taking area. All of the relocated parking and the landscaping is under the acre threshold. Should any issues arise, they would be addressed.

Commissioner Rhoads asked if it would still be only one entrance. Ms. Zendt stated they would have the one main driveway entrance.

Commissioner Johnson made a motion to approve Item 7, **Z-FY-13-05**, and Vice-Chair Sears made a second.

Motion passed: (9:0)

Item 8: **Z-FY-13-06**: Consider and make a recommendation on an Appeal of Standards in Section 6.7, Unified Development Code related to the I-35 Corridor Overlay Zoning District for landscaping and building improvements for Johnson Brothers Ford located at 503 and 615 North General Bruce Drive.

Ms. Zendt stated that this was another appeal of standards for the I-35 Overlay District. Ms. Zendt stated that two locations, connected with shared drive aisles and access, were viewed as a single site by Staff. This item will go to City Council on January 3, 2013 for first reading.

Although these are two separate parcels, the way Staff applies I-35 standards, these two areas have been treated as one, single site. The back area, the body shop, is off of Jack White Boulevard. A 2,156 square foot addition to the metal body shop is proposed n addition to landscaping improvements to Jack White and 31st Street at the rear behind the body shop addition.

All new construction triggers I-35 standards. If construction crosses the 20% threshold it will trigger additional standards. This additional 2,000 ± square foot building will trigger several additional standards to include architectural standards as they relate to the new building, masonry and articulation standards, site plan review, tree preservation, screening and wall, and landscaping. These standards apply to the entire site. Staff has tried to make the required compliance proportional to the proposed improvements to the site taking into consideration the low valuation of the site.

The site plan has been submitted. No protected trees were identified in the area. Screening and wall standards were met, no drainage facilities are planned in landscaped areas, the required landscape buffer must have a minimum of 60% evergreen trees, and irrigation will be placed in all the new landscaped areas.

Some standards were not met. Areas not covered by building or pavement are not landscaped. There are no new landscaped areas in areas that were previously covered by pavement. No new foundations plantings were proposed. No new vegetation along the walls of existing or new structure were proposed. No meandering sidewalk was proposed along 31st Street per Master Trails Plan. No buffer berms were proposed. No new parking islands were added to any existing parking. No new parking is proposed.

Items partially met were recommended for approval by Staff.

Staff recommends approval of appeals as submitted. Ms. Zendt stated the applicant proposed new landscaping along Jack White where there is now none and additional landscaping along 31st Street. Staff anticipates that future improvements to the site would trigger the review process all over again allowing for increased compliance. The appeals are not appeals that would be afforded to the applicant for all future projects. Staff worked to be fair to the applicant for the project anticipated.

Commissioner Magaña made a motion to approve Item 8, **Z-FY-13-06**, and Commissioner Harrell made a second.

Motion passed: (9:0)

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)***

Chair Staats thanked the Staff for their hard work, the citizens for their participation and wished everyone a very Merry Christmas, safe holiday and Happy New Year.

There being no further business, the meeting was adjourned at 7:02 p.m.

Respectfully submitted,
Leslie Evans

PLANNING AND ZONING COMMISSION AGENDA ITEM

01/07/13
Item #2
Regular Agenda

APPLICANT / DEVELOPMENT: All County Surveying – Gateway Center

CASE MANAGER: Mark Baker, Planner

ITEM DESCRIPTION: PUBLIC HEARING - P-FY-13-11 Consider and make a recommendation on a Final Plat for Gateway Center, a ± 29.60 acre, 4-lot, General Retail subdivision, with a developer requested exception to Section 8.1.3A(7) of the Unified Development Code (UDC) related to fire hydrant placement and spacing requirements and a sidewalk waiver per Section 3.10 of the UDC for a 4-foot sidewalk along Gillmeister Lane, being out of the George Givens Survey, Abstract No. 345, Bell County, Texas, located at 4501 South General Bruce Drive.

ITEM SUMMARY: The Development Review Committee reviewed the Final Plat for Gateway Center on December 17, 2012 and December 27, 2012. The plat was deemed administratively complete on January 3, 2013.

The Final Plat of Gateway Center is a 4-lot, non-residential (General Retail) subdivision located south of I-35 along South General Bruce Drive east of Gillmeister Lane and west of Blue Jay Drive and north of Briarwood Drive.

The subject property is bordered by General Bruce Drive to the north and Gillmeister Lane to the west, which has been identified in the Thoroughfare Plan as a Collector street. Gillmeister Lane provides 60' of pavement width and 55' of right-of way.

Since Gillmeister Lane is identified as a collector street, a 4-foot sidewalk is required. A sidewalk waiver will not be supported by staff.

As there are existing utilities located on-site to service the existing development, sewer and water service has already been established. A 12" sewer line is available in Gillmeister Lane; a 6" sewer line is also available along the eastern property line. A 12" waterline is also available along the eastern property boundary as well as a 6" waterline along S. General Bruce Drive.

City Council is the final plat authority since the applicant requests an exception to UDC Section 8.1.3A(7) specifically relating to fire hydrant placement and spacing requirements.

STAFF RECOMMENDATION: Staff recommends approval of the Final Plat, the exception to UDC Section 8.1.3A(7) for hydrant placement and spacing requirements for Gateway Center and disapproval of a sidewalk waiver for a 4-foot sidewalk on Gillmeister Lane, subject to City Council's

approval of the applicant's requested exception to Section 8.1.3A(7) of the Unified Development Code.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:
Final Plat
Topo/Utility Map
Letter of Requested Exception

FINAL PLAT of

GATEWAY CENTER

WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS

Being part of the GEORGE GIVENS SURVEY, ABSTRACT 345, Bell County, Texas, being all of a called 29.599 Acre tract conveyed to BULLISH RESOURCES, INC. in Volume 3666, Page 215, Official Public Records of Real Property, Bell County, Texas.

This plat is to accompany a metes and bounds description of the herein shown 29.60 acre tract.

STATE OF TEXAS

COUNTY OF BELL

BULLISH RESOURCES, INC., A TEXAS CORPORATION, OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS **GATEWAY CENTER,** WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS, AND WHOSE NAME IS 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: _____

GREG SPENCE, EXECUTIVE VICE PRESIDENT — DATE
BULLISH RESOURCES, INC., A TEXAS CORPORATION

STATE OF TEXAS

COUNTY OF BELL

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED GREG SPENCE, 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 CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____, 2013.

_____
NOTARY PUBLIC, STATE OF TEXAS

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 _____, 2013.

_____ — _____
CHAIRPERSON — SECRETARY, PLANNING & ZONING

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF **KING'S COVE,** WITHIN 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 _____, 2013.

_____
CITY SECRETARY

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 _____, 2013.

By: _____
Bell County Tax Appraisal District

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.

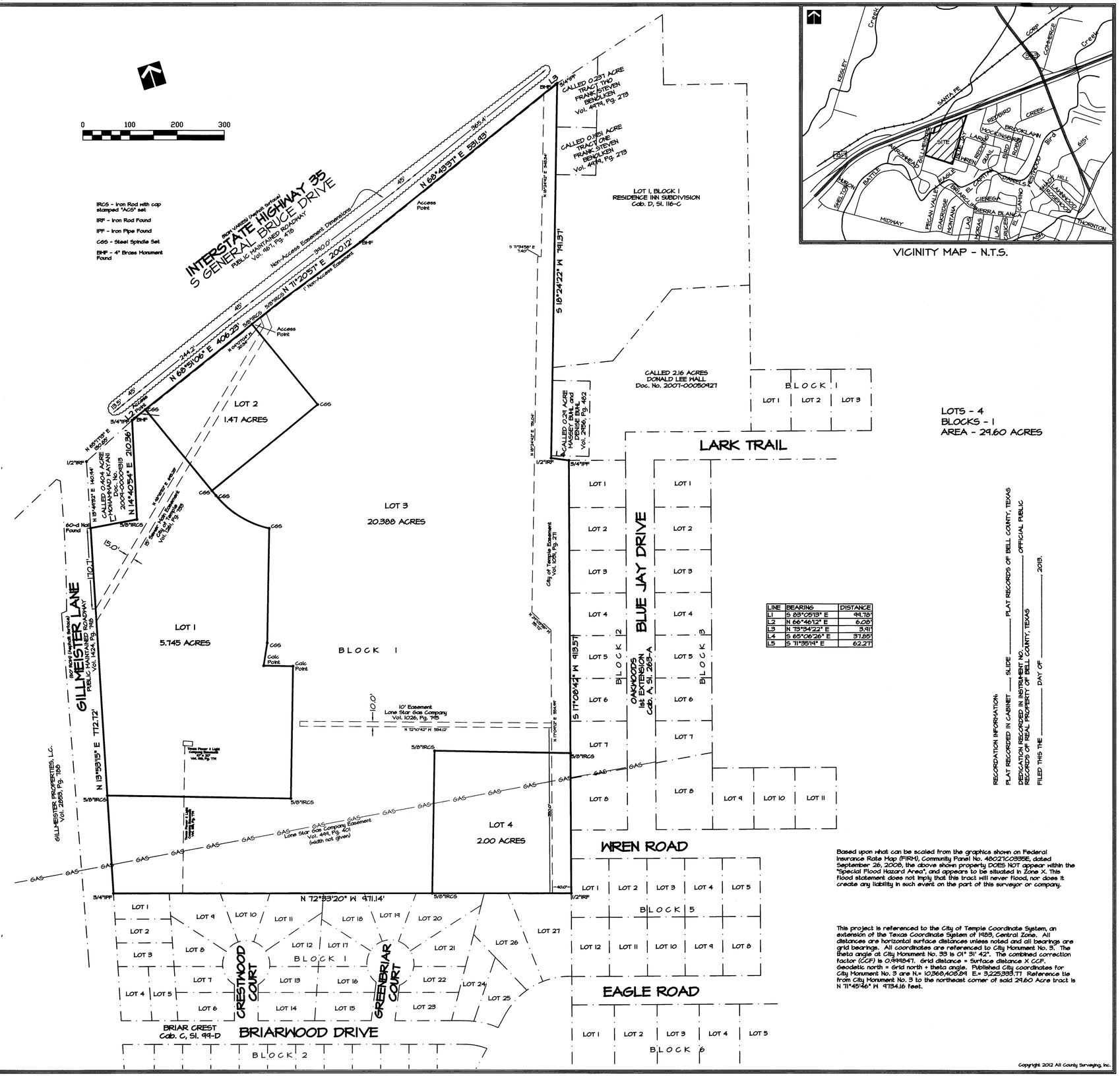
_____
JUSTIN FULLER, PE
Registration Number 100183

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.

_____
CHARLES C. LUCKO, R.P.L.S. — DATE SURVEYED: OCTOBER 10, 2012
REGISTRATION NO. 4636



LINE	BEARING	DISTANCE
L1	S 83°05'13" E	99.78'
L2	N 66°46'12" E	6.08'
L3	N 73°34'22" E	3.41'
L4	S 65°06'26" E	37.65'
L5	S 71°35'19" E	62.27'

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 _____, 2013.

Based upon what can be scaled from the graphics shown on Federal Insurance Rate Map (FIRM), Community Panel No. 48027C0335E, dated September 26, 2008, 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. 3. The theta angle at City Monument No. 33 is 01° 31' 42". The combined correction factor (CCF) is 0.9998847. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Published City coordinates for City Monument No. 3 are N.= 10,368,408.84 E.= 3,225,333.77. Reference tie from City Monument No. 3 to the northeast corner of said 29.60 Acre tract is N 71°45'46" W 9734.16 feet.

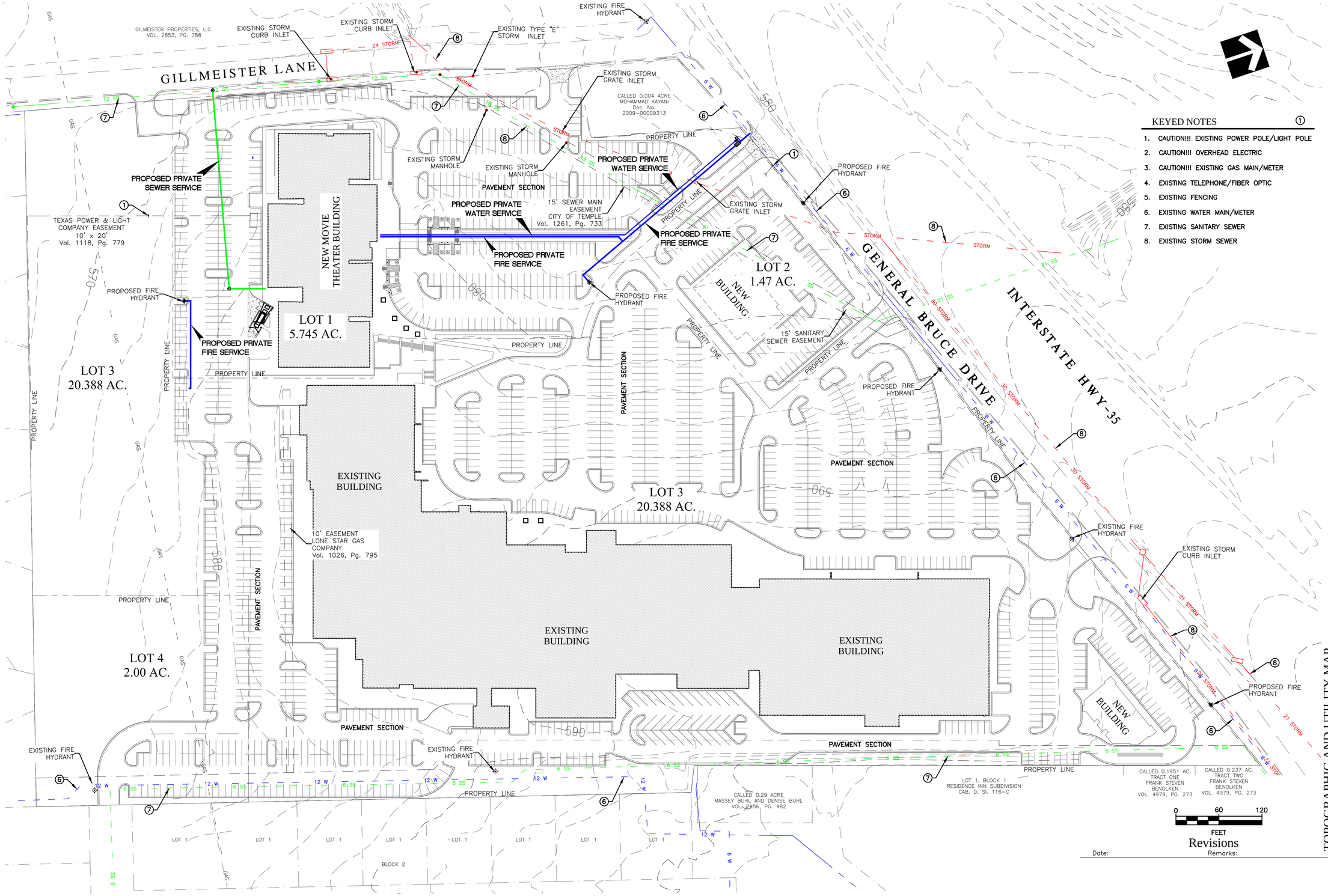
Copyright 2012 All County Surveying, Inc.

FINAL PLAT of
GATEWAY CENTER
WITHIN 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

Plot date: 12-31-2012

Job No: 120636.1
Date: 10-10-2012
Scale: 1" = 100'
Drawing No: 12063601P
Drawn By: SLW
Checked By: CCL



KEYED NOTES

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

Revisions

Date:	Remarks:

TOPOGRAPHIC AND UTILITY MAP

DRAWING STATUS

THESE DRAWINGS WERE PREPARED UNDER THE AUTHORITY OF JUSTIN B. FULLER P.E. 100183, CLARK & FULLER, PLLC FIRM NO: F-10384.

☒ THIS DOCUMENT IS RELEASED FOR THE PURPOSES OF INTERIM REVIEW ONLY AND MAY NOT BE RELIED UPON FOR CONSTRUCTION OR BIDDING OR CONSTRUCTION PURPOSES. ONLY DRAWINGS ISSUED "FOR CONSTRUCTION" CAN BE CONSIDERED COMPLETE.

☐ FOR CONSTRUCTION
FINAL DRAWINGS

GATEWAY CENTER
NEW SITE DEVELOPMENT

TEMPLE, TEXAS

1-2-13

STATE OF TEXAS
JUSTIN B. FULLER
100183
LICENSED
PROFESSIONAL ENGINEER

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

Plot Date: 1-2-13	Project No: 121334.00
Drawn By: DGR	Designed By: JBF

C2.1

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

215 North Main Street
Temple, Texas 76501
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Fax (254) 899-0901
www.clark-fuller.com
Firm Reg. Number: F-10384

January 2, 2013

Re: Gateway Center – Fire Hydrant Exception Request Adjacent to Gillmeister Lane

To Whom It May Concern:

Please accept this letter as a request on behalf of Bullish Resources, Inc. for an exception to the 300 foot Fire Hydrant spacing requirement adjacent to **Gillmeister Lane** per the City of Temple UDC 8.1.3 and City of Temple Ordinance 12 – Fire Prevention and Protection for the Gateway Center Development Sec. 12-14.B.2 that states "As non-residential zoned property is developed, fire hydrants shall be located a maximum spacing of three hundred (300) feet as measured along the length of the roadway and no part of any structure shall be further than five hundred (500) feet from the fire hydrant as measured by the route that a fire hose is laid."

The Gateway Center Development is located at the southeast corner of Gillmeister Lane and S. General Bruce Drive (refer to Gateway Center Plat and Topography Utility Map). The site currently contains the Outdoor America Mall.

The proposed re-development of the property includes demolition of the Ancira portion of the existing building for the construction of a proposed movie theater. There is also a proposed restaurant pad site, a proposed retail building and a proposed remodel of the existing mall building to remain. As part of the re-development new fire hydrants will be installed on the existing 6" water main adjacent to S. General Bruce Drive to comply with the 300 foot spacing requirement as stated in the above ordinance. Furthermore, there are existing and proposed fire hydrants located within the subject property so that no portion of the existing or proposed buildings will be more than 500 feet from a fire hydrant. However, there is currently no existing water main adjacent to the subject property along Gillmeister Lane. Therefore, we are requesting an exception to the 300 foot Fire Hydrant spacing requirement adjacent to Gillmeister Lane.

Sincerely,

STATE OF TEXAS
JUSTIN B. FULLER
100183
LICENSED
PROFESSIONAL ENGINEER

1/2/13

Justin Fuller, P.E., C.F.M.
Clark & Fuller, PLLC

PLANNING AND ZONING COMMISSION AGENDA ITEM

APPLICANT: Will Morris, Charter Real Estate on behalf of Bullish Resources, Inc.

CASE MANAGER: Autumn Speer, Director of Planning and Development

ITEM DESCRIPTION: Z-FY-13-09–Consider and make a recommendation on an Appeal of Standards in Sec. 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for landscaping, building improvements, new construction and signs for Gateway Center at 4501 South General Bruce Drive.

ITEM SUMMARY: The project is located in the I-35 Corridor Overlay District in the Freeway Retail/Commercial Sub-District. The applicant is proposing a remodel of the existing Town and Country Mall which is approximately 240,000 sq ft and a new 40,600 sq ft theatre. The entire site is approximately 30 acres.

In accordance with Article 6 of the Unified Development Code relating to Interstate 35 Corridor Overlay, all new construction is required to conform to the standards of the I-35 Overlay District. The estimated value for proposed building improvements is $3.5. According to the Bell County Tax Appraisal District, the total assessed value of the property is $2,165,025. The cost of improvements exceeds 100% value of the total current value per the current tax roll.

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	✓	✓	✓	✓	✓	✓	✓	✓	✓

Development Type	Site Plan Review	Tree Preservation	Parking	Screening and Wall Standards	Architectural Design	Landscape	Signs	Lighting	Utilities
of improvements per the current tax roll									

The following list summarizes all standards that are applicable to this project.

- Site Plan Review
- Tree Preservation
- Parking
- Screening and Wall Standards
- Architectural design
- Landscape
- Signs
- Lighting
- Utilities

The applicant has worked 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 plans for this site. This proposal will be the final proposal for I-35 compliance.

All future new construction will need to be compliant with the I-35 standards, however staff recommends that these appeals be granted in perpetuity and not be subject to renegotiation should these standards be triggered again with future development.

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

I-35 Requirements Freeway Retail/Commercial Sub-District	Proposed	Standard Met?	Mitigation/ Rationale for Exception
SITE PLAN REVIEW			
Applicant has submitted site plans for review on this project.	MET	YES	NA
TREE PRESERVATION			
Tree preservation	NA	NA	NA
PARKING (GENERAL)			
Parking Spaces required 7.4 – +/- 1,700 spaces Theatre = 1 per 3 seats (2087 seats = 696 spaces) Restaurant = 1/3 seats (estimate 250 seats = 83 spaces) All other Retail sales and Service (1 per 250 sq ft) 232,000 = 926 spaces	1,424 spaces plus 70 future spaces provided Theatre = 391 spaces on same lot Restaurant = 79 spaces on same lot Additional 954 spaces provided	NO	Staff recommends approval. Parking spaces are being utilized to provide for landscaping buffer and parking lot islands
Curb and gutter, 6" in height, required around perimeter and all parking islands	MET	YES	NA
Parking aisles must be designed to be perpendicular to entry	Both provided	PARTIAL	Staff recommends approval. Size of parking lot does not warrant applicability
Parking areas must be planned so that vehicles are not required to back out of parking spaces directly into a public or private street	MET	YES	NA
Parking lots must be designed to preserve the maximum amount of existing trees on site as possible	MET	YES	NA
Parking spaces that face and are	Increased curb depth	YES	NA

I-35 Requirements Freeway Retail/Commercial Sub-District	Proposed	Standard Met?	Mitigation/ Rationale for Exception
adjacent to a building must utilize wheel stops	provided		
Wheel stops are required adjacent to all landscaped areas Wheel stops are required adjacent to all sidewalks, except for raised sidewalks at least 6 feet in width (8 feet if parking spaces front both sides)	Increased curb depth provided	YES	NA
No parking is allowed in the landscape buffer	MET	YES	NA
SCREENING AND WALL STANDARDS (GENERAL)			
No storage in connexes, shipping containers or portable buildings.	MET	YES	NA
Loading zones and mechanical equipment must not be clearly visible at eye level from any public street.	MET	YES	NA
All ground mounted service equipment must be located at the rear of buildings (unless rear faces I-35), integrated into the building envelope, or enclosed service area.	MET	YES	NA
Roof mounted equipment must be screened from a vantage point of 6' above finished grade.	MET	YES	NA
Garage and service bays must be located to rear of building or on side not visible to traffic flow on abutting side of I-35.	NA	NA	NA

I-35 Requirements Freeway Retail/Commercial Sub-District	Proposed	Standard Met?	Mitigation/ Rationale for Exception
Refuse storage/compacters/vehicle loading and unloading must not be clearly visible at eye level from any public street or located within 100' of any public street.	MET	YES	NA
LANDSCAPING GENERAL			
Areas not covered by building or pavement must be landscaped	MET	YES	NA
Landscape Area 15% (193,435 sq ft required)	356,896 sq ft provided or 28%	YES	NA
Foundation Plantings required along 70% of the length of any visible façade in a bed a minimum 6' deep	Foundation plantings provided for 36% of the building areas (See revised exhibit detail)	NO	Staff recommends approval. Overall plan meets intent of the ordinance. Additional beds are provided on the structures immediately adjacent to I-35 frontage.
Landscape Buffer Area 25' adjacent to street row on I-35 20' adjacent to street row on Gillmeister 10' rear 20' rear adjacent to residential 10' interior side	• 25' Variable adjacent to I-35 • 20' adjacent to Gillmeister except for a portion approximately 180' in length. • 10' rear • Less than 20' with future parking expansion • None adjacent to	PARTIAL	Site design meets intent of the ordinance and allows for adequate parking. Staff recommends minimum 10' landscape buffer remains between proposed parking expansion area and residential properties.

I-35 Requirements Freeway Retail/Commercial Sub-District	Proposed	Standard Met?	Mitigation/ Rationale for Exception
	the Residence Inn		
Landscape Buffer Plantings- One min. 3" caliper canopy tree must be planted for every 30' of frontage along public ROW. I-35 = 38 canopy trees required Gillmeister = 26 canopy trees required If power lines are present four ornamental trees may be substituted for one canopy tree Must be not be planted in intervals but in clusters.	I-35 frontage = 35 canopy in buffer and driveways and 41 ornamental in buffer and driveways Gillmeister = 16 canopy provided and 11 ornamental	PARTIAL	Staff recommends approval. I-35: The tree placement exceeds the number of canopy trees when the additional landscape buffer area is accounted for. Gillmeister: Number of trees provided meets intent of the ordinance. The reduction in landscape buffer along Gillmeister decreases the applicant's ability to provide required number of trees. The reduction in buffer along Gillmeister is being supported to allow for adequate on-site parking.
20% Required landscape buffer must have native grass beds or wildflowers	Native grass beds in buffer	YES	NA
Parking screen of hedge row 2.5 to 4' high for all parking areas visible from public view	Berms and shrubs are proposed for a majority of the screening required	PARTIAL	Staff recommends approval. Placement of berms and shrubs serve to screen parking as intended by the ordinance.
Interior parking islands 1 per every 10 spaces minimum 170 sq ft (1 3" tree required in each) = +/- 143 required	Approximately 100 shown in conjunction with Terminal Island requirements and small planting diamonds	PARTIAL	Staff recommends approval. Specific application of the standard would decrease parking spaces significantly
Terminal parking islands at the end of each row minimum 360 sq ft (2 3" tree	Meets majority of requirements for	PARTIAL	Staff recommends approval. Specific application of the standard would decrease parking spaces

I-35 Requirements Freeway Retail/Commercial Sub-District	Proposed	Standard Met?	Mitigation/ Rationale for Exception
required in each)	spacing, but does not provide trees in all		significantly
Median islands minimum 10' in width must be located after every third parking bay (3" tree required every 30')	Only provided along vehicular entryways and in core of theatre parking lot	NO	Staff recommends approval. Specific application of the standard would decrease parking spaces significantly
60% Required Trees must be evergreen	40% Evergreen provided	PARTIAL	Staff recommends they applicants meet the 60% requirements; effectively changing 66 ornamental trees to evergreen species.
Minimum 2' tall berm must be installed for minimum 50% of the buffer area	Berms provided along frontage at key intersections with access points	PARTIAL	Staff recommends approval. Placement of berms and shrubs serve to screen parking as intended by the ordinance.
All proposed landscape areas will be irrigated	All will be irrigated	YES	NA
Sidewalks – Not required on General Bruce Gillmeister is a collector and requires 4' sidewalk	None proposed on Gillmeister	NO	Staff recommends 4' sidewalk be provided along the Gillmeister frontage (in ROW and does not affect site plan.
SIGNS GENERAL			
Permitted Sign Types: • Wall Signs • Monument Signs • Pylon Signs • Multi-Tenant Pylon Signs	Proposed to meet the sign types	YES	NA
Permitted Sign Types: Wall Signs – Number allowed one per façade	Cinemark Theatre proposes 2 per front façade in addition to the blade sign (see	NO	Staff recommends the primary wall sign and the reduced blade sign be permitted. Staff recommends the small wall sign be eliminated.

I-35 Requirements Freeway Retail/Commercial Sub-District	Proposed	Standard Met?	Mitigation/ Rationale for Exception
	next appeal item)		
Prohibited Sign Types – Cinemark Blade Sign (projecting wall signs are not permitted)	96' Tall Blade Sign on Building	NO	Staff recommends the maximum height be 15' above the building reducing height to 60'
Maximum Sign Per Site (1/300' frontage along I-35 = 4 signs permitted)	5 Signs proposed 1 Theatre 1 Restaurant 2 Monuments 1 Pylon	NO	Staff recommends the reduction of one monument sign on the restaurant pad site.
Multi-tenant Sign Provisions Businesses may not advertise on both multi-tenant pylon and individual pylon	Proposed advertisement on both for the theatre is proposed	NO	Staff recommends approval of the ability to advertise on both the individual and multi-tenant because of the destination nature of the theatre
Freestanding Sign materials – must be same as primary masonry building material	Stone	MET	NA
Sign Illumination – Internal Illumination	Internal Illumination	MET	NA
Pylon Sign Provisions – 1:.15 minimum height to width ratio for support structure or base	MET	MET	NA
LIGHTING GENERAL			
Full Cutoff required	Will Meet	Will meet	NA
ARCHITECTURAL DESIGN – FREEWAY RETAIL /COMMERCIAL SPECIFIC			

I-35 Requirements Freeway Retail/Commercial Sub-District	Proposed	Standard Met?	Mitigation/ Rationale for Exception
All buildings must be architecturally finished on all sides with same materials, detailing and features- higher level of finish on primary facades. Facades not visible from the street may reflect only similar colors if screened with single row of trees planted along the building or in the landscape buffer on offset 30' centers in min. 10' landscape edge where 50% of trees are evergreen.	New structures will meet the requirements. Calculations for existing structures have not been provided. However elevations show intent to meet requirements.	PARTIAL	Staff recommends approval. New structures will meet and the existing structures will be redesigned to meet the spirit of the ordinance.
All buildings must incorporate no less than 3 architectural elements. > 50,000 SF must incorporate 5 elements; > 100,000 SF 7 elements (UDC 6.7.D2c)	New structures will meet the requirements. Calculations for existing structures have not been provided. However elevations show intent to meet requirements.	PARTIAL	Staff recommends approval. New structures will meet and the existing structures will be redesigned to meet the spirit of the ordinance.
All buildings must be designed and constructed in tri-partite architecture to express base, mid-section and top...	New structures will meet the requirements. Calculations for existing structures have not been provided. However elevations show intent to meet requirements.	PARTIAL	Staff recommends approval. New structures will meet and the existing structures will be redesigned to meet the spirit of the ordinance.

I-35 Requirements Freeway Retail/Commercial Sub-District	Proposed	Standard Met?	Mitigation/ Rationale for Exception
All retail and commercial buildings with facades greater than 200' in length, visible from a public street right of way must incorporate wall plane projects or recesses that are at least 6' deep. Projections and recessed must be at least 25% of the length of the façade. No uninterrupted length of facade may exceed 100' in length.	New structures will meet the requirements.	PARTIAL	Staff recommends approval. New structures will meet and the existing structures will be redesigned to meet the spirit of the ordinance.
Windows must be a minimum of 40% up to a maximum of 80% or each building elevation.	Cinemark Solid Wall Calculations for existing structures have not been provided. However elevations show intent to meet requirements.	NO	Staff recommends approval. Type of use does not allow for windows.
Color of structures must be earth-tone in hue. (Planning Dir. may approve 10% variation).	Earth Tone Colors	MET	NA
No more than three materials for facades of buildings	New structures will meet the requirements. Calculations for existing structures have not been provided. However elevations show intent	PARTIAL	Staff recommends approval. New structures will meet and the existing structures will be redesigned to meet the spirit of the ordinance.

I-35 Requirements Freeway Retail/Commercial Sub-District	Proposed	Standard Met?	Mitigation/ Rationale for Exception
	to meet requirements.		
No single building material may cover more than 80% of the front of any building (except for on-site service or utility structures).	Proposed Cinemark Theatre appears to meet this requirement. Calculations for existing structures have not been provided. However elevations show intent to meet requirements.	PARTIAL	Staff recommends approval of the proposed elevations for Cinemark theatre. New structures will meet and the existing structures will be redesigned to meet the spirit of the ordinance.
Windows must not be glazed or re-glazed with mirrored/ reflective glass.	No reflective glass	MET	NA
Must select from list of approved building materials (max 90%; min 70%) Stone, Architectural metal, brick, stucco, granite, marble, painted tilt wall and accent materials (max 30% and min 10%) (UDC 6.7.9 D. 3.g) cast stone, wood, glass block, tile, granite, marble, textured or patterned concrete	New structures will meet the requirements. Calculations for existing structures have not been provided. However elevations show intent to meet requirements.	PARTIAL	Staff recommends approval. New structures will meet and the existing structures will be redesigned to meet the spirit of the ordinance.

STAFF RECOMMENDATION: Staff recommends approval of an Appeal of Standards in Sec. 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for landscaping and building improvements as presented in this appeal request as submitted in the attached plans with the following amendments:

- Staff recommends 4' sidewalk be provided along the Gillmeister frontage (in ROW and does not affect site plan). They are requesting an exception with the plat.
- Staff recommends applicants meet the 60% evergreen requirement; effective changing 66 ornamental trees to evergreen species.
- Staff recommends minimum 10' landscape buffer be maintained between the residential property and the proposed new parking area.
- Staff recommends the small wall sign be eliminated on the theatre.
- Staff recommends maximum height of the proposed blade sign be 15' above the building reducing height to 60'
- Staff recommends the reduction of one monument sign on the restaurant pad site.

FISCAL IMPACT: NA

ATTACHMENTS:
Application and Appeal Request
Conceptual Site Plan
Landscape Plan
Landscape Detail
Elevation Exhibit
Sign Exhibit
Revised Landscape Detail
Cinemark Elevation Exhibit

City of Temple Universal Application

(Incomplete applications will not be accepted)

- [ ] Sketch Plan
- [ ] Plat Vacation
- [ ] Minor or Amending Plat
- [ ] Preliminary Plat
- [ ] Final Plat
- [ ] Variance (Board of Adjustment)
- [ ] Zone Change
- [ ] Conditional Use Permit (CUP)
- [ ] Planned Development
- [x] I-35 Exception
- [x] I-35 Site Plan Review
- [ ] TMED Site Plan Review
- [ ] TMED Variances/Warrants
- [ ] Appeal of Administrative Decision
- [ ] Residential Masonry Exception
- [ ] Nonresidential Masonry Exception
- [ ] Park, Facility or Street Renaming
- [ ] Cost Sharing Offsite Participation

PROJECT INFORMATION:

- [ ] **Residential** - [x] **Commercial** - [ ] **Property Platted** - [ ] **Property Not Platted** - [ ] **ETJ**

Project Name: Gateway Center Parcel(s) Tax ID# (Required): 129862

Project Address (Location): 4501 S. General Bruce Dr. Total Acres: 30

Lot: _____ Block: _____ Subdivision: _____

Outblock (if not platted): _____

Brief Description of Project: Remodel / Redevelopment of "Town & Country Mall"

Current Use Multi-use office # of Existing Lots 1 # of Existing Units 20

Current Zoning General Retail # of Proposed Lots 4 # of Proposed Units 30

Proposed Use office / retail Proposed Zoning Same I-35 valuation 8.5 m

RECEIVED
DEC 05 2012
City of Temple
Planning & Development

APPLICANT / CONTACT INFORMATION: *(This will be the primary contact; please ensure all information is legible)*

Name: Will Morris Company Name: Charter Real Estate

Address: 3000 S. 31st Street, Suite 500 City: Temple State: TX

Phone: 254-778-6675 Cell #: 254-624-5830 Fax #: _____

Email Address: will@charterres.com & melissa@charterres.com

PROPERTY OWNER INFORMATION:

Name: Bullish Resources, Inc Company Name: contact Greg Spence, EVP

Address: 10855 IH 10 West City: San Antonio State: TX

Phone: (210) 558-5324 Cell #: N/a Fax #: (210) 681-9413

Email Address: gspence@ancira.com

- [ ] **DEVELOPER** - [x] **ENGINEER** - [ ] **SURVEYOR INFORMATION:** *(Please ensure all information is legible)*

Name: Justin Fuller Company Name: Clark & Fuller

Address: 215 N. Main St City: Temple State: TX

Phone: 254-899-0899 Cell #: _____ Fax #: _____

Email Address: jfuller@clark-fuller.com

City of Temple Universal Application

(Incomplete applications will not be accepted)

CHECKLIST

Submittal Requirements	Alt Plat	CUP & PD	Zone Change	Sketch Plan	I-35 Site Plan	I-35 Exception	TMED Site Plan	TMED Variance /Waiver	ZBA Variance	Missing Exception	Appeal of Administrative Decision
Complete Universal Application	✓	✓	✓	✓	✓		✓		✓	✓	✓
Electronic copy (PDF) of all required materials submitted as hard copies (must be legible)	✓	✓	✓	✓	✓		✓		✓	✓	✓
Hard Copies for all submittals	9	2		9	2		2		1	1	1
Field Notes or Lot and Block Description	✓	✓	✓		✓		✓		✓		
Site Plan Checklist		✓									
Plat Checklist	✓										
I-35 Checklist					✓						
TMED Checklist							✓				
Fee	✓	✓	✓	NA	NA	NA	NA	NA	✓	NA	NA

FEE SCHEDULE

Abandonment	$100.00 ($150.00 if broker opinion required)
Board of Adjustment (Variance)	$75.00
*Preliminary/Final Plat	$150.00 + $3.00/lot (residential) or $10.00/acre (nonresidential)
Street Use License (SUL) (renewed every 15 yrs)	$150.00
Zone Change/CUP/PD	$150.00

The filing fee for a piece of property that is 3.125 acres in size would be a total of $159.36 ($150 + [$3 x 3.12]). City staff uses the <u>second</u> decimal place when calculating a filing fee and **does not round up or down.*

By signing this application, staff is granted access to your property to perform work related to your case. Each signature must be notarized.

SIGNATURE: _____

(Letter of authorization required if signature is other than property owner)

Print or Type Name: William C. Morris IV

Known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration expressed and in the capacity there instated.

Given under my hand and seal of office on this 5th day of December, 20 12.

Connie Williamson

Notary Public Signature

SEAL

CONNIE WILLIAMSON
NOTARY PUBLIC
STATE OF TEXAS
MY COMM. EXP. 6/9/2014

For Department Use Only

Project #: _____

Project Manager: _____

Total Fee(s): _____

Payment Method: _____

Submittal Date: _____

Accepted By: _____

Accepted Date: _____

LARRY NEAL ARCHITECTS
1023 Canyon Creek Drive, Suite 125 (254) 778-1466 Fax 778-5077 Temple, Texas 76502

December 4, 2012

Autumn Speer , Director of Planning & development
2 N. Main Street
Temple, Texas 76501

Re: Exceptions for Gateway Center Project
4501 S. General Bruce Drive

Dear Autumn,

My office is working with Will Morris to provide the submittal for the following exceptions to the I-35 Overlay requirements for the above referenced Project.

Cinemark Building

1. *The 40% glass facade requirement.* You should have the drawings submitted by Beck Architects. We would like for this type of building to be exempted from the 40% requirement.

2. *The height of the Cinemark Blade Marquee.* You should have the drawings submitted by Beck Architects. We would like for this element for this type of building to be exempted since this is a marquee element for the Cinemark brand.

Site and Landscape

1. *The 25' Front Landscape offset*
   This plan varies the frontage offset from 12' min. to over 25' in some areas. The square footage of the varying offset plan is actually more than if it was a straight 25' offset. The tighter offsets are needed for the maximum parking layout.
2. *The 10' entry strips have been reduced.* We have maintained a narrower strip.
3. *The 70% of front coverage has been reduced.* Plantings have been grouped to allow for sight lines to retail spaces and placed in key locations at the entry areas
4. *50% berm requirements and berm heights.*
5. *Intermediate parking islands.* We have decreased the required parking islands to increase parking numbers. This is a tight site for the Cinemark facility and all retail envisioned at this site. We have included several 6'x 6' diamond tree wells to provide for trees in the parking area without losing parking spaces. We would prefer to eliminate even these because, in our experience, trees do not do well in this environment.
6. *Reduce the required planting band along Gillmeister Drive.* This will allow a row of valuable parking to the West of the Cinemark building.

We are requesting that this Project be on the Planning Commission agenda for December 17, 2012.

Submitted:

1. Landscape Plan - Designed by John Moon of Moon Designs.
   Signage study (not requesting exceptions)
   Graphic studies of future Mall remodeling)

2. Site Plan - Clark & Fuller Civil Engineers

3. Cinemark Plan - previously submitted

4. Completed City of Temple Universal Application

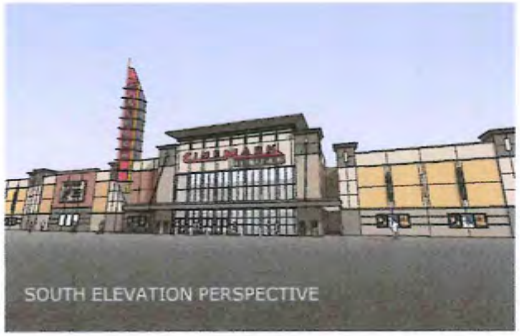
Thank you for working with us on this project. This should be a wonderful addition to our City. Let me know if you need additional.

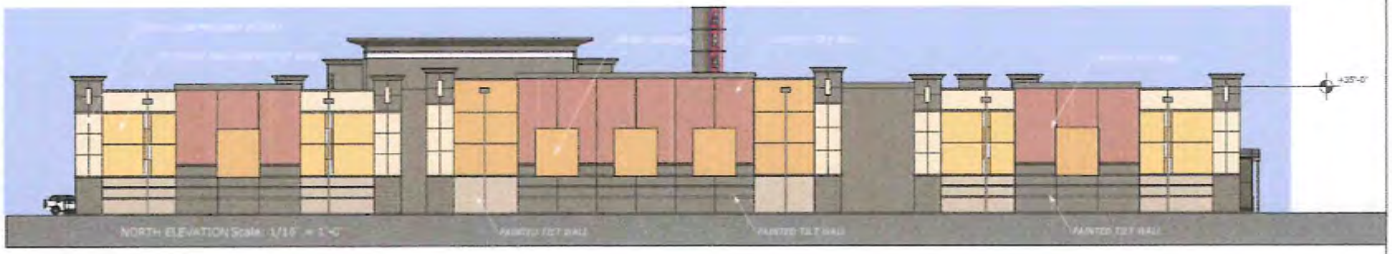
Sincerely,
Larry Neal / Architects

Larry Neal
AIA

Larry Neal / Tim Rafferty

MEMBER: AMERICAN INSTITUTE of ARCHITECTS





Enduring Bronze SW 7055	Dapper Tan SW6144	Macadamia SW6142 (To Match Benjamin Moore 1038 Everlast)	Goldenrod SW 6159	Tigereye SW 6154	Cajun Red SW 6362	Nacre SW 6154

CINEMARK®

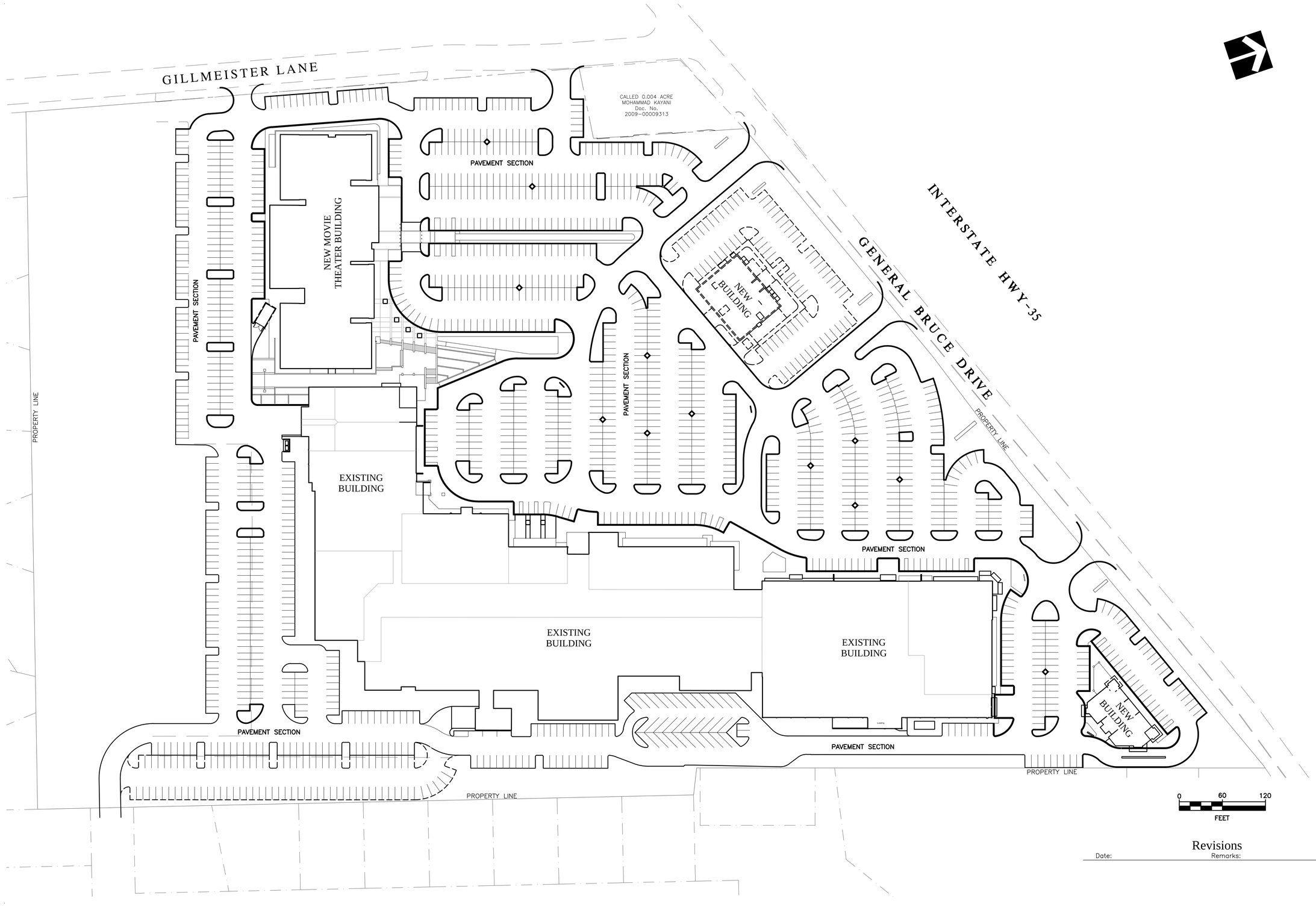
RENDERED ELEVATIONS

July 6, 2012

BECK

:: Temple XD 12 Cinema ::

Beck Architecture :: 1807 Ross Avenue, Suite 500 :: Dallas, TX ::



Revisions

Date:	Remarks:

CONCEPTUAL SITE PLAN

DRAWING STATUS

THESE DRAWINGS WERE PREPARED UNDER THE AUTHORITY OF JUSTIN B. FULLER P.E. 100183, CLARK & FULLER, PLLC FIRM NO: F-10384.

☒ THIS DOCUMENT IS RELEASED FOR THE PURPOSES OF INTERIM REVIEW ONLY AND MAY NOT BE RELIED UPON FOR ESTIMATING PURPOSES. IT WAS NOT INTENDED OR ADDRESSED FOR BIDDING OR CONSTRUCTION PURPOSES. ONLY DRAWINGS ISSUED "FOR CONSTRUCTION" CAN BE CONSIDERED COMPLETE.

☐ FOR CONSTRUCTION
FINAL DRAWINGS

GATEWAY CENTER
NEW SITE DEVELOPMENT

TEMPLE, TEXAS

STATE OF TEXAS
JUSTIN B. FULLER
100183
LICENSED
PROFESSIONAL ENGINEER

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

Plot Date: 12-4-12	Project No: 121334.00
Drawn By: DGR	Designed By: JBF

1

	Qty.	Type	Species
	135	Evergreen	Live Oak (majority) or Carolina Cherry Laurel; 3" cal.
	28	Deciduous	Bigtooth Maple, Sycamore, or Bradford Pear; 3" cal. One species chosen and used as thematic entry tree.
	20	Deciduous	Red Oak, Shumard Oak, or Cedar Elm; 3" cal.
	16	Deciduous	Bald Cypress, Pond Cypress, or Lacebark Elm; 3" cal. Used at entries as a special treatment or focal point.
	134	Ornamental	Crape Myrtle, Texas Redbud, or Desert Willow.
	61,625 sf	Planting bed	Shrubs and grasses from shrub list (See 6.7 chart) 20% native grass minimum

1 Landscape Concept Plan, Overall (Colored)

Scale: 1" = 60'-0"

GATEWAY CENTER
TEMPLE, TEXAS

Landscape Submittal Plans

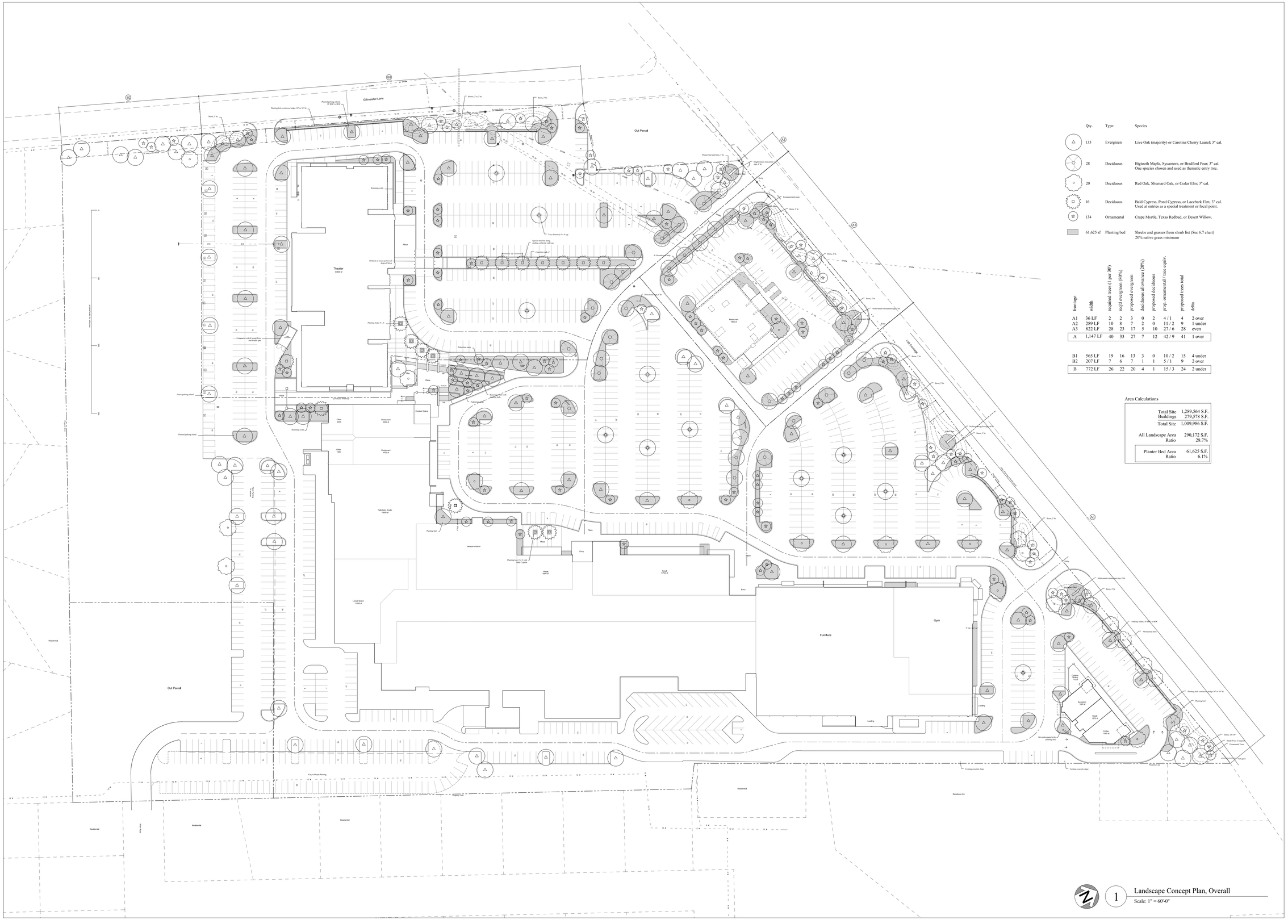
LARRY NEAL / ARCHITECT
1023 CANYON CREEK DRIVE #125
TEMPLE, TEXAS 76504
(254) 778-1466

DATE: 12/4/2012

JOB NO.:

SHEET NO.

LB.1



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	16	Decidaous	Bald Cypress, Pond Cypress, or Lacebark Elm; 3" cal. Used at entries as a special treatment or focal point.
	134	Ornamental	Crape Myrtle, Texas Redbud, or Desert Willow.
	61,625 sf	Planting bed	Shrubs and grasses from shrub list (See 6,7 chart) 20% native grass minimum

frontage	width	required trees (1 per 30')	req'd evergreen (80%)	proposed evergreen	decidaous allowance (20%)	proposed decidaous	prop. ornamental / tree equiv.	proposed trees total	delta
A1	36 LF	2	2	3	0	2	4 / 1	4	2 over
A2	289 LF	10	8	7	2	0	11 / 2	9	1 under
A3	822 LF	28	23	17	5	10	27 / 6	28	even
A	1,147 LF	40	33	27	7	12	42 / 9	41	1 over
B1	565 LF	19	16	13	3	0	10 / 2	15	4 under
B2	207 LF	7	6	7	1	1	5 / 1	9	2 over
B	772 LF	26	22	20	4	1	15 / 3	24	2 under

Area Calculations

Total Site	1,289,564 S.F.
Buildings	279,578 S.F.
Total Site	1,009,986 S.F.
All Landscape Area	290,172 S.F.
Ratio	28.7%
Planter Bed Area	61,625 S.F.
Ratio	6.1%

1 Landscape Concept Plan, Overall

Scale: 1" = 60'-0"

GATEWAY CENTER
TEMPLE, TEXAS

Landscape Submittal Plans

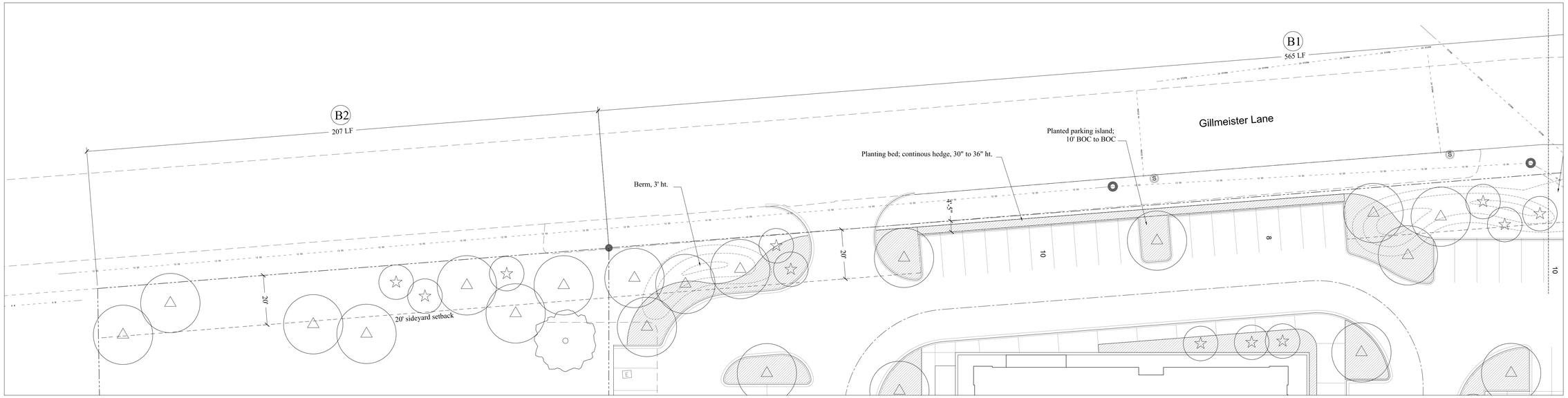
LARRY NEAL / ARCHITECT
1023 CANYON CREEK DRIVE #125
TEMPLE, TEXAS 76504
(254) 778-1466

DATE: 12/4/2012

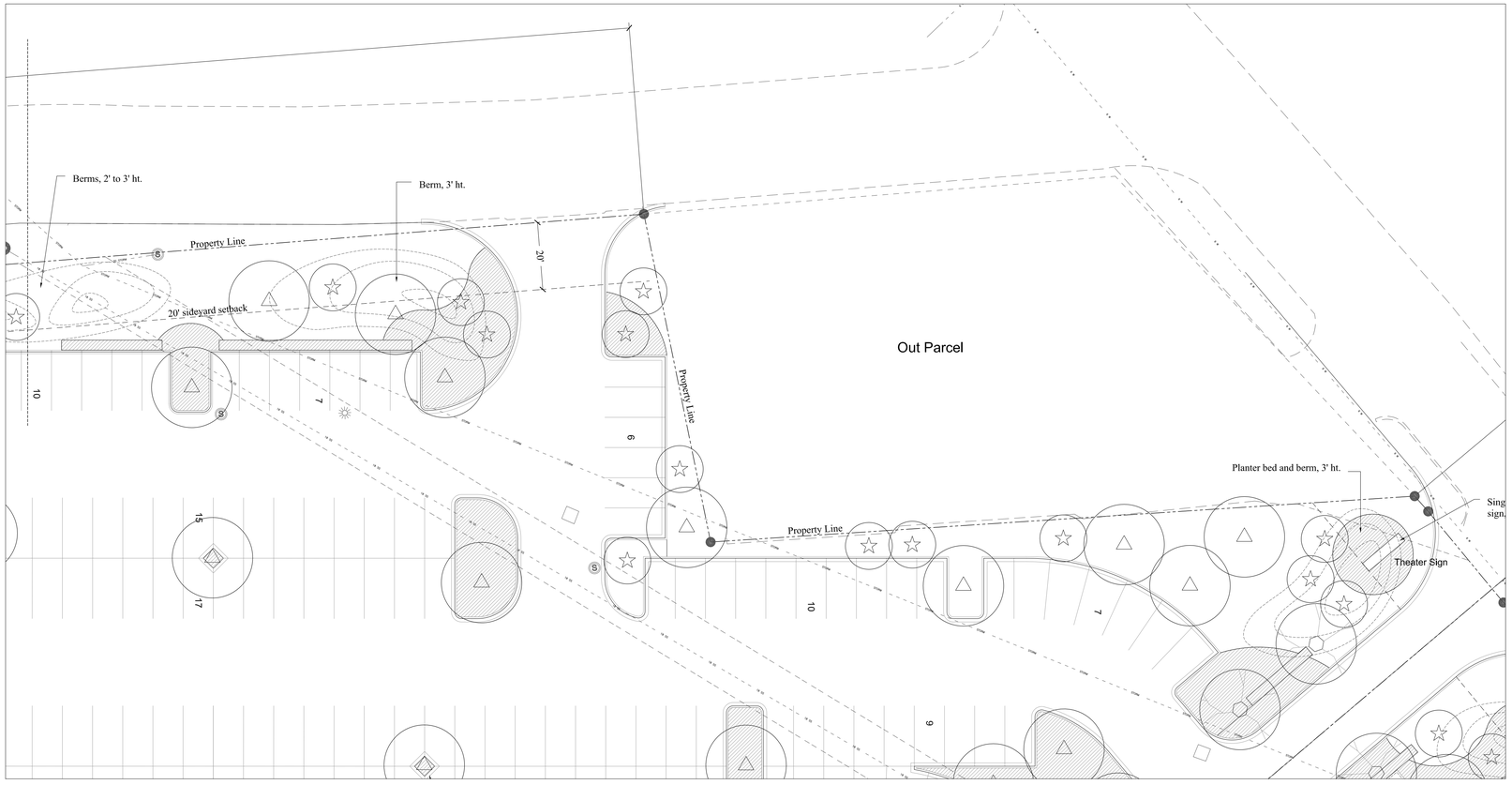
JOB NO.:

SHEET NO.

LB.2



1 Gillmeister Frontage
Scale: 1" = 20'-0"



2 Gillmeister Frontage
Scale: 1" = 20'-0"

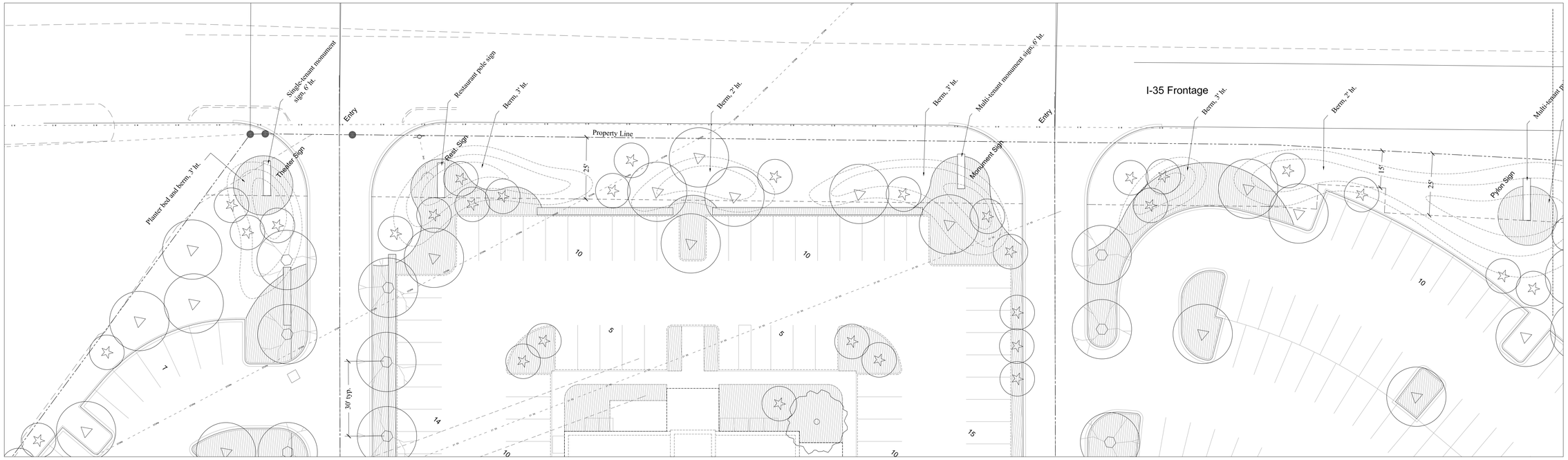
GATEWAY CENTER
TEMPLE, TEXAS

Landscape Submittal Plans

LARRY NEAL / ARCHITECT
1023 CANYON CREEK DRIVE #125
TEMPLE, TEXAS 76504
(254) 778-1466

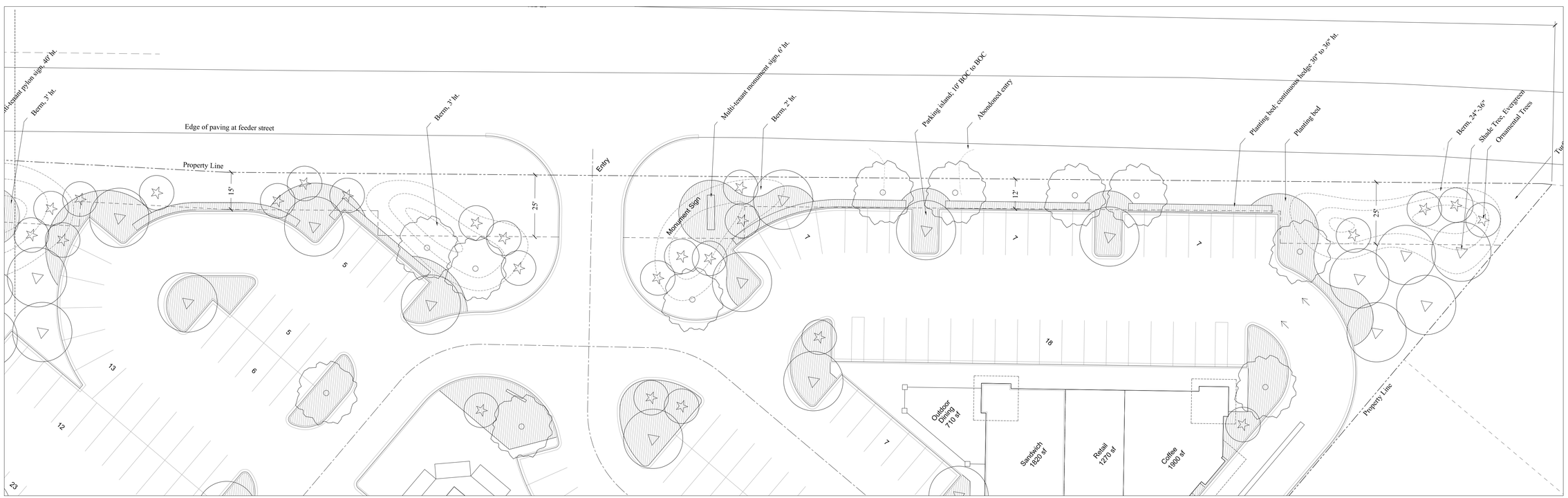
DATE: 12/4/2012
JOB NO.:

SHEET NO.
LB.3



1 I-35 Frontage, West

Scale: 1" = 20'-0"



2 I-35 Frontage, East

Scale: 1" = 20'-0"

GATEWAY CENTER
TEMPLE, TEXAS

Landscape Submittal Plans

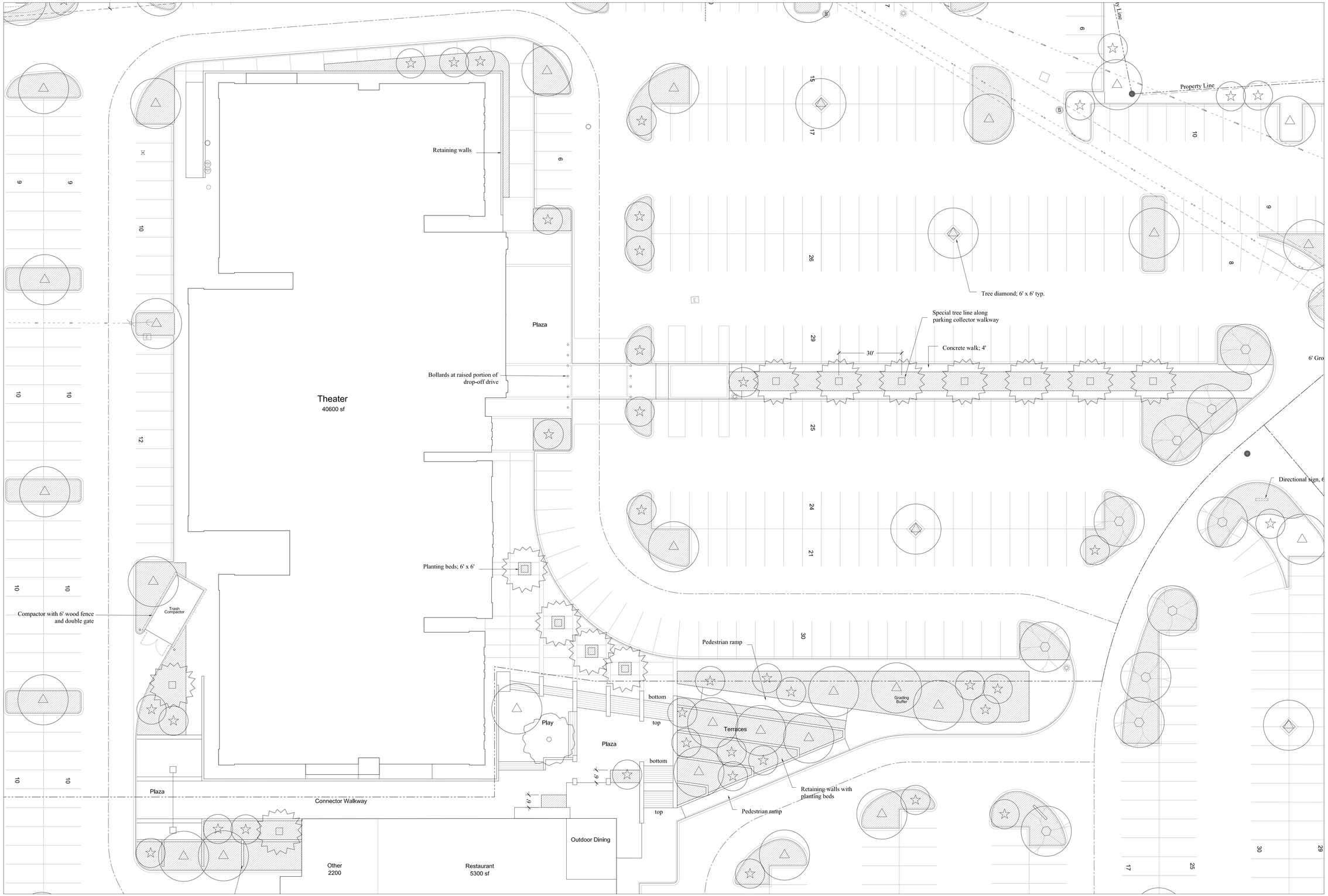
LARRY NEAL / ARCHITECT
1023 CANYON CREEK DRIVE #125
TEMPLE, TEXAS 76504
(254) 778-1466

DATE: 12/4/2012

JOB NO.:

SHEET NO.

LB.4



1 Cinemark Core Site

Scale: 1" = 20'-0"

GATEWAY CENTER
TEMPLE, TEXAS

Landscape Submittal Plans

LARRY NEAL / ARCHITECT
1023 CANYON CREEK DRIVE #125
TEMPLE, TEXAS 76504
(254) 778-1466

DATE: 12/4/2012

JOB NO.:

SHEET NO.

LB.5

Grand Plaza between Cinemark and Restaurant

Northern corner, Gym

1 Architectural Character Sketches

Scale: 1" = 60'-0"

GATEWAY CENTER
TEMPLE, TEXAS

Landscape Submittal Plans

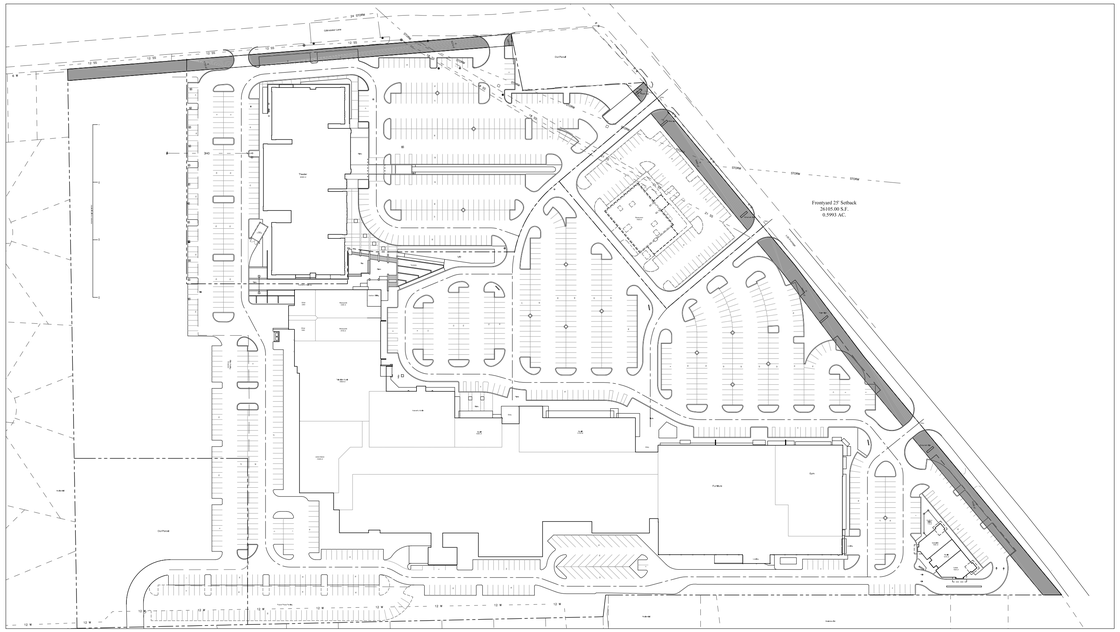
LARRY NEAL / ARCHITECT
1023 CANYON CREEK DRIVE #125
TEMPLE, TEXAS 76504
(254) 778-1466

DATE: 12/4/2012

JOB NO.:

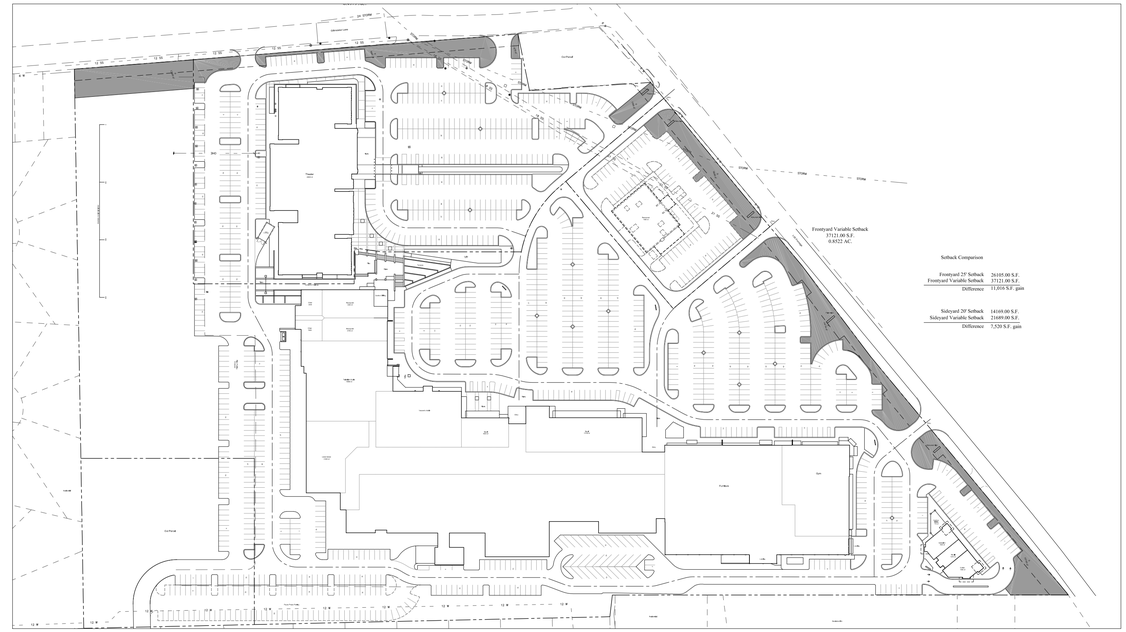
SHEET NO.

LB.6



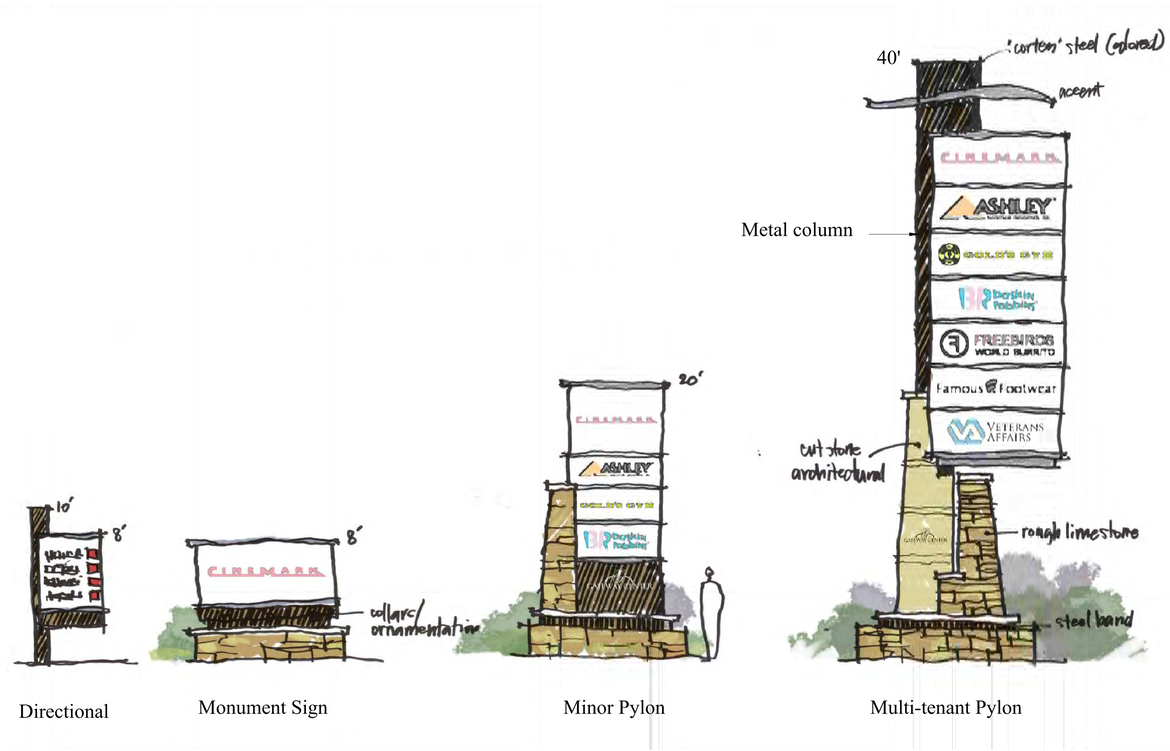
1 Standard 25' Setback

Scale: 1" = 60'-0"



2 Variable Setback

Scale: 1" = 60'-0"



3 Signage Concept Sketches

NTS

GATEWAY CENTER
TEMPLE, TEXAS

Landscape Submittal Plans

LARRY NEAL / ARCHITECT
1023 CANYON CREEK DRIVE #125
TEMPLE, TEXAS 76504
(254) 778-1466

DATE: 12/4/2012

JOB NO.:

SHEET NO.

LB.7

Autumn Speer
Director of Community Services
City of Temple
2 North Main Street
Temple, TX 76501

January 3, 2013

re: Gateway Center landscape modifications

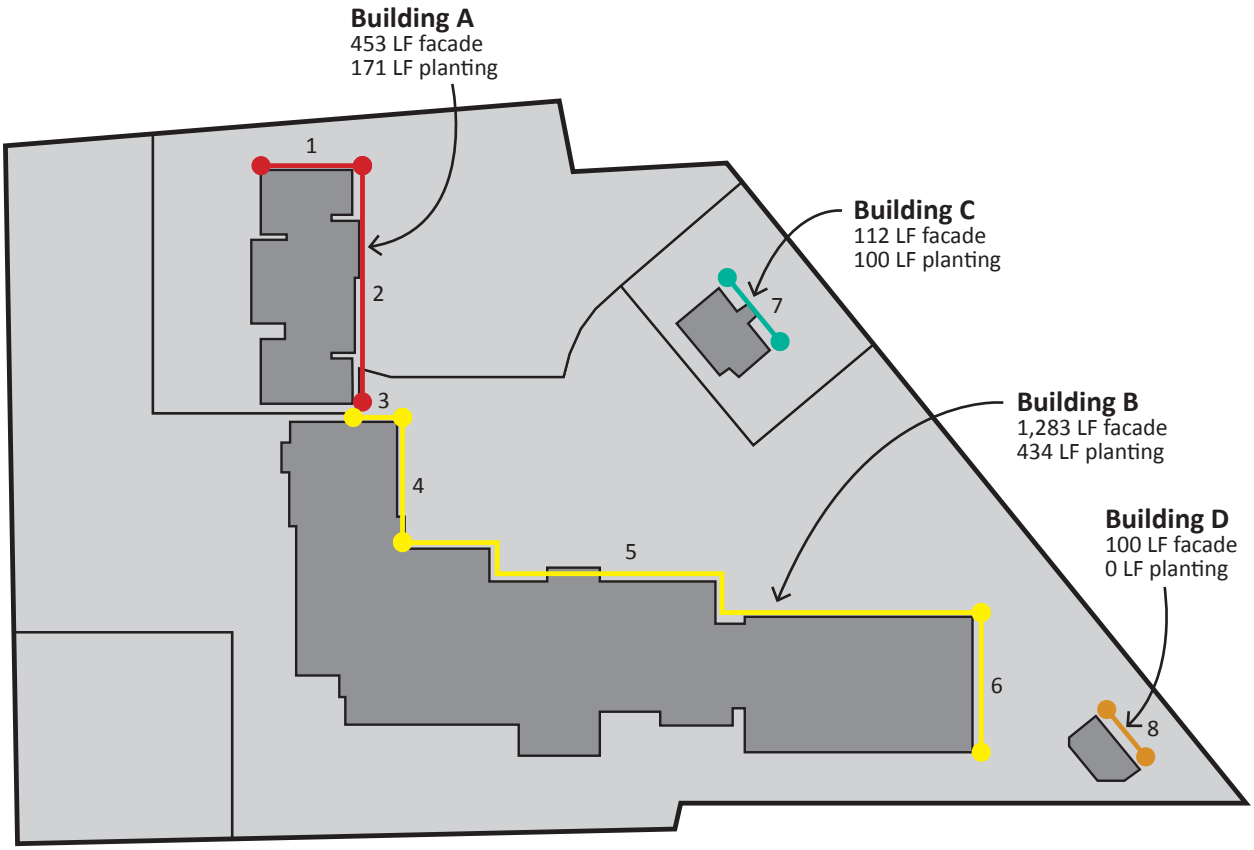
Autumn:

Here are the changes and annotations for Gateway Center.

Tree List. Replacements for the non xeric tree types. Changes are boxed. The only exception is Bald Cypress. However, Bald Cypress will only be used in one of the Cinemark parking islands - as an architectural design statement to focus attention to the front door.

	Qty.	Type	Species
	135	Evergreen	Live Oak; 3" cal.
	28	Deciduous	Cedar Elm or Crape Myrtle; 3" cal. One species chosen and used as thematic entry tree.
	20	Deciduous	Red Oak, Chaste Tree (Vitex), or Arizona Cypress; 3" cal.
	16	Deciduous	Bald Cypress or Chinese Pistache; 3" cal. Used only at entries as a special treatment or focal point.
	134	Ornamental	Crape Myrtle, Texas Redbud, or Desert Willow.
	61,625 sf	Planting bed	Shrubs and grasses from shrub list (Sec 6.7 chart) 20% native grass minimum

Foundation Planting. Here are the calculations for the foundation planting. Included are (6) 6' x 6' planting beds that are not immediately adjacent to the building, but do help screen the facade and/or provide landscape softening.

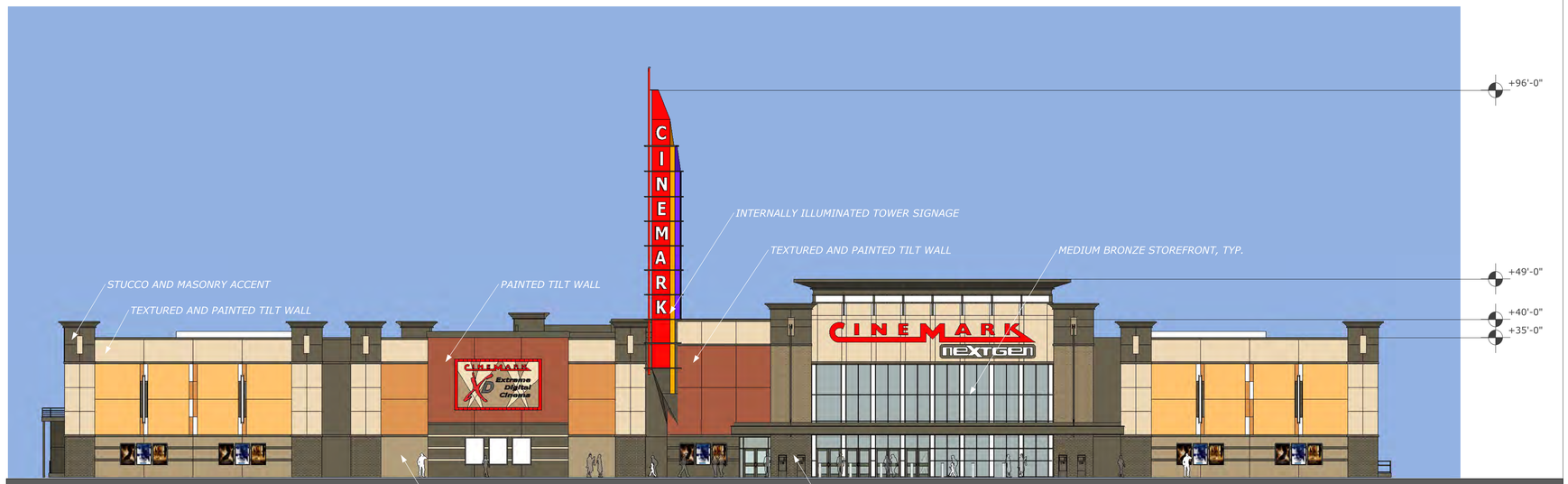


Bldg	Section	Facade Length	Foundation Planting	Percentage
A	1	127 lf	77 lf	61%
A	2	326 lf	94 lf	29%
A total		453 lf	171 lf	38%
B	3	62 lf	12 lf	19%
B	4	176 lf	26 lf	21%
B	5	855 lf	300 lf	35%
B	6	190 lf	96 lf	51%
B total		1,283 lf	434 lf	34%
C	7	112 lf	100 lf	89%
D	8	100 lf	0 lf	0%
total		**1,948 lf**	**705 lf**	**36%**

SOUTH ELEVATION PERSPECTIVE

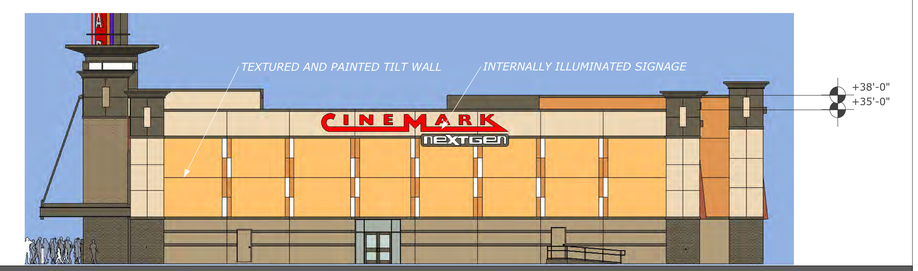
NORTH ELEVATION PERSPECTIVE

ENTRY PERSPECTIVE

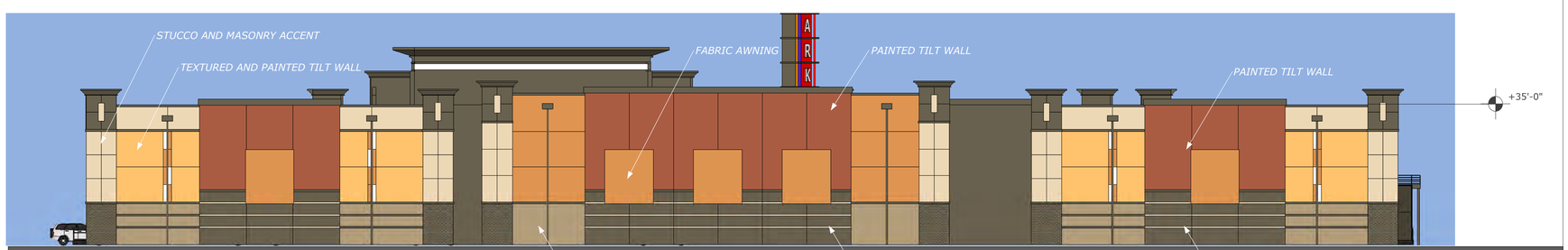


SOUTH ELEVATION Scale: 1/16" = 1'-0"

WEST ELEVATION Scale: 1/16" = 1'-0"



EAST ELEVATION Scale: 1/16" = 1'-0"



NORTH ELEVATION Scale: 1/16" = 1'-0"

Enduring Bronze SW 7055	Dapper Tan SW6144	Macadamia SW6142 (To Match Benjamin Moore 1038 Everlast)	Goldenrod SW 6159	Tigereye SW 6154	Cajun Red SW 6362	Nacre SW 6154

:: Temple XD 12 Cinema::

CINEMARK®

RENDERED ELEVATIONS ::

July 6, 2012

BECK

PLANNING AND ZONING COMMISSION AGENDA ITEM

APPLICANT/ DEVELOPMENT: Kenneth Mitchell

CASE MANAGER: Mark Baker, Planner

ITEM DESCRIPTION: **Z-FY-13-07** Hold a public hearing to discuss and recommend action on a zone change from Planned Development – (Office Two) District (PD-O2) to General Retail (GR) District on 1.010 ± acres of land situated in the Maximo Moreno Survey, Abstract No.14, Bell Country, Texas being a part of land described as Lot 2, Block 1, Country Lane Addition, Phase II, recorded in Cabinet D, Slide 196-B, plat records of Bell County, Texas, located at 1497 Country View Lane.

ITEM SUMMARY: The developer requests this rezoning to allow the expansion of an existing convenience store.

SURROUNDING PROPERTY AND USES:
The following table shows the subject property, existing zoning and current land uses:

Direction	Zoning	Current Land Use	Photo
Subject Property	PD - O2	Vacant	

Direction	Zoning	Current Land Use	Photo
North	PD-O2	Vacant	
South Across SE HK Dodgen Loop	LI	Bethel Assembly of God Church	

Direction	Zoning	Current Land Use	Photo
East (Adjacent to subject property.)	GR	Convenience Store	
East (East across S. Martin Luther King Jr. Dr.)	C	Vacant	
West	PD-O2	The Grand Reserve A Senior Housing Complex	

COMPREHENSIVE PLAN COMPLIANCE:

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

CP	Map 3.1 - Future Land Use and Character (FLUP)	Temple Medical Education District. This encompasses an area to the north, west and south of the subject property. Auto-Urban commercial is identified to the east across S. Martin Luther King Jr. Dr.	N
CP	Map 5.2 - Thoroughfare Plan	The subject property has frontage on SE "HK" Dodgen Loop, a Major Thoroughfare, to the south and Country View Ln. to the north and Country Lane Dr. – both built as Local Streets.	Y
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	The subject property is served by an 8" sewer line and a 6" water line fronting the property along SE "HK" Dodgen Loop. Additional water and sewer lines are available in County View Lane and Country Lane Drive.	Y
STP	Temple Trails Master Plan Map & sidewalks	The Master Plan Map has identified a proposed local connector trail at S. Martin Luther King Jr. Dr. No trails were identified within or adjacent to the subject property.	Y

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

DEVELOPMENT REGULATIONS:

According to the City of Temple Comprehensive Plan / Future Land Use Plan, the subject property is within the designated Temple Medical Educational District (TMED). This district encompasses an area intended for transformation over time. The objective for this area is to create an "urban village" feel as areas are allowed to develop or redevelop into a "mixed-use" setting. The TMED zone permits many retail sales and retail service uses to include food and beverage sales. The "GR" District is the standard retail zoning district and allows most commercial uses intended to serve larger service areas.

The applicant has requested "GR" zoning for the purpose of expanding an existing convenience store.

Although the TMED would be the preferred zoning designation to achieve consistency between zoning and the Future Land Use Map, it is staff's opinion however, that since the proposed zone change is contiguous to an existing "GR" zoned property, the applicant has indicated a desire to expand the existing convenience store located within a "GR" zone and the limited development potential based on the acreage being considered, staff is in support of the request.

The subject property is located west of the intersection of SE "H.K." Dodgen Loop, a Major Thoroughfare, and S. Martin Luther King Jr. Dr, a Minor Arterial on the Thoroughfare Plan. Sufficient capacity exists for the proposed expansion of the use.

Sufficient utilities are in place to accommodate the proposed expansion of the property. The subject property is served by an 8" sewer line and a 6" water line fronting the property along SE "H.K." Dodgen Loop. Additional water and sewer lines are provided in County View Lane and Country Lane Drive.

STAFF RECOMMENDATION:

Based on the above discussion, staff recommends approval of this request for a zone change from "PD-O2" to "GR" for the following reasons:

1. The proposed use is contiguous to an existing "GR" zoned property,
2. The applicant is requesting the "GR" zoning to expand an existing convenience store which is zoned "GR" and,
3. The development potential is restricted due to the acreage being considered to incorporate the full range of uses allowed under the TMED zone.

PUBLIC NOTICE:

Seven notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of Wednesday January 2, 2013 at 12:00 PM, Three notices were returned in support of the proposed change of zoning.

The newspaper printed notice of the Planning and Zoning Commission public hearing on December 27, 2012, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

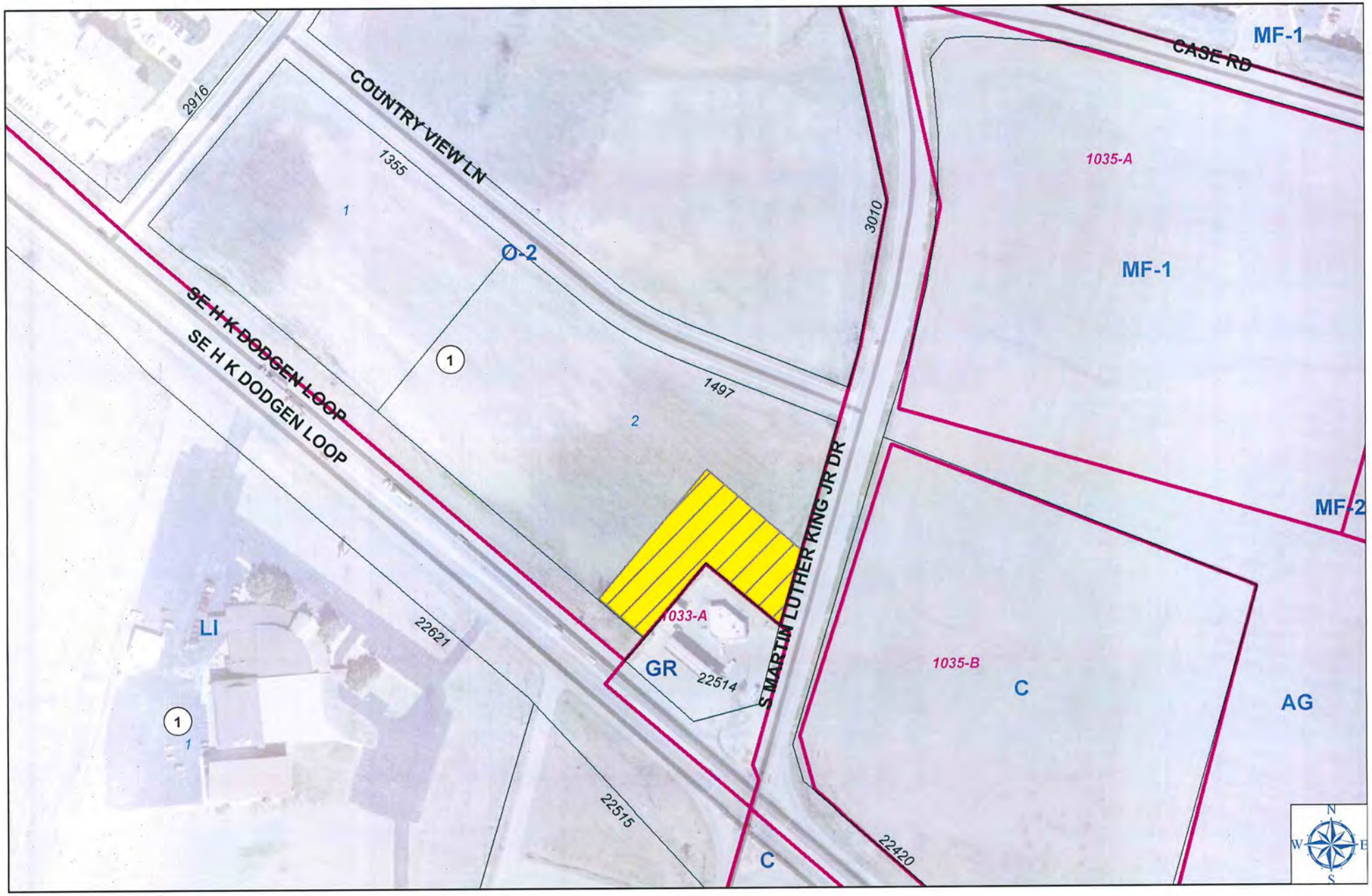
ATTACHMENTS:

Zoning and Location Map
Future Land Use and Character Map
Notification Map
Returned Property Owner Responses

Z-FY-13-07

Zoning and Location Map
Zone Change from PD-O2 to GR

1497 Country View Lane



Case | Zoning | Outblock Number 1234-A | Address 1234 | Block Number 1 | Lot Number 1

0 200 400 Feet

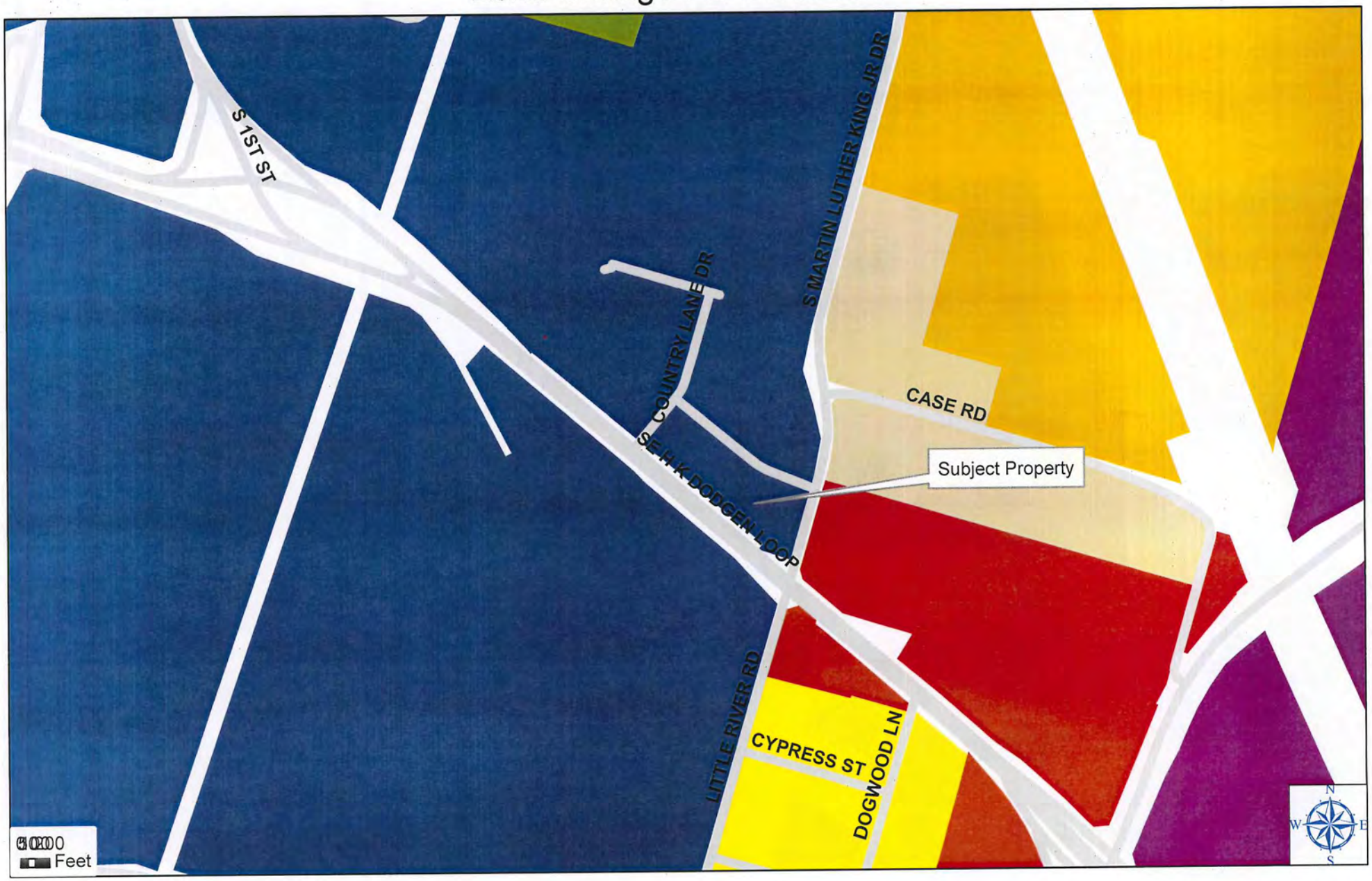
1/3/2013
City of Temple GIS

GIS products are for informational purposes a
may not have been prepared for or be suitable
legal, engineering, or surveying purposes. Th
do not represent an on-the-ground survey and
represent only the approximate relative locatio

Z-FY-13-07

Future Land Use Map
Zone Change PD-O2 to GR

1497 Country View Lane



Future Land Use

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

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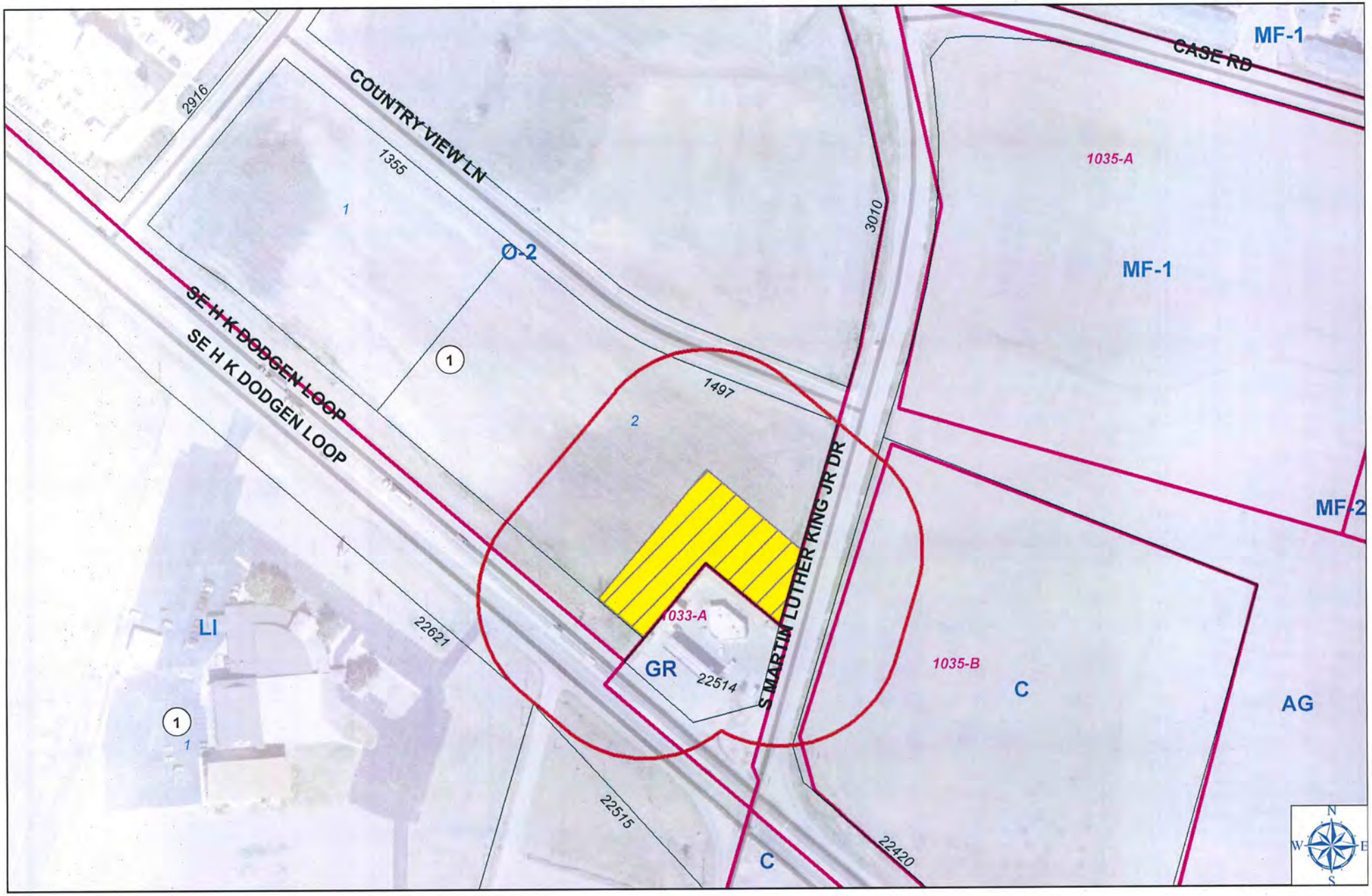
1/3/2013
City of Temple GIS

Z-FY-13-07

Notification Map
Zone Change from PD-O2 to GR

1497 Country View Lane



Case
Buffer_200
Zoning
1234-A Outblock Number
1234 Address
1 Block Number
1 Lot Number

0 200 400
Feet

1/3/2013
City of Temple GIS

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legal, engineering, or surveying purposes. Th
do not represent an on-the-ground survey and
represent only the approximate relative locatio

RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Fikes Wholesale Inc.
P.O. Box 127
Temple, Texas 76503-1287

Zoning Application Number: Z-FY-13-07 **Project Manager:** Mark Baker

Location: 1497 Country View Lane

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

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

Comments: Additional retail is needed in this area.

RW Smith / President
Signature

Raymond W. Smith
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 7, 2013

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

RECEIVED
DEC 28 2012
City of Temple
Planning & Development

Number of Notices Mailed: 7 Date Mailed: December 21, 2012

RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

Two Country Lane-Temple Ltd
1005 Shady River CT N
Benbrook, Texas 76126

Zoning Application Number: Z-FY-13-07 **Project Manager:** Mark Baker

Location: 1497 Country View Lane

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

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

Comments:

Kenneth H. Mitchell 12-26-12
Signature

Kenneth H. Mitchell
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 7, 2013

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

RECEIVED
DEC 31 2012
City of Temple
Planning & Development

Number of Notices Mailed: 7 Date Mailed: December 21, 2012

RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

The Grand Reserve-Temple Ltd
1005 Shady River CT N
Benbrook, Texas 76126

Zoning Application Number: Z-FY-13-07 **Project Manager:** Mark Baker

Location: 1497 Country View Lane

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

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

Comments:
An expanded, nice Convenience store is needed in the area.

Kenneth H. Mitchell
Signature

Kenneth H. Mitchell
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 7, 2013

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

RECEIVED
DEC 31 2012
City of Temple
Planning & Development

Number of Notices Mailed: 7 Date Mailed: December 21, 2012

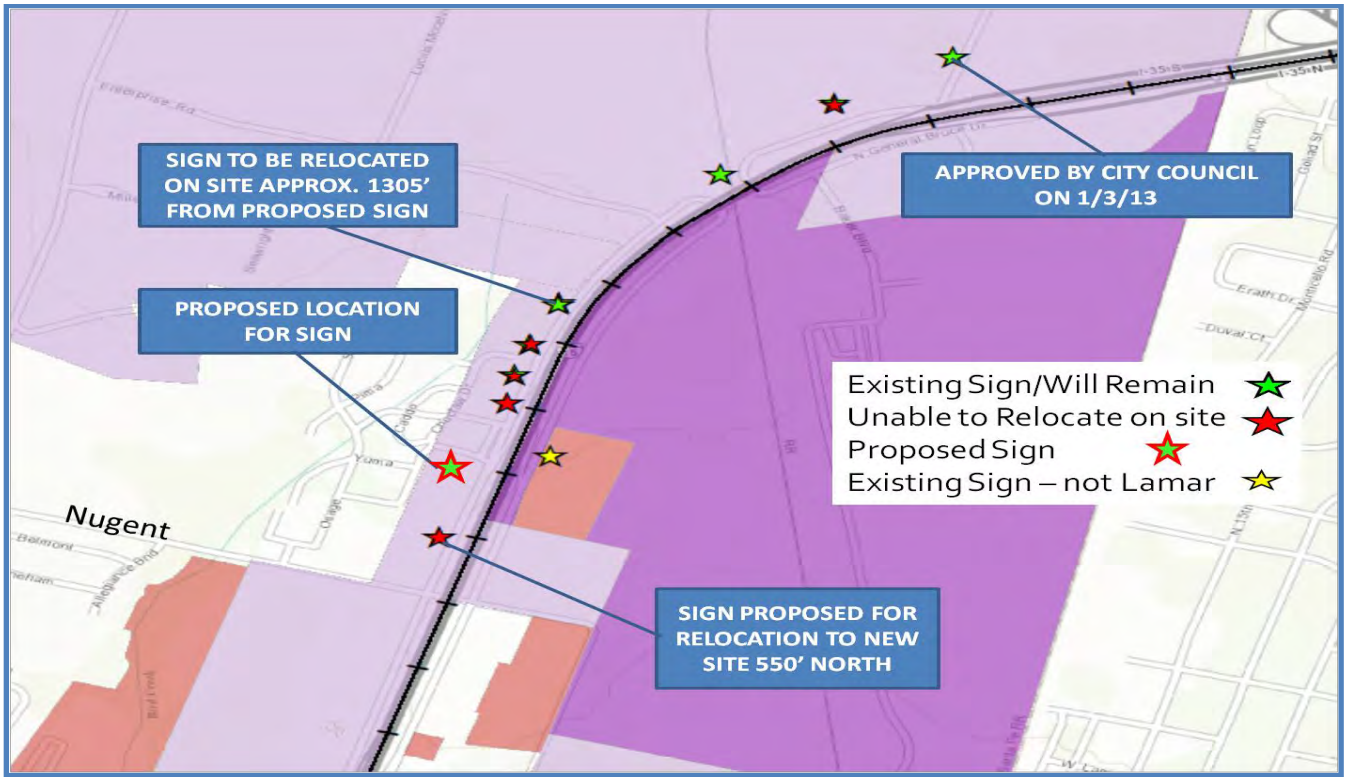
PLANNING AND ZONING COMMISSION AGENDA ITEM

APPLICANT/DEVELOPMENT: Lamar Advertising

CASE MANAGER: Beverly Zendt, Assistant Director of Planning

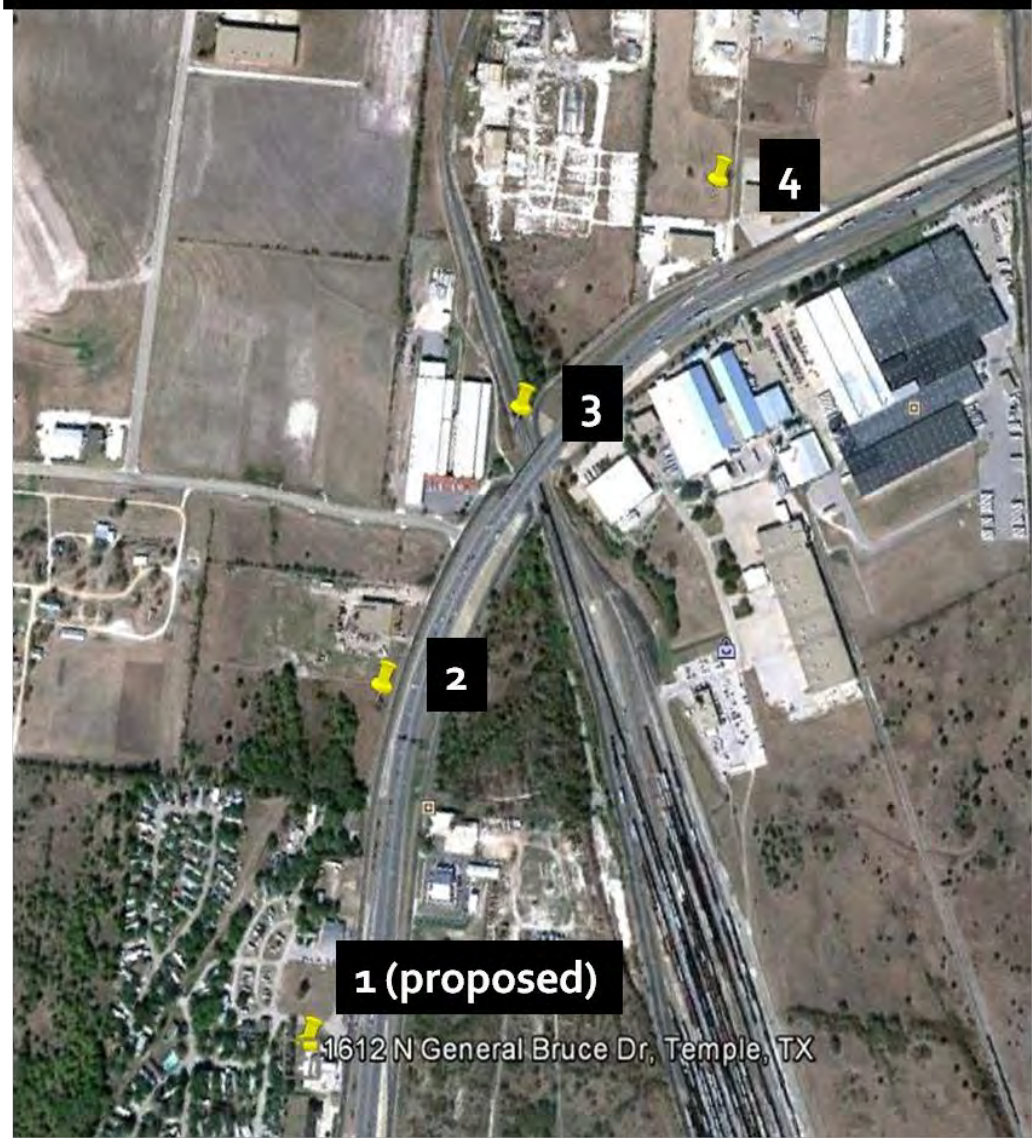
ITEM DESCRIPTION: Z-FY-13-08 Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow an off-premise sign relocation closer than 1,500 feet from another off-premise sign at 1612 North General Bruce Drive.

STAFF RECOMMENDATION: Staff recommends approval of the requested Conditional Use Permit. Based on current City spacing requirements of 1,500', this area - approximately 1.3 miles (approx 6,984 linear feet) from West Nugent Avenue to Industrial Blvd. - should not exceed 4-5 billboards on each side if an average spacing were calculated. Currently, the west side of I-35 (of this 1.3 mile area) has eight off-premise signs. **Three** of those signs are expected to locate on site or within the immediate area maintaining a presence along I-35 at the same approximate locations. One off-premise sign has already been approved for a CUP approximately 4,300' from the proposed location but within the 1.3 mile area between Nugent and Industrial Blvd. The east side of I-35 has one off-premise sign within the focus area.



The proposed sign location would place a new sign approximately 1,305' from the closest off-premise sign to the north and approximately 3,174' from the closest off-premise sign to the south. Although the proposed sign would be within 1500' of an existing sign that is expected to remain, the overall number of signs for this 1.3 mile area is expected to decrease by four, eliminating some existing clustering in this general location and keeping within an acceptable number of signs for this area. Based on average spacing calculations and the number of signs expected to remain in this general area, additional requests to relocate signs (that do not meet spacing requirements) to this area would not likely receive a favorable recommendation from staff. Below is a summary of the number of signs expected to remain (including sign proposed) in the approximate 1.3 mile area from Nugent to Industrial Blvd.

Expected to remain in 1.3 mile area (approximately 6,984 linear feet)



ITEM SUMMARY: The Unified Development Code (UDC) limits the number of off-premise signs to the number of signs in existence on March 7, 2002. The UDC provides standards for the erection of replacement signs and for sign relocations necessitated by Texas Department of Transportation (TxDOT) road improvement projects. Specifically Section 7.5.11L of the UDC states,

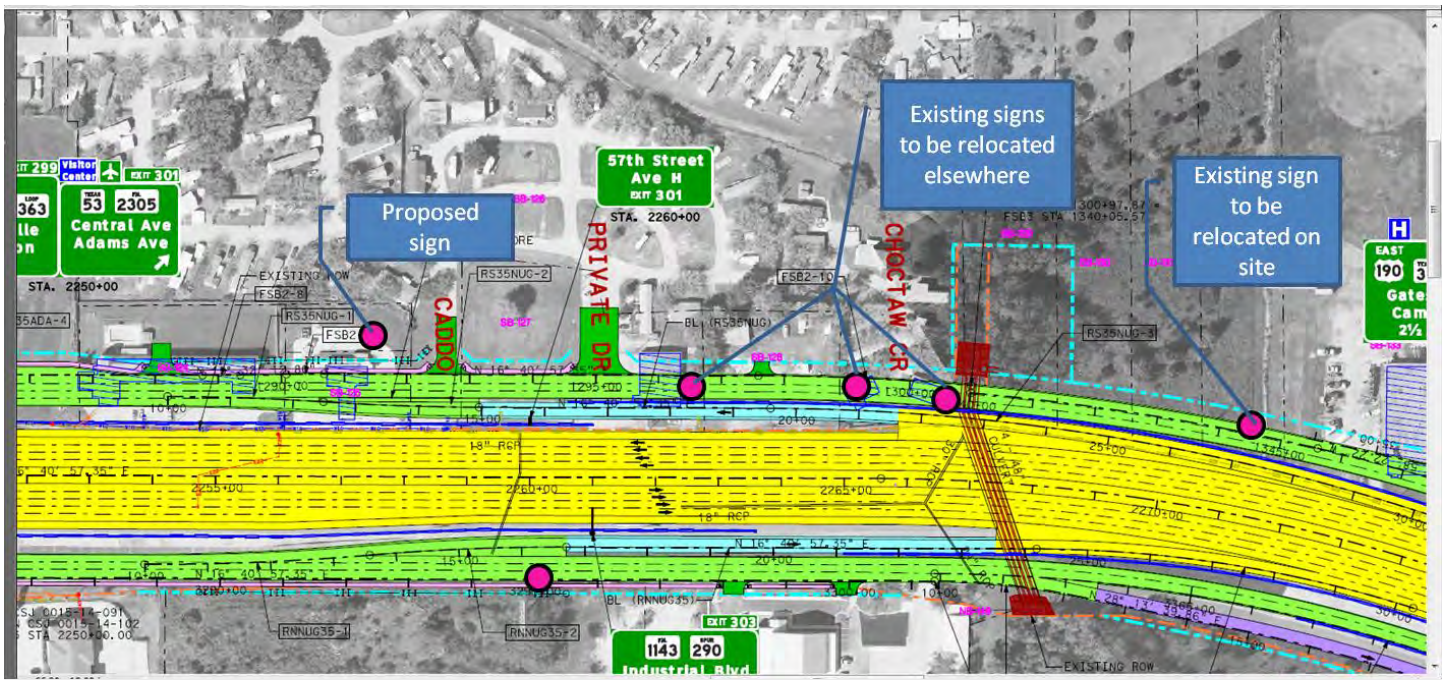
> *If a sign located within the proposed public street right-of-way of a state highway is to be relocated to accommodate a regulated highway project and the Texas Department of Transportation issues a permit for relocation of the sign, the Director of Construction Safety* ***may*** *also issue a Sign 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.*

The I-35 expansion project and the subsequent TxDOT right-of-way acquisition have resulted in the displacement of numerous billboards. Lamar Advertising, the applicant, currently has a billboard located at 1602 North General Bruce Drive that will be affected by TxDOT right-of-way acquisition. The applicant is proposing relocating the sign 550' to the north to 1612 North General Bruce Drive. 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 the City 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. Per Section 7.5.11 of the UDC, a sign may be relocated, with the approval of the Director of Planning and Development, if the following standards are met:

- Proposed relocation is zoned either Commercial, Light Industrial and Heavy Industrial;
- Dimensional requirements (total area per face of 672 square feet or less and no more than 42.5' tall);
- Design standards (faces, light, material etc.); and
- Spacing requirements (1,500 feet of another off-premise sign).

A Conditional Use Permit is required when any of the criteria above cannot be met. The area proposed for relocation is zoned Light Industrial. The proposed sign complies with dimensional standards and with setback and design standards governing TxDOT initiated relocations. The proposal is for the relocation of a 14' x 48' (area) metal, V-monopole sign setback 17' from the right-of-way (after expansion is complete). The height of the new sign will be no taller than 42.5'. The proposed location does not meet spacing requirements.

The proposed sign will be erected approximately 594', 799', 1053' and 1305' from existing signs to the north of the proposed location. Lamar Advertising has informed staff the signs located approximately 594', 799', and 1053' to the north of the proposed sign location will be relocated to other sites not in this general area. Lamar Advertising has indicated that the sign located approximately 1305' north of the proposed sign location will be relocated on site, maintaining a presence at the same approximate location along I-35 frontage.



Current Location 1602 North General Bruce Drive	Proposed Location 1612 N. General Bruce Drive

PUBLIC NOTICE:
Three notices of the Planning and Zoning Commission public hearing were sent to surrounding property owners. As of Friday, January 4, 2013 at 12:00 PM, no notices had been returned either in favor or in opposition to the proposed Conditional Use Permit. The newspaper printed notice of the Planning and Zoning Commission public hearing on December 27, 2012, in accordance with state law and local ordinance.

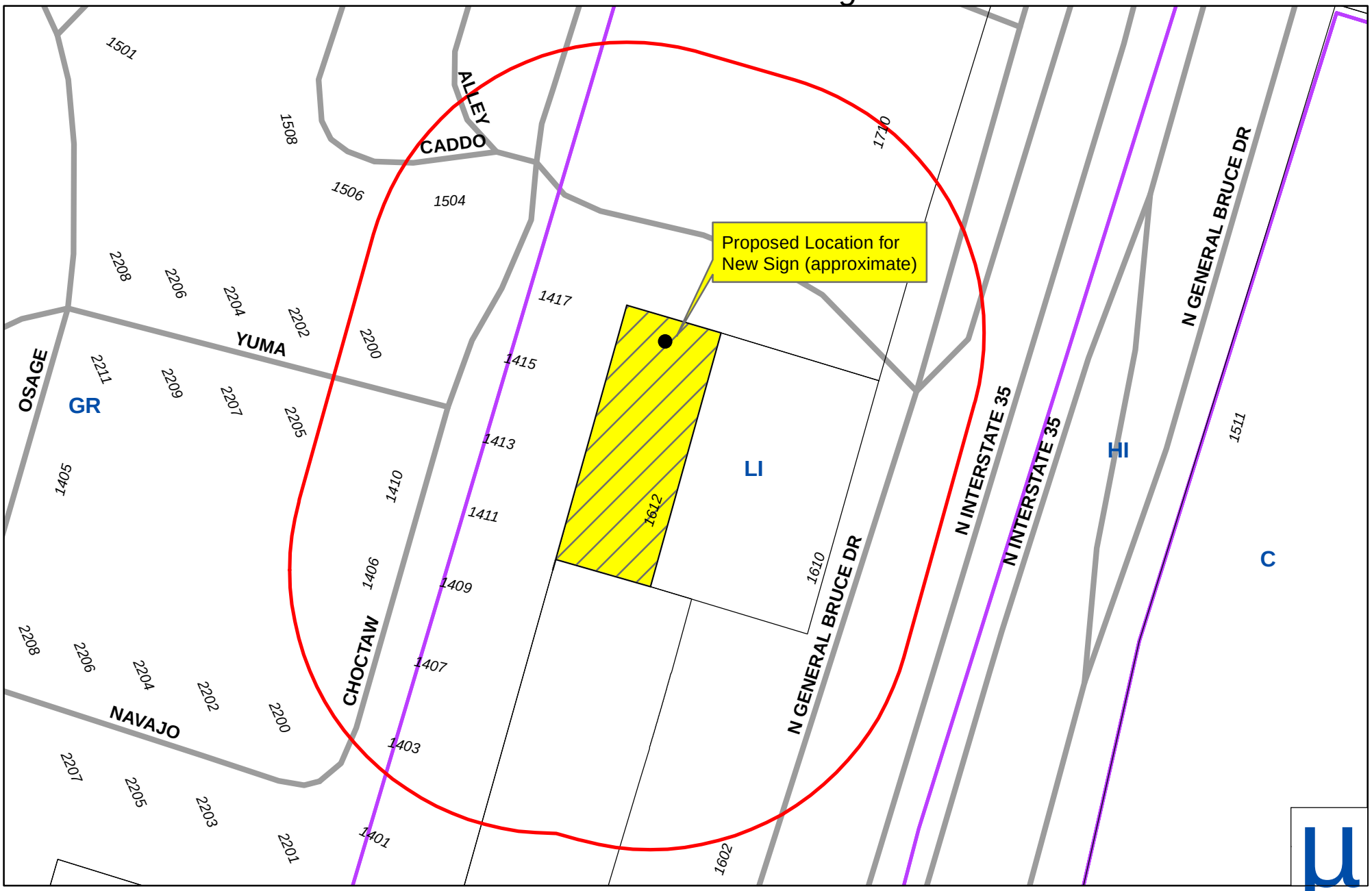
FISCAL IMPACT: Not Applicable

ATTACHMENTS: Aerial and Notification Map

Z-FY-13-08

Conditional Use Permit Request for Off-Premise Sign

1612 North General Bruce Dr.



Case

200' Notification Buffer

Zoning

1234 Address

0 100 200
Feet

City of Temple Planning Dept.
bzendt
12/19/12

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.

PLANNING AND ZONING COMMISSION AGENDA ITEM

APPLICANT: Planning & Zoning Commission

CASE MANAGER: Autumn Speer, Director of Planning & Development

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-12-31 - 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	Pending	Gary Freytag for Lexington Holdings
Z-FY-12-50 Hold a public-hearing to discuss and recommend action on a zone change from PD Planned Development-Urban Estates District (PD-UE) to Planned Development -Single Family-1 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.	Pending	Gary Freytag
P-FY-13-03 - Consider and take action on the final plat of Trinity Evangelical Luthern Addition, a 2.97 ± acres, 1-block, 3-lots residential subdivision, located on the north side of Marlandwood Road, east of Aster Drive. (All County Surveying for Trinity Evangelical Lutheran Church)	Pending	All County Surveying
P-FY-13-02 - Consider and take action on the Final Plat of Waters Dairy Addition, a 1.401 ± acres, 1-lot, 1- block non residential subdivision, located at the southeast corner of South 31st Street and Waters Dairy Road. (Applicant: Stripes LLC for Henry Kiper Allen, Jr, Irvin McCreary Allen and Raye Virginia Allen Cucelo)	Pending	Stripes LLC
Z-FY-13-11 - Consider and make a recommendation on an Appeal of Standards in Section 6.7,Unified Development Code related to the I-35 Corridor Overlay Zoning District for Garlyn Shelton Cadillac-Buick/GMC, located on Lot 1, Block 1, Diamond S. AdditionOn the SE corner of Midway Drive & IH 35.	P&Z 1-22-13	Larry Neal

City Council Final Decisions	Status
Z-FY-13-01 - Consider adopting an ordinance authorizing a permanent zoning from Agricultural District (AG) to Planned Development-Single Family One District (PD-SF-1) at 305 Ben Nevis Lane, located on Lot 4, Block 1, The Highlands Phase 1.	APPROVED at 1st Reading on January 3, 2013
Z-FY-13-02 - Consider adopting an ordinance authorizing a Conditional Use Permit to allow an off-premise sign relocation closer than 1,500 feet from another off-premise sign at 3010 South General Bruce Drive.	APPROVED at 1st Reading on January 3, 2013
Z-FY-13-03 - Consider adopting an ordinance authorizing a Conditional Use Permit to allow an off-premise sign relocation closer than 1,500 feet from another off-premise sign at 2502 North General Bruce Drive.	APPROVED at 1st Reading on January 3, 2013
Z-FY-13-04 - Consider adopting an ordinance authorizing a zone change from Agricultural District (AG) to Single Family Three District (SF-3) on 64.073 ± acres and Office Two District (O-2) on 9.665 ± acres, situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located on the west side of Old Waco Road, adjacent to Westwood Estates and Hills of Westwood, south of Jupiter Drive.	APPROVED at 1st Reading on January 3, 2013
Z-FY-13-05 - Consider adopting a resolution authorizing an Appeal of Standards in Sec. 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for landscaping and parking improvements for Texas Roadhouse, located at 624 North General Bruce Drive.	APPROVED at 1st Reading on January 3, 2013
Z-FY-13-06 - Consider adopting a resolution authorizing an Appeal of Standards in Sec. 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for landscaping and building improvements for Johnson Brothers Ford located at 503 and 615 North General Bruce Drive.	APPROVED at 1st Reading on January 3, 2013

Fax #298-5624

Phone #298-5668

PLANNING AND ZONING COMMISSION
MEETING EVALUATION

January 7, 2013

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?			

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	P	P	P	No Meeting Held	P	P	P	No Meeting Held	P	16	2
Mike Pilkington	P	P	P	P									14	
Allan Talley	P	P	P	P	P	P		P	P	A		P	18	
Derek Martin	P	P	P	A	P	P		P	A	P		P	15	3
Will Sears	A	A	P	P	P	P		P	P	A		P	15	3
Greg Rhoads	A	P	A	P	P	A		P	P	A		P	13	5
David Jones	P	P	P	P	P	P		A	P	P		P	17	1
Chris Magaña	A	P	P	P	P	P		P	P	P		P	13	2
Bert Pope	P	P	P	P									9	1
Randy Harrell					P	P		P	A	P		P	4	1
Patrick Johnson					P	P		P	P	P		P	5	

not a Board member