

**NOTICE OF MEETING
PLANNING AND ZONING COMMISSION
CITY MUNICIPAL BUILDING, 2 NORTH MAIN STREET
STAFF CONFERENCE ROOM, 1ST FLOOR
FEBRUARY 4, 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, February 4, 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
FEBRUARY 4, 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 January 7, 2013.

B. ACTION ITEMS

Item 2: [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)

Item 3: [P-FY-13-12](#) - Consider and take action on the Final Plat of Country Lane Commercial, a 6.854± acres, 2-lot, 1-block non residential subdivision, located at the northwest corner of SE H K Dodgen Loop and South Martin Luther King Jr. Drive. (Applicant: Kenneth Mitchell)

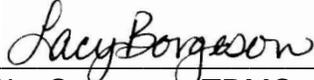
Item 4: [Z-FY-13-11](#): Consider and make a recommendation on an Appeal of Standards in Section 6.7, Unified Development Code related to the I-35 Corridor Overlay Zoning District for Garlyn Shelton Cadillac-Buick/GMC,

located on Lot 1, Block 1, Diamond S. Addition, on the SE corner of Midway Drive & IH 35. (Applicant: Larry Neal)

C. REPORTS

Item 5: Receive and discuss the [Planning Director's Report](#) containing items for future meetings regarding subdivision plats, zoning cases, conditional use permits, annexations, and proposed text amendments to the Unified Development Code. **(continued, if not completed in Work Session)**

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 3:00 PM, February 1, 2013.



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, JANUARY 7, 2013
5:00 P.M.
WORK SESSION**

PLANNING AND ZONING MEMBERS PRESENT

Chair James Staats

COMMISSIONERS:

David Jones
Greg Rhoads
Patrick Johnson

Chris Magaña
Allan Talley
Will Sears

PLANNING AND ZONING MEMBERS ABSENT:

Derek Martin

Randy Harrell

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.

Vice-Chair Sears noted an error on the December 17, 2012 Open meeting minutes under Item 2: **P-FY-12-36**, stating that "Vice-Chair Staats" stated he would abstain from the item. It should have read "Vice-Chair Sears" stated he would abstain. (*Correction made to original 1-7-13 minutes*).

Ms. Speer stated Item 2 was a final plat for the Gateway Center (Ancira/Mall of America location) to take unplatted property and subdivide it into four lots for the new proposed Cinemark Theater and a restaurant pad. There are two exceptions being requested: one is for fire hydrant spacing which Staff is recommending approval of and the second exception is for a four foot sidewalk on Gillmeister which Staff is not recommending approval of. Staff would like to see the sidewalk constructed because the residential

neighborhood in the back could create a lot of foot traffic for the area. Ms. Speer stated that this issue has not been discussed with the applicant. The sidewalk would be in the right-of-way and would not affect their site.

Item 3 is an appeal for the same project regarding I-35 Overlay standards. This is the most extensive appeal to date since anticipated costs exceed 100 percent of existing value triggering all standards. Staff recommends approval of some of the requests and asks that other requests meet the intent of the Ordinance, including the requirement to provide a sidewalk.

Additional Staff recommendations include the removal of one of the monument signs which exceeds allowable number of signs. The proposed theater would have a 96 foot tall blade sign projecting from the building. Temple does not allow any projections for wall signs on buildings and Staff is recommending allowing the blade sign to be 15 feet above the building, making the sign 60 feet in height which is still taller than the new Ordinance allows for pylon signs. Staff recommends increasing the evergreen plantings (switching out trees) to meet city standards. Additionally, there are two signs on the primary façade and only one is permitted. Staff recommends removal of the additional sign.

Ms. Speer stated that the landscaping proposed should be a big improvement for the site.

The I-35 Ordinance is cumulative over 15 years. Staff feels this project is the final version so any new improvements on the subject site would need to comply with requirements but no further triggers would be included.

Item 4 is a rezoning from PD-O-2 to GR. This is located at the Loop and MLK, Ken Mitchell's property. Cefco is purchasing some property for future expansion. The gas station is currently zoned GR and the surrounding land is currently zoned PD-O-2 and located in the TMED area. Staff would recommend a T5 zoning district, but it would be an odd transition due to the location and adjoining zoning districts. Also, TMED only allows fuel sales on 31st Street and would not allow for the expansion. Staff is in support of the GR request.

Item 5 is a CUP for an off-premise billboard sign.

Ms. Speer gives the Director's Report:

Valley Ranch plat is still on hold and may come forward in March.

Waters Dairy Addition plat and Trinity Evangelical Church plat are still pending.

I-35 Appeal will be coming for Garlyn Shelton.

All current City Council items from Planning were approved at the first reading.

Ms. Speer expanded on the Garlyn Shelton project and stated a new building would be going in near Shallowford Road and they will be submitting an I-35 appeal for the landscaping. The plat was submitted a few months back which proposed the rerouting of Shallowford Road, which went through.

There being no further discussion, Chair Staats adjourned the meeting at 5:09 P.M.

**PLANNING AND ZONING COMMISSION
JANUARY 7, 2013
5:30 P.M.**

PLANNING AND ZONING MEMBERS PRESENT
Chair James Staats

COMMISSIONERS:

Will Sears	Chris Magaña
H. Allan Talley	Patrick Johnson
David Jones	Greg Rhoads

PLANNING AND ZONING MEMBERS ABSENT:

Randy Harrell	Derek Martin
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STAFF PRESENT:

Autumn Speer, Dir. of Planning & Development
Trudi Dill, Deputy City Attorney
Beverly Zendt, Assistant Planning Director
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, January 4, 2013 at 2:00 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 Talley; Pledge of Allegiance by Chair Staats.

A. CONSENT ITEMS

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

Approved by general consent.

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.

Mr. Mark Baker, Planner, stated this was a final plat for Gateway Center, located on the south side of I-35 along south General Bruce Drive, east of Gillmeister Lane, west of Blue Jay Drive and north of Briarwood Drive. The City Council is the final plat authority since the developer requests exceptions to the UDC.

DRC deemed the plat administratively complete on January 3, 2013 and the property is zoned General Retail (GR) and the developer has requested an exception to the Unified Development Code (UDC) Section 8.1.3 A.7. related to fire hydrant placement spacing requirements. The applicant is also requesting a sidewalk waiver to eliminate the requirement to place a four foot sidewalk along Gillmeister Lane.

There is an existing 12 inch sewer line and a six inch sewer line located and available in Gillmeister and on the eastern property line. An existing 12 inch water line is also available along the eastern property line as well as a six inch water line along South General Bruce Drive.

Staff recommends approval of the final plat with the requested exception to the UDC Section 8.1.3 A.7. for hydrant placement and spacing requirements for Gateway Center. Staff disapproves of the sidewalk waiver for a four foot sidewalk on Gillmeister Lane.

Chair Staats invited public comments, although a public hearing was not required.

Mr. Will Morris, 3000 S. 31st St., Temple, Texas, stated the reasons for the exception to the four foot sidewalk along Gillmeister was because the area would not have a lot of foot traffic, nor does Gillmeister Lane lead into a high traffic neighborhood. Sidewalks are good but not if they serve no purpose.

Commissioner Rhoads asked how long the sidewalk was supposed to be. Mr. Morris responded he was not sure and that they did not control the corner where the tire store is. He did not feel a sidewalk would benefit anyone. Mr. Morris stated the asphalt already located in the area would need to be torn out, along with demolishing a low retaining wall which would also be costly to put in a sidewalk that would not be used.

Commissioner Talley asked Staff if this requested sidewalk was projected for future use along the subject area of because of the existing rules set up. Ms. Autumn Speer, Director of Planning and Development, stated Staff was requesting the sidewalk be put in place because the developer is proposing a 40,000 square feet theater to be developed on the corner and there is a substantial amount of residential property behind the theater. They are also proposing this area become more of a town center which could create pedestrian activity and foot traffic in the neighborhood. This would be a positive opportunity for installing a four foot sidewalk which would be placed in the right-of-way. The landscape improvements are outside of the right-of-way on public property so there is a possibility of putting in the sidewalk for the applicants.

Commissioner Rhoads asked how long the sidewalk was supposed to be and Ms. Speer stated 770 feet, minus the driveway. Ms. Speer proposed a possible compromise that the

applicant could provide a sidewalk up to the driveway cut that is located on Gillmeister, which would be approximately in the middle. This proposal has not been discussed with the developer.

Mr. Morris stated the people from the neighborhood would walk along the street to get to the new sidewalk so what was the point? Chair Staats stated people needed to be moved off the pavement at some point. Mr. Morris replied the area was not a high traffic street and seemed wasteful.

Commissioner Jones asked about compliance with the I-35 Overlay. Ms. Speer stated if everything were approved as requested, the developer would not have to come back. However, there would be no future opportunity to have the sidewalk installed.

Commissioner Rhoads agreed that 700 feet of sidewalk seemed excessive and there should be some compromise made.

Commissioner Johnson asked if the sidewalk could be pulled out.

Ms. Speer stated if the Commission did not want to approve the sidewalk, they could approve the exception as requested, same as the fire hydrant.

Commissioner Talley agreed with Commissioner Rhoads.

Commissioner Rhoads made a motion to approve Item 2, **P-FY-13-11**, as requested by the applicant and Vice-Chair Sears made a second.

Motion passed: (5:2)

Commissioner Talley and Chair Staats voted Nay; Commissioners Martin and Harrell absent

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.

Ms. Autumn Speer, Director of Planning & Development, stated this request was for the redevelopment of the Ancira Mall or Mall of America, for Gateway Center and the new theater. It exceeds the 100 percent evaluation so all the requirements have been triggered. Staff would like to see this be the final negotiation for appeals for the applicant so further requirements will not be triggered.

Some remodeling has occurred on the subject property over the last few years which sit on a 30 acre site. The new theater is proposed at almost 41,000 square feet and the rest of the center is proposed for redevelopment.

The current value is \$2.2 million and the proposed improvements exceed \$3 million so 100 percent of the improvements would need to be in full compliance with I-35 Overlay standards.

The overall proposed landscape plan is shown. Part of I-35 landscape requirements have to do with how the front of the property is treated against the street and the internal parking area. Ms. Speer stated that the applicant had done their best to meet the buffer requirements and internal landscaping without losing a significant number of parking spaces.

The applicant has revised the tree types so they meet the City approved tree list.

Foundation plantings are required in the I-35 requirements and 70 percent of all buildings facing the street must have foundation plantings and the applicant is not meeting the overall requirements. They are, however, meeting it on certain façades and certain buildings.

Sketches of preliminary signs are shown and all of the proposed signs meet the criteria except for the number of signs.

The materials for the theater meet the requirements. There are a few sign issues and window appeals. Building permits have been submitted for review and will not be approved until the project has been approved.

The applicant has turned in a site plan, met all the curb, gutter and parking requirements, storage restrictions have been met, screening has been met, native grass beds and irrigation is provided for the landscaping, materials and colors for architectural elements have been met, and the minimum landscape area exceeds the required percentage.

Ms. Speer stated that this type of facility requires approximately 1700 parking spaces. After all of the landscaping and buffer needs, there are about 1500 remaining spaces, 70 which are proposed for future use. Staff recommends approval of this appeal.

Foundation plantings are at 36 percent overall and Staff feels they meet the overall intent of the overlay standards and recommends approval of this appeal.

The proposed landscape buffer meets the requirements along General Bruce Drive and exceeds the minimum area requirements. Staff recommends approval of this portion.

Staff recommends a 10 foot landscape buffer between the residential properties at the rear of the buildings and the proposed new parking area to provide some sort of screening for the residences.

Berms and shrubs are proposed for the majority of the area and Staff recommends approval. The landscape buffer plantings meet the intent with the number of trees.

Approximately 143 interior parking islands would be required based on the number of parking spaces. The terminal parking islands have been met for the majority and the median islands have only been provided at the entryways, however, Staff feels this is consistent with the overlay requirements.

Sixty percent required trees must be evergreen and applicant has only provided 40 percent. Staff would like to see the applicant swap out some of the deciduous ornamental trees for some evergreen ornamental trees, which would equal approximately 66 trees.

Berms have been provided along the front edge at key intersections and will meet the intent.

Permitted sign types in I-35 are wall signs, one per façade. The Cinemark has proposed three: one blade sign and two wall signs. Staff recommends one of the primary wall signs be removed and the blade sign be reduced in height. Currently the blade sign is 96 feet tall and Staff recommends the blade sign be 15 feet above the building making it a total of 60 feet tall.

No wall signs are allowed to project above the building in I-35 and the tallest sign permitted in I-35 is 40 feet. This would allow the applicant to have a 60 foot tall sign.

The I-35 Ordinance allows one sign for 300 feet so four signs are allowed. Staff is requesting one sign be removed.

Staff recommends approval of all architectural issues since they meet the intent of the Ordinance.

Staff recommendation is: a four foot sidewalk be provided along Gillmeister; the applicant meet the 60 percent evergreen requirement; the applicant maintain a 10 foot buffer between the residential properties and proposed new parking area; that a small wall sign be eliminated on the theater; that the maximum height of the proposed blade sign be 15 feet above the building reducing the total height to 60 feet; a reduction of one monument sign on the restaurant pad site; and that this be the final appeal for this project so any additional remodeling or interior work may be done without further negotiation.

Discussion about the I-35 sign requirements. Staff is asking for removal of one of the additional Cinemark signs.

Ms. Speer stated the applicant was not in favor of replacing trees with more evergreens.

Ms. Speer explained the residential area is very close to the future proposed parking area and Staff would like to maintain the space currently existing. The I-35 requirement is 20 feet. The applicant would lose approximately 35 parking spaces in that area.

A public hearing is not requested but Chair Staats wanted to take public comments.

Mr. Will Morris, 3000 S. 31st St., Temple, Texas thanked the Staff for all their hard work on this project and this development would really upgrade the area. Cinemark is the main thrust of the new development.

Mr. Morris stated they would be working with an existing site and only tearing down one building. As the tenants are added, along with having a restaurant pad site and adding all the landscaping, the available parking is shrinking which is why the rear of the site was considered. Mr. Morris stated they were happy with screening the area and proposed a wood fence or similar structure.

Mr. Morris addressed the signage for Cinemark. His concern was the image the City of Temple is portraying to new businesses coming into the area and looking at Temple. The sign at issue is one of Cinemark's new technology trademarks claiming what sets them apart from older theaters. The blade sign is tall. The movie theater would like to be seen from far away as possible and set them apart. Although the sign is taller than allowed, the sign is part of their new look and creates interest.

Mr. Morris stated they were working with a maximum of a 40 foot multi-tenant sign which has less room which is why more signs were added.

Mr. Morris explained Staff is requesting a reduction in the number of Crepe Myrtles and asking that they be replaced with evergreen trees. Mr. Morris explained that landscaping should

include trees that provide color at different times of the year. Evergreens do not necessarily provide color.

Mr. Morris describes the proposed signs in detail.

Chair Staats asked how far back Cinemark was from the I-35 right-of-way and Mr. Morris stated 400 to 500 feet.

Corrections are stated regarding designations and descriptions of some of the signage previously indicated.

Ms. Speer stated the applicant was providing 40 percent of evergreens and the requirement was 60 percent. Chair Staats asked if Mr. Morris would meet in the middle (50 percent) and Mr. Morris agreed.

The 10 foot buffer between the residents was discussed. Commissioner Rhoads stated parking was necessary due to the many offices currently existing and the proposed businesses and theater would also need parking. A wooden fence is currently along the residential area. Commissioner Johnson stated the residential area was higher (in grade) than the business center. Mr. Morris stated there was a retaining wall under there and maybe six to seven feet above the finished grade of the drive isle behind the center.

Commissioner Rhoads stated if the residents were asked they would be in agreement to have the center done since it is an eyesore now. He did not believe the 10 foot buffer was needed and a wood privacy fence would be fine. *Discussion about fences continued.*

Ms. Speer stated there would be no landscape requirements on the 10 foot buffer, just maintained.

Commissioner Magaña asked if a fence was even necessary. Commissioner Johnson replied if the area were to be redone, the same type of fence all the way across would be nice. It would look better. Ms. Speer suggested a masonry fence since an eight foot wood fence would eventually deteriorate. Mr. Morris stated they would prefer to do an eight foot wood fence and stain it to look nice. *More discussion about fence deterioration, maintenance and height.* Chair Staats suggested using metal poles for more stability. Mr. Morris stated they could do metal poles. Ms. Speer stated that, according to the I-35 requirements, a masonry wall matching the architectural style and color of the building is required between properties when a nonresidential use abuts a residential use or zoning district and has to be no less than six feet and no more than eight feet. This will need to be added to the appeals since it is required.

Chair Staats stated he had no problems with the signage. The blade sign would be 400 feet away and not right on I-35. Commissioner Rhoads agreed and stated redoing the center was a great thing for the City. Commissioner Magaña stated the signs should stay the same and it is their logo. Commissioner Talley agreed.

Commissioner Johnson stated he would like to see it lower. A precedent needs to be set and the sign is higher than the maximum allowed. It did not have to be as tall as requested.

Commissioner Talley stated for the amount of money they were investing, they should have their sign. Commissioner Rhoads agreed and in favor of the signage as stated. Commissioner Magaña agreed.

It was agreed that 50 percent of the trees would be evergreens.

Commissioner Rhoads made a motion to approve Item 3, **Z-FY-13-09**, with no sidewalk, required 50 percent evergreens, in lieu of the masonry fence, a landscape buffer requiring a six foot wood fence with steel posts, and signage as stated. Commissioner Talley made a second.

Motion passed: (7:0)

Commissioners Martin and Harrell absent

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.

Mr. Baker stated the subject property was located west of the northwest corner of Martin Luther King, Jr. Drive and SE HK Dodgen Loop and the applicant is Kenneth Mitchell.

The requested General Retail (GR) would add approximately over one acre to the existing GR property to the east and allow for an expansion for an existing convenience store.

Surrounding properties include Bethel Assembly of God Church to the south, an existing Shell Fuel Station and convenience store to the east (subject for the expansion), undeveloped Planned Development -Office-Two (PD-O-2) to the north, and The Grand Reserve to the west.

The Thoroughfare Plan designates HK Dodgen Loop as a major thoroughfare and MLK as a minor arterial. Sufficient capacity exists on both of the proposed roads for the expansion and use.

Sufficient utilities are in place to accommodate the property and the property is served by an eight inch sewer line and a six inch water line fronting the property along SE HK Dodgen Loop.

The Future Land Use and Character Map designate this area as the Temple Medical Education District (TMED) and TMED permits many retail sales and retail service uses including food and beverage sales. TMED is the preferred or ideal zoning designation to achieve consistency between zoning and the Future Land Use and Character Map; however, the proposed zone change is contiguous to an existing GR zoned property. Staff is in support of the request for the reasons stated in the recommendation below.

Seven notices were mailed with three returned in favor of the request.

Staff recommends approval of this request from PD-O-2 to GR for the following reasons:

1. The proposed zone change is contiguous to an existing “GR” zoned property.

2. The request is to expand the existing “GR” zoned convenience store.
3. Limited development potential exists on the acreage being considered.

Mr. Baker stated no comments have been received from the churches in the area.

Chair Staats opened the public hearing.

There being no speakers, the public hearing was closed.

Vice-Chair Sears made a motion to approve Item 4, **Z-FY-13-07**, and Commissioner Jones made a second.

Motion passed: (7:0)

Commissioners Martin and Harrell absent

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.

Ms. Beverly Zendt, Assistant Planning Director, stated this request is brought since the spacing is within 1500 feet of an existing sign. The location of the sign is 1612 North General Bruce Drive and the applicant is Lamar Advertising. This request is due to the TxDOT expansion of I-35.

Off premise signs standards are located in Section 7.5.11 A-K of the UDC which establishes dimensional standards, design standards, new sign standards, the number of signs allowed, credits, etc.

Section 7.5.11 L lays out standards for relocation resulting from TxDOT actions such as right-of-way or road acquisition and/or projects.

Section 7.5.11 A-K sets out the minimum spacing of 1500 feet on I-35, that the sign location must be in a Commercial (C), Light Industrial (LI) or Heavy Industrial (HI) district, the sign area of the face may be no larger than 14 feet by 48 feet, maximum height should be 42 feet, setback should be 20 feet from right-of-way and the number of signs is limited to those in place as of March 7, 2002.

Section 7.5.11 L provides that no permit fees are required for relocations, can be erected five feet from the right-of-way, may keep same number of poles and same materials, and may be erected without enlarging the sign face.

All signs that do not meet these requirements must apply for a Conditional Use Permit (CUP) along with the appropriate zoning designation.

The subject sign will be moved approximately 550 feet to the north near the Shell station.

Ms. Zendt stated the materials standards have been met, dimensional standards have been met, the setback standards have been per I-35 standards, and the zoning requirement is LI. The spacing requirements have not met. The proposed sign will be approximately 1300 feet

from an existing sign. There are four signs within 1500 feet of the new proposed relocated sign. Three of those signs will be relocated off site out of the area. One sign will remain on site approximately 1300 feet from the proposed sign.

Staff has been working diligently on tracking which signs exist and which signs have been removed or relocated in and/or out of the area. Ms. Zendt provided an overview of what signs are currently in the area and what signs will be removed.

Surrounding properties include the Stratford Inn to the south (where current sign is located) and the KL Comfort Park (Bird Creek Mobile Home Park) to the north.

Three notices were mailed out with zero responses received.

Staff recommends approval of this CUP request because:

- Spacing requirements permit 4-5 billboards (per side) in a 1.3 mile area between West Nugent Ave. and Industrial Blvd;

- Currently –west side has 8 (3 to remain);

- New sign will bring total to 4;

- Currently – east side has 1; and

- Existing clustering of signs in this area will be improved with TxDOT taking- and the new sign will not impact that reconfiguration.

Chair Staats opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Talley made a motion to approve Item 5, **Z-FY-13-08**, and Commissioner Johnson made a second.

Motion passed: (7:0)

Commissioners Martin and Harrell absent

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)

Respectfully submitted,
Leslie Evans



PLANNING AND ZONING COMMISSION ITEM MEMORANDUM

2/4/13
Item #2
Regular Agenda
Page 1 of 1

APPLICANT / DEVELOPMENT: Stripes LLC

ITEM DESCRIPTION: P-FY-13-02 Consider and take action on the Final Plat of Waters Dairy Addition, a 1.401 ± acres, 1-lot, 1- block nonresidential subdivision, located at the southeast corner of South 31st Street and Waters Dairy Road.

STAFF RECOMMENDATION: Staff recommends approval of the Final Plat of Waters Dairy Addition.

ITEM SUMMARY: The Development Review Committee reviewed the Final Plat of Waters Dairy Addition on October 24, 2012 and December 27, 2012. As of January 17, 2013, the plat was deemed administratively complete.

The Final Plat of Waters Dairy Addition is a 1-lot, 1-block nonresidential subdivision proposed at the southeast corner of Waters Dairy Road and South 31st Street. Due to TxDOT access restrictions along South 31st Street, ingress and egress will be limited to Waters Dairy Road.

Water services will be provided through an existing 8-inch line along the east right-of-way of South 31st Street. Sanitary sewer services will be provided through a proposed manhole with a proposed 8-inch line along the east side of South 31st Street. An off-site sanitary sewer easement has been provided for a proposed 8-inch sanitary sewer extension to the south for connection to an existing manhole in H. K. Allen Parkway.

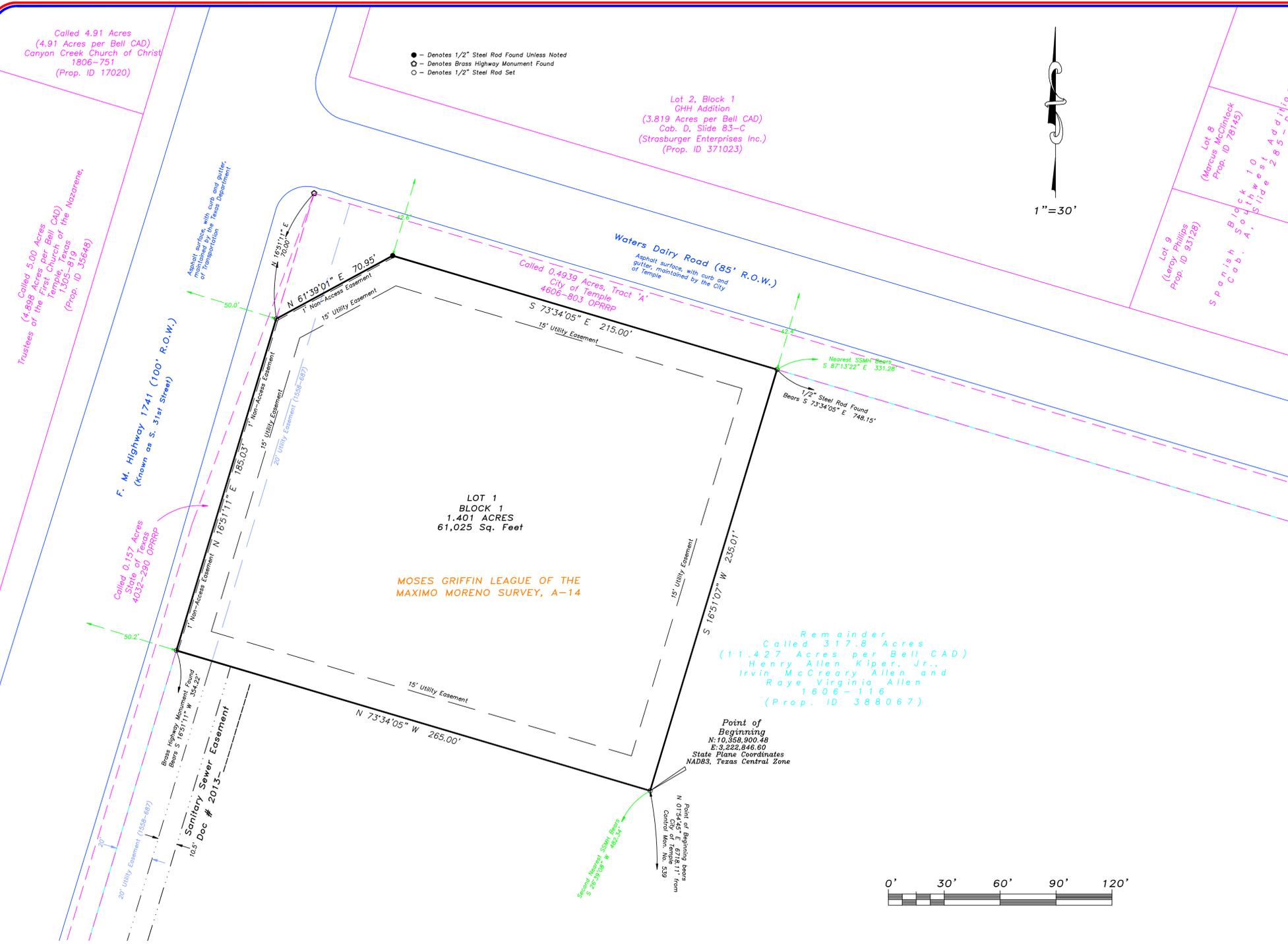
The Planning and Zoning Commission is the final plat authority since the applicant has not requested any exceptions to the Unified Development Code.

FISCAL IMPACT:

The existing 6-foot wide sidewalk along South 31st Street is required to be an 8-foot wide Community Wide Connector Trail, according to the Citywide Trails Master Plan. The existing sidewalk may be upsized with City participation when funding becomes available.

ATTACHMENTS:

Plat
Topo/Utility Sheet
Off-site Sanitary Sewer Easement



OWNER'S STATEMENT

STATE OF TEXAS
COUNTY OF BELL

Irwin McCreary Allen and Raye Virginia Allen Cucolo (formerly known as Raye Virginia Allen), owners of the tract of land shown hereon, and designated as WATERS DAIRY ADDITION, within the city limits of the City of Temple, Bell County, Texas, and whose name is subscribed hereto, hereby dedicates to the use of the public forever all streets, alleys, parks, watercourses, drains, easements, and public places shown hereon within the plat boundaries of this subdivision.

Irwin McCreary Allen
5880 Hartrick Bluff Road
Temple, Texas 76502

Raye Virginia Allen Cucolo
5880 Hartrick Bluff Road
Temple, Texas 76502

STATE OF TEXAS
COUNTY OF BELL

Before me, the undersigned authority, on this day personally appeared, Irwin McCreary Allen, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein stated.

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

Notary Public, State of Texas
My Commission Expires _____

STATE OF TEXAS
COUNTY OF BELL

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

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

Notary Public, State of Texas
My Commission Expires _____

This plat has been submitted to and considered by the Planning & Zoning Commission of the City of Temple, Texas, and is hereby approved by such Commission.

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

AFFIDAVIT:

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

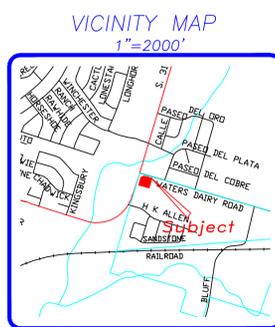
Dated this the ____ day of _____, 2012 A. D.

By: _____
Bell County Tax Appraisal District

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.

Harold Alexander Taylor Date Surveyed: April 25, 2012
Registration No. 6176



Owner:
Irwin McCreary Allen
Raye Virginia Allen Cucolo
5880 Hartrick Bluff Road
Temple, Texas 76502

Lots - One (1)
Blocks - One (1)
Area - 1.401 Acres

NOTES:
1) The existing sidewalk along the S. 31st Street frontage will need to be increased to 8' wide.
2) No part of the subject tract lies within the special flood hazard area (SFHA) as scaled from F.I.R.M. Panels 48027C0345E and 48027C0365E, dated September 26, 2008. No elevations ran on the ground.

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

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

Filed this the ____ day of _____, 2012.

FINAL PLAT
WATERS DAIRY ADDITION
Lot 1, Block 1, within the city limits of the City of Temple, Bell County, Texas (BEING out of the Moses Griffin Survey, and being part of that tract of land described in a deed to Henry Allen Kiper, Jr., Irwin McCreary Allen and Raye Virginia Allen, recorded in Volume 1606, Page 116 of the Deed Records of Bell County, Texas)

Address: S. 31st Street and Waters Dairy Road
No Schedule "B" Provided
Drawn By: hat
Vannoy Job No.: 4623

PREPARED FOR:
Stripes LLC

Vannoy & Assoc., Inc.
Surveyors/Planners
7111 Bosque Boulevard, Suite 101
Waco, Texas 76710, (254)751-1934

VANN DY & ASSOC., INC.
SURVEYORS PLANNERS
www.vannoyinc.com

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LEGEND

	Power Pole
	Storm Drain Manhole
	Atmos Underground Markings
	AT&T Underground Markings
	Fiber Optic Riser
	Water Valve
	Unknown Manhole
	Temporary Benchmark

● - Denotes 1/2" Steel Rod Found Unless Noted
 ○ - Denotes Brass Highway Monument Found
 ○ - Denotes 1/2" Steel Rod Set

Called 4.91 Acres
 (4.91 Acres per Bell CAD)
 Canyon Creek Church of Christ
 1806-751
 (Prop. ID 17020)

Lot 2, Block 1
 GHM Addition
 (3.819 Acres per Bell CAD)
 Cab. D, Slide 83-C
 (Strasburger Enterprises Inc.)
 (Prop. ID 371023)

Lot 8
 (Marcus McClintock
 Prop. ID 78145)

Lot 9
 (Leroy Phillips
 Prop. ID 83128)

Spanish Block 10
 Cab. A, Slide 285-D

Called 5.00 Acres
 (4.888 Acres per Bell CAD)
 Temple First Church of the Nazarene,
 1305-819
 (Prop. ID 356648)

1.401 ACRES
 61,025 Sq. Feet

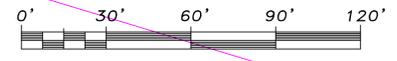
MOSES GRIFFIN LEAGUE OF THE
 MAXIMO MORENO SURVEY, A-14

Remainder
 Called 3.178 Acres
 (11.427 Acres per Bell CAD)
 Henry Allen Kipe, Jr.,
 Irvin McCord Allen and
 Raye Virginia Allen
 1608-116 Allen
 (Prop. ID 388067)

Point of Beginning
 N: 10,358,900.48
 E: 3,222,846.60
 State Plane Coordinates
 NAD83, Texas Central Zone

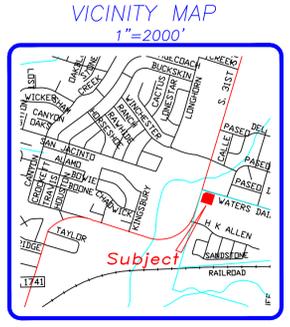


1"=30'



- NOTES:**
- Proposed 8" sewer extension connects to existing manhole in the North line of H. K. Allen Parkway, as shown hereon.
 - Proposed location of fire hydrant is 300' Southwesterly from nearest existing fire hydrant in the east line of S. 31st Street, as shown hereon.
 - Temporary benchmark is a box cut in a curb inlet located in the Southeast corner of the intersection adjacent to the subject property, with an elevation of 590.94'.
 - Temporary benchmark is a cotton spindle in a power pole located in the South line of Waters Dairy Road, approximately 200 feet East of the intersection, with an elevation of 597.75'.
 - An 8 inch water line is located in the East line of S. 31st Street, as shown hereon.

- MANHOLE NOTES:**
- Storm drain manhole over a curb inlet in the Northeast corner of the intersection across from the subject property - Rim elevation=590.87'; FL=586.22'
 - Storm drain manhole over a curb inlet in the Southeast corner of the intersection adjacent to the subject property - Rim elevation=590.92'; FL=586.72'
 - Storm drain manhole over a curb inlet in the East line of S. 31st Street, adjacent to the subject property - Rim elevation=590.21'; FL=586.81'
 - Storm drain manhole over a curb inlet in the East line of S. 31st Street, approximately 371' South from the intersection - Rim elevation=588.92'; FL=585.06'
 - Storm drain manhole over a curb inlet in the West line of S. 31st Street, directly across the street from the manhole referenced in Note 4 - Rim elevation=588.59'; FL=584.64'
 - Sanitary sewer manhole in the North line of Waters Dairy Road, at the intersection with Calle Nagal Drive - Rim elevation=604.51'; 6" pipe in from South, FL=598.62'; 6" pipe in from West, FL=598.62'; 6" pipe out to North, FL=598.59'
 - Sanitary sewer manhole in the North line of H. K. Allen Parkway, approximately 194' East of the East line of S. 31st Street - Rim elevation=496.86'; 8" pipe in from North, FL=489.21'; 8" pipe out to South, FL=488.86'

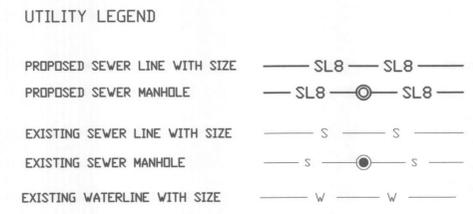
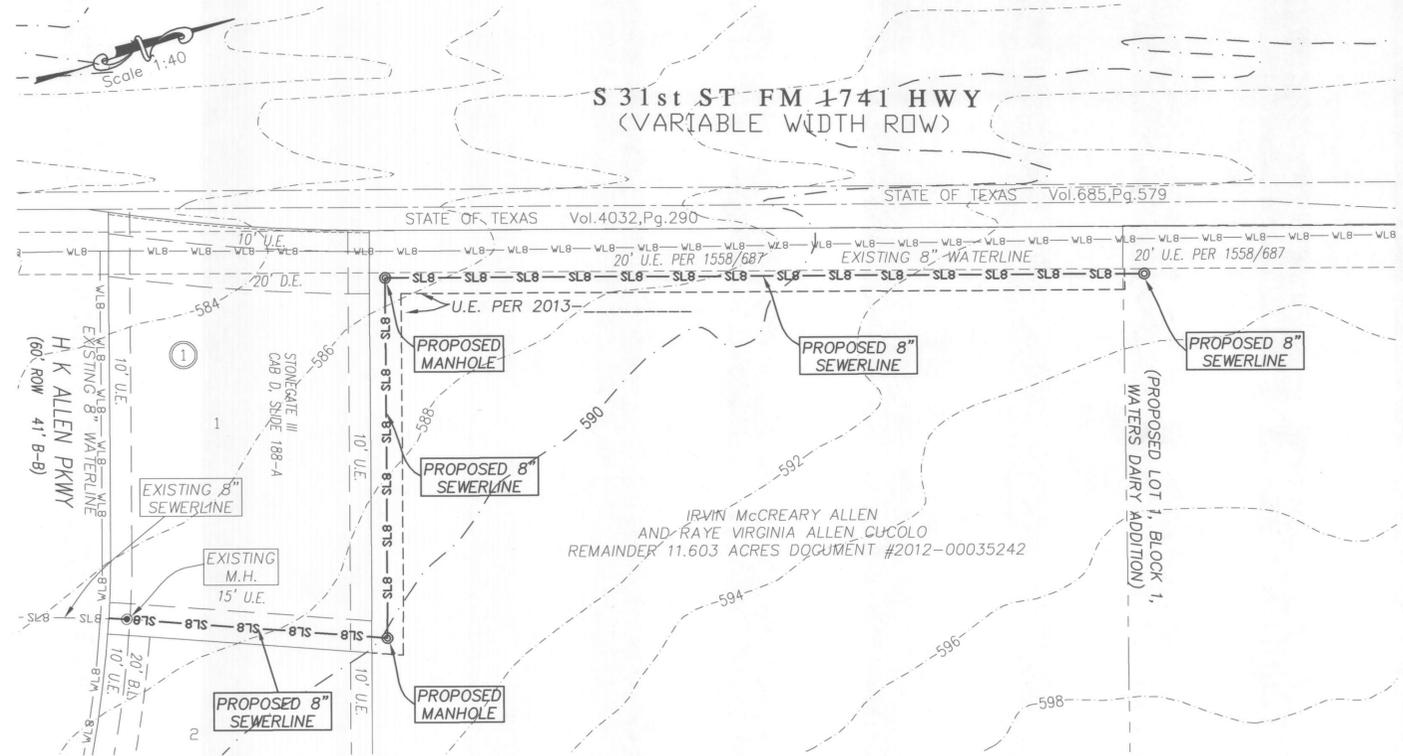


TOPO/UTILITY MAP
 PROPOSED WATERS DAIRY ADDITION
 LOT 1, BLOCK 1 WITHIN THE CITY LIMITS OF THE CITY OF TEMPLE,
 BELL COUNTY, TEXAS

Address: S. 31st Street and Waters Dairy Road
 No Schedule "B" Provided
 Drawn By: hat
 Vannoy Job No.: 4623

PREPARED FOR:
Stripes LLC

Vannoy & Assoc., Inc.
 Surveyors/Planners
 7111 Bosque Boulevard, Suite 101
 Waco, Texas 76710, (254)751-1934
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NOTES:
 CONTRACTOR SHALL COMPLY WITH ALL CURRENT O.S.H.A. REQUIREMENTS REGARDING TRENCH SAFETY AND SHORING.



NOTES:
 CONTACT CITY OF TEMPLE FOR LOCATING UTILITIES AT 254-298-5611

GENERAL NOTES:
 ALL CONSTRUCTION TO COMPLY WITH CITY OF TEMPLE DETAIL SHEETS AND SPECIFICATIONS.
 ALL BENDS AND FITTINGS WILL BE DUCTILE IRON MECHANICAL JOINT (D.I.M.J.) MEETING THE SPECIFICATIONS OF ANSI/AWWA C-110-77 OR AWWA 153.
 CONTRACTOR IS RESPONSIBLE FOR DEVELOPING AND MAINTAINING A STORM WATER POLLUTION PREVENTION PLAN.
 SITE TO BE LEFT IN CONDITION EQUAL TO TO BETTER THAN PRE-CONSTRUCTION CONDITION.
 ALL DISTURBED AREAS TO BE SEEDED AND IRRIGATED UNTIL GRASS IS ESTABLISHED.
 CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ANY EXISTING UTILITIES.
 UTILITIES TO BE CONSTRUCTED IN ACCORDANCE WITH TCEQ REGULATIONS.
 TOPOGRAPHY IS APPROXIMATE AND BASED ON THE CITY OF TEMPLE TOPOGRAPHY.

UTILITY PLAN for:
SOUTH 31ST STREET SEWERLINE EXTENSION



REVISIONS	

DATE:	January 04, 2013
DRN. BY:	JFB
REF.:	11594-D 06-069
FB/LB:	DATA COL
JOB NO.:	12-791
SHEET	2 OF 5
COMPUTER DWG. NO.	12-791ULT.dwg
12607-D	
FILE NO.	



UTILITY PLAN for:
SOUTH 31ST STREET SEWERLINE EXTENSION
 MAXIMO MORENO SURVEY, ABSTRACT #14
 IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS

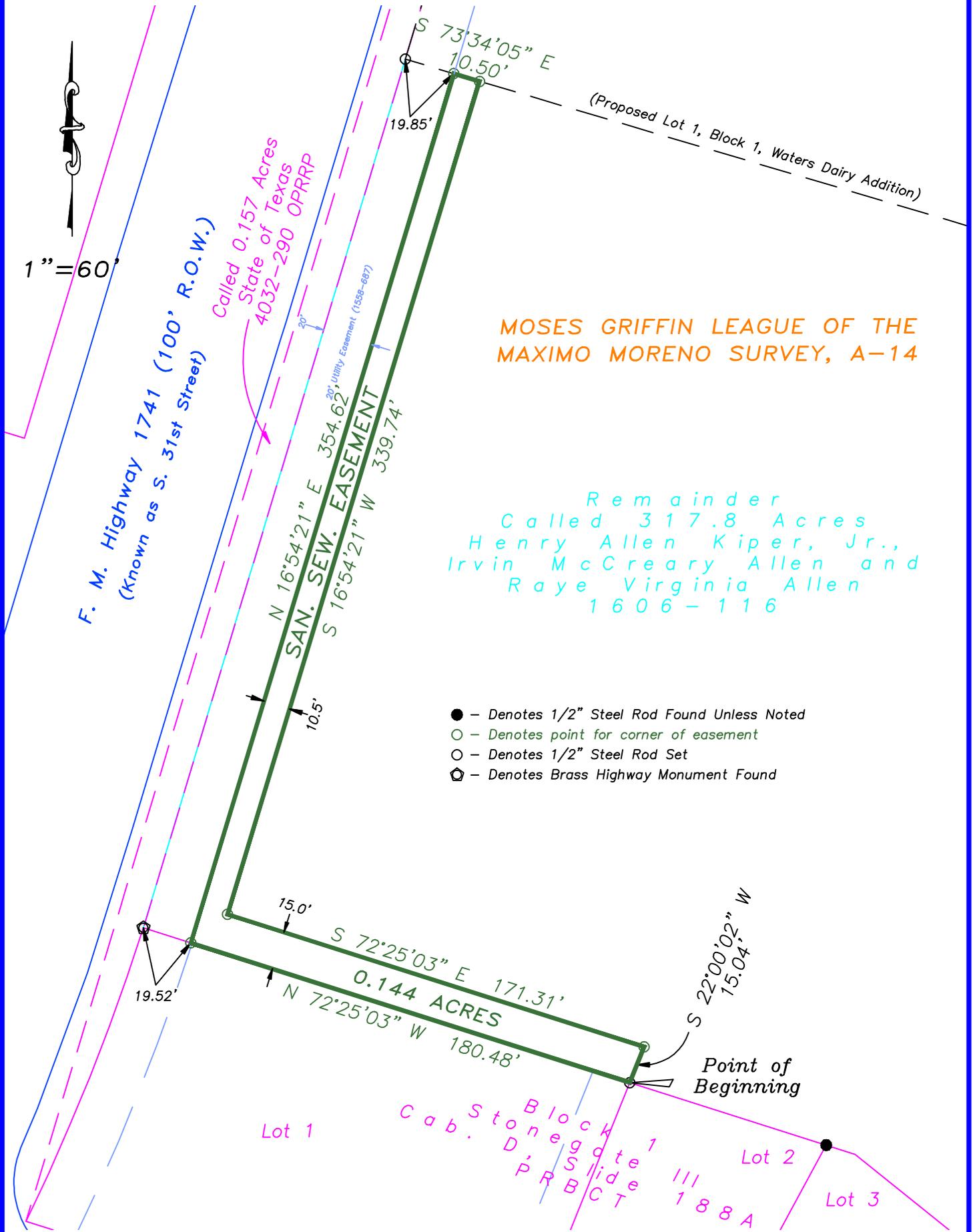
ENGINEERING • PLANNING • SURVEYING
 CONSTRUCTION MANAGEMENT
TURLEY ASSOCIATES, INC. F-1658
 301 N. 3rd ST. TEMPLE, TEXAS 76501 (254) 773-2400
 E-MAIL: VDTURLEY@AOL.COM FAX NO. (254) 773-3998

Vannoy & Assoc., Inc.

EXHIBIT

STATE OF TEXAS
COUNTY OF BELL

Exhibit showing a proposed sanitary sewer easement across part of that tract of land described in a deed to Henry Allen Kiper, Jr., Irwin McCreary Allen and Raye Virginia Allen, recorded in Volume 1606, Page 116 of the Deed Records of Bell County, Texas.



MOSES GRIFFIN LEAGUE OF THE
MAXIMO MORENO SURVEY, A-14

Remainder
Called 317.8 Acres
Henry Allen Kiper, Jr.,
Irwin McCreary Allen and
Raye Virginia Allen
1606-116

- - Denotes 1/2" Steel Rod Found Unless Noted
- - Denotes point for corner of easement
- - Denotes 1/2" Steel Rod Set
- ⊗ - Denotes Brass Highway Monument Found

Field Notes Attached
Address: S. 31st Street and Waters Dairy Road
Drawn by: hat
No Schedule "B" Provided





PLANNING AND ZONING COMMISSION AGENDA ITEM

02/04/13
Item #3
Regular Agenda

APPLICANT / DEVELOPMENT: Kenneth Mitchell

CASE MANAGER: Mark Baker, Planner

ITEM DESCRIPTION: P-FY-13-12: Hold a public hearing to consider and take action on the Final Plat for Country Lane Commercial, a \pm 6.854 acre, 2-lot, Planned Development - Office Two (PD-O2) and General Retail (GR) subdivision, being a Replat of Country Lane Addition, Phase II, Lot 2, Block 1 and a 0.916 acre tract from Naushad Ali Virani and Wali Bhai Virani to Fikes Wholesale, Inc. as recorded in Volume 4236, Page 177, Public Records of Bell County, Texas, located at 1497 Country Lane Drive.

ITEM SUMMARY: The Development Review Committee reviewed the Final Plat for Country Lane Commercial on January 9, 2013. The plat was deemed administratively complete on January 15, 2013.

The Final Plat of Country Lane Commercial, a 2-lot, non-residential subdivision is located at the NWC of Southeast H.K. Dodgen Loop and South Martin Luther King Jr. Drive. The property is addressed as 1497 Country Lane Drive.

The subject property is bordered by Southeast H.K. Dodgen Loop Road to the south, which has been identified as a major thoroughfare in the Thoroughfare Plan. South Martin Luther King Jr. Drive is identified as a minor arterial and provides 49' of pavement width and 80' of right-of way.

South Martin Luther King Jr. Drive is identified as a minor arterial and requires a 6-foot sidewalk. Sidewalk construction will be triggered by the issuance of a building permit for new development.

An 8" sewer line is both available in Southeast H.K. Dodgen Loop and along South Martin Luther King Jr. Drive. An 8" waterline is available in Southeast H.K. Dodgen Loop.

STAFF RECOMMENDATION: Staff recommends approval of the Final Plat for Country Lane Commercial.

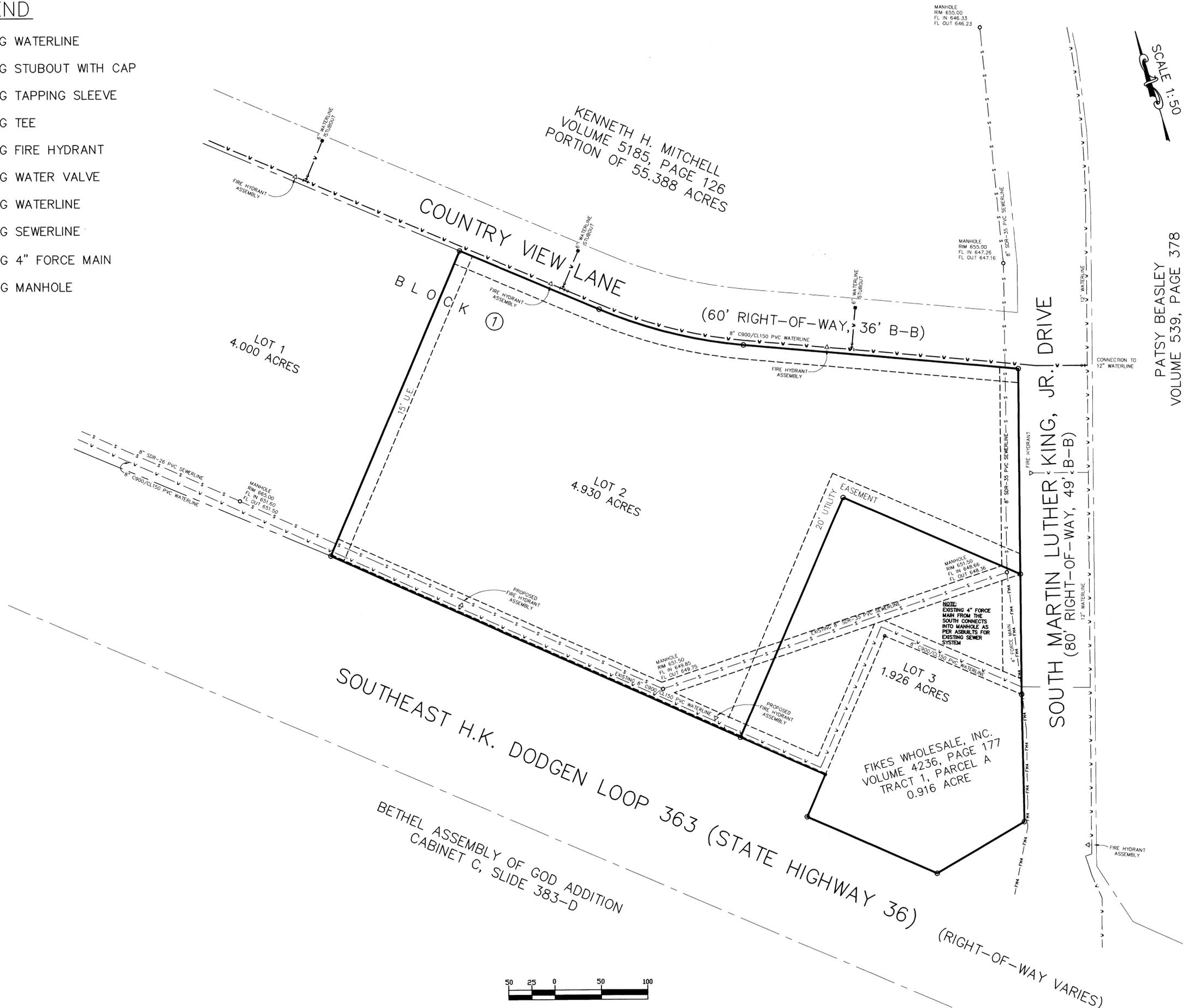
FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Final Plat
Utility Plan

LEGEND

- EXISTING WATERLINE
- EXISTING STUBOUT WITH CAP
- EXISTING TAPPING SLEEVE
- EXISTING TEE
- △ EXISTING FIRE HYDRANT
- EXISTING WATER VALVE
- EXISTING WATERLINE
- EXISTING SEWERLINE
- FM4 — EXISTING 4" FORCE MAIN
- EXISTING MANHOLE



SCALE 1:150

PATSY BEASLEY
VOLUME 539, PAGE 378
86.82 ACRES

ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT
TURLEY ASSOCIATES, INC.
301 N. 3rd ST.
E-MAIL: VDTURLEY@AOL.COM
(254) 773-2400
(254) 773-3998



UTILITY PLAN OF:
COUNTRY LANE COMMERCIAL
BEING A RE-PLAT OF LOT 2, BLOCK 1, COUNTRY LANE
ADDITION, PHASE II AND A 0.916 ACRE TRACT OF RECORD IN
VOLUME 4236, PAGE 177, OFFICIAL PUBLIC RECORDS OF BELL
COUNTY, TEXAS
MAXIMO MORENO SURVEY, ABSTRACT NO. 14
A SUBDIVISION IN THE CITY OF TEMPLE, BELL COUNTY TEXAS
PREPARED FOR:
KENNETH H. MITCHELL
1005 SHADY RIVER COURT NORTH
BENBROOK, TEXAS 76126-2915

REVISIONS		
DATE	CITY COMMENTS	TJJ

DATE:	12/17/12
DRN. BY:	TJJ
REF.:	11737-D 11738-D 11739-D
FIELD BOOK	-
JOB NO.:	12-720
SHEET	2 OF 4
COMPUTER DWG. NO.	commercial utility.dwg

12602-D
DRAWING NUMBER





PLANNING AND ZONING COMMISSION AGENDA ITEM

1/22/13

Item #3

Page 1 of 12

APPLICANT: Larry Neal, on behalf of G.S. Diamond S. Holdings, LP.

CASE MANAGER: Autumn Speer, Director of Planning and Development

ITEM DESCRIPTION: Z-FY-13-11–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 for Garlyn Shelton Car Dealership at the SE corner of Midway Drive and 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 new 22,000 sq ft facility and a 30,000 square foot facility for car sales and service. The entire site is approximately 9.4 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 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

This proposal will be the final proposal for I-35 compliance.

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			
PARKING (GENERAL)			
Parking Spaces required 7.4 = 1 per 200 sq ft = 260 required	619 plus 8 handicap Provided	YES	NA
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. The owner is requesting to have parking isles parallel to street for display.
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	NA	NA	NA
Parking spaces that face and are adjacent to a building must utilize wheel stops	Increased curb depth provided	YES	NA
Wheel stops are required adjacent to all landscaped areas Wheel stops are required adjacent to all sidewalks, except for raised sidewalks at least 6 feet in width (8 feet if parking spaces front both sides)	Increased curb depth provided	YES	NA

I-35 Requirements Freeway Retail/Commercial Sub-District	Proposed	Standard Met?	Mitigation/ Rationale for Exception
No parking is allowed in the landscape buffer	Parking is shown in landscape buffer area along Midway. In addition, applicant is requesting three concrete pads for display of cars	NO	Staff recommends approval for the parking shown along Midway with the understanding this area will be landscaped in accordance with I-35, however, staff recommends additional display not be permitted in this area.
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 – Parapet provided	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.	All service bays are inside the service building	YES	NA
Refuse storage/compactors/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			

I-35 Requirements Freeway Retail/Commercial Sub-District	Proposed	Standard Met?	Mitigation/ Rationale for Exception
Areas not covered by building or pavement must be landscaped	MET	YES	NA
Landscape Area 15% (61,364 sq ft required)	12.4% landscape area is provided which includes the detention pond + 12,000 SF controlled by street license on the corner of midway and IH 35	NO	Staff recommends approval of the landscape area shown in efforts to increase surface parking needed for the site. However staff recommends additional planting in the buffer area and parking islands to mitigate.
Foundation Plantings required along 70% of the length of any visible façade in a bed a minimum 6' deep	Foundation plantings provided for 54% of the building areas	Partial	Staff recommends approval. Overall foundation plans meet intent of the ordinance.
Landscape Buffer Area 25' adjacent to street row on I-35 20' adjacent to street row – Midway and Shallow Ford	15' adjacent to I-35 25' adjacent to I-35 None shown adjacent to Shallow Ford Road None shown at Midway Drive Applicant is requesting the buffer line adjacent to Midway will be established by a Street Use License Request to landscape.	NO	Staff recommends approval of the landscape buffer areas shown in efforts to increase surface parking needed for the site. However staff recommends additional planting in the buffer areas and parking islands to mitigate.

I-35 Requirements Freeway Retail/Commercial Sub-District	Proposed	Standard Met?	Mitigation/ Rationale for Exception
<p>Landscape Buffer Plantings- One min. 3" caliper canopy tree must be planted for every 30' of frontage along public ROW.</p> <p>I-35 = 25 canopy trees required or 100 ornamental trees</p> <p>Midway = 6 canopy trees required</p> <p>Shallow Ford Road South Side = 20 canopy trees required</p> <p>Shallow Ford Road East Side = 13 canopy trees required</p> <p>If power lines are present four ornamental trees may be substituted for one canopy tree</p> <p>Must be not be planted in intervals but in clusters.</p>	<p>I-35 (<u>25 canopy required</u>) = 15 Trees provided 7 canopy 8 ornamental</p> <p>Midway (6 canopy trees required) = 16 Trees provided (off-site) 7 canopy 9 ornamental</p> <p>Shallow Ford Road (33 canopy required) 12 Trees provided 9 canopy 3 ornamental</p> <p>49 total trees 23 canopy trees</p> <p>Power lines are in the front row. Canopy trees will be placed to miss power lines</p>	<p>NO</p>	<p>Staff recommends the additional planting of 6 canopy trees in I-35 buffer area; 10 ornamental trees along Shallow Ford Road in Detention area;</p>
<p>20% Required landscape buffer must have native grass beds or wildflowers</p>	<p>Gulf muhly grass is planted in the terminal islands</p>	<p>NO</p>	<p>Staff recommends this requirement be met in all landscaped areas.</p>

I-35 Requirements Freeway Retail/Commercial Sub-District	Proposed	Standard Met?	Mitigation/ Rationale for Exception
Parking screen of hedge row 2.5 to 4' high for all parking areas visible from public view	None provided	NO	Staff recommends screening be required 2.5' to 4' tall.
Interior parking islands 1 per every 10 spaces minimum 170 sq ft (1 3" tree required in each) = +/- 62 required	15 terminal islands are proposed	NO	Staff recommends approval. Specific application of the standard would decrease display spaces significantly.
Terminal parking islands at the end of each row minimum 360 sq ft (2 3" tree required in each)	15 Islands are provided with shrubs, not trees.	PARTIAL	Staff recommends two canopy trees be provided for in each of the six islands along I-35 frontage and two ornamental trees are planted in each of the others.
Median islands minimum 10' in width must be located after every third parking bay (3" tree required every 30')	None proposed	NO	Staff recommends approval. Specific application of the standard would decrease parking spaces significantly.
60% Required Trees must be evergreen	53% of trees are evergreen	NO	Staff recommends approval, and recommends that this ratio be maintained for the additional trees that may be required as a result of this appeal process.
Minimum 2' tall berm must be installed for minimum 50% of the buffer area	Approximately 40% berms of 1.5' to 2' height	NO	Staff recommends approval of this appeal, however recommends parking screen of hedge row 2.5 to 4' high along I-35 frontage
All proposed landscape areas will be irrigated	Irrigation is provided	YES	NA
Sidewalks – Not required on General Bruce Community Wide Collector trail is shown on Midway – 8-10' wide Arterial streets require 6' wide sidewalk	Not shown	NO	Staff recommends minimum 6' wide sidewalk is constructed with this development along Midway Drive to meet minimum standards.
SIGNS GENERAL			
Permitted Sign Types: • Wall Signs	Pole signs are proposed		Staff recommends the I-35 sign requirements be met. Pole signs are not permitted.

I-35 Requirements Freeway Retail/Commercial Sub-District	Proposed	Standard Met?	Mitigation/ Rationale for Exception
<ul style="list-style-type: none"> • Monument Signs • Pylon Signs • Multi-Tenant Pylon Signs 			
Permitted Sign Types: Wall Signs – Number allowed one per façade	Three proposed for front façade on one building and 2 on smaller structure	NO	Staff recommends approval. Two separate dealerships are provided in each building.
Maximum Sign Per Site (1/300' frontage along I-35) = 2	Applicant proposes 5 pole signs	NO	Staff recommends the I-35 sign requirements be met. Two signs are permitted.
Freestanding Sign materials – must be same as primary masonry building material	Applicant proposes 5 pole signs - Does not meet standards for sign materials or type	NO	Staff recommends the I-35 sign requirements be met. Pole signs are not permitted and must be enclosed with base materials.
<p>All illuminated signs must be lighted internally or lighted by top-mounted lights pointed downward. A sign may not be illuminated with fixtures that are unshielded from upward transmission of light.</p> <p>On-site signs must be turned off upon closing if closing occurs after 10:30p.m.</p> <p>Lights that flash, pulse, rotate, move or simulate motion are not permitted.</p>	MET	YES	NA
Pylon Sign Provisions – 1:15 minimum height to width ratio for support structure or base. Maximum is 25' for this use	Using existing signs – 30' 24'	NO	Staff recommends the I-35 sign requirements be met. Pole signs are not permitted and must be enclosed with base materials with

I-35 Requirements Freeway Retail/Commercial Sub-District	Proposed	Standard Met?	Mitigation/ Rationale for Exception
	36' 28' and 21' Tall They do not meet pylon sign provisions – all are pole signs; only 2 meet height requirements		appropriate height to width ratio.
LIGHTING GENERAL			
<p>All luminaires of 1,800 or more lumens must be full-cutoff as installed. For luminaires under 1,800 the bulb must be frosted glass or installed behind a translucent cover. Floodlights must be aimed no higher than 45 degrees below horizontal. This can be accomplished by the use of full-cutoff fixture design, shielding, visors, louvers or other devices.</p> <p>Exterior lighting must have soft, indirect illumination concealed behind landscaping or placed in outdoor lighting fixtures that do not produce direct glare. Lighting must be focused and provide the minimum amount of illumination required for safety.</p> <p>On-site lighting design must be used to identify and illuminate entries, walks and parking areas. Site lighting used for</p>	WILL MEET	YES	NA

I-35 Requirements Freeway Retail/Commercial Sub-District	Proposed	Standard Met?	Mitigation/ Rationale for Exception
<p>building illumination must be down wall washing only. No flood lighting or up lighting is permitted.</p> <p>Security lighting must be designed to avoid glare, and must direct light toward the building or storage area instead of away.</p>			
<p>Maximum allowable total lumens generated on each parcel are 80,000 lumens per net acre with full-cutoff lighting. Parcels less than one net acre are allowed full-cutoff lumens in a portion equal to the parcel's portion of a net acre.</p> <p>Lights mounted on the underside of a roof 15 or more feet from any edge of the roof count one-quarter toward the limit. Lights on the underside of a roof less than 15 feet from the edge of the roof count one-half toward total lumens.</p> <p>Exterior lighting must have soft, indirect illumination concealed behind landscaping or placed in outdoor lighting fixtures that do not produce direct glare.</p> <p>Lighting must be focused and provide the minimum amount of illumination required for safety.</p>	<p>WILL MEET</p>	<p>YES</p>	<p>NA</p>

I-35 Requirements Freeway Retail/Commercial Sub-District	Proposed	Standard Met?	Mitigation/ Rationale for Exception
<p>Outdoor lighting fixtures must be a maximum of 30 feet in height. All light fixtures located within 50 feet of any residential use must not exceed 15 feet in height.</p> <p>Lighting that flashes, blinks or moves in any way is not allowed.</p> <p>Mercury vapor lighting is not allowed.</p>			
<p>The maximum illumination at five feet inside an adjacent residential parcel or public street right-of-way, or beyond, from light emitted from an artificial light source is 0.1 horizontal foot-candles and 0.1 vertical foot-candles. Such illumination at 10 feet inside an adjacent nonresidential parcel or on a public roadway, or beyond, must not exceed 0.1 horizontal foot-candles or 0.1 vertical foot-candles.</p> <p>No line of sight to a bulb is permitted five feet or more beyond a residential property line or public street right-of-way by an observer viewing from a position that is level with or higher than the ground below the fixture. Compliance is achieved with fixture shielding, directional control designed into the fixture, fixture location, fixture height, fixture aim or a combination</p>	<p>WILL MEET</p>	<p>YES</p>	<p>NA</p>

I-35 Requirements Freeway Retail/Commercial Sub-District	Proposed	Standard Met?	Mitigation/ Rationale for Exception
of these factors.			
ARCHITECTURAL DESIGN – FREEWAY RETAIL /COMMERCIAL SPECIFIC			
<p>All buildings must be architecturally finished on all sides with same materials, detailing and features- higher level of finish on primary facades.</p> <p>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.</p>	<p>Cadillac side of the building will be Architectural stone panels; the Buick GMC side will have architectural metal panels and trim , the service building behind will be stucco The second structure has not been designed but will meet the intention of the ordinance.</p>	YES	NA
<p>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)</p>	<p>The primary structure has been designed, but the second has not.</p>	NO	<p>Staff recommends approval. The dealership buildings will be the automobile manufacturer's standard design and look.</p>
<p>All buildings must be designed and constructed in tri-partite architecture to express base, mid-section and top.</p>	<p>NO. The second structure has not been designed but will meet the intention of the ordinance.</p>	NO	<p>Staff recommends approval. This type of use is not typically done in the tri-partite scheme.</p>
<p>All retail and commercial buildings with facades greater than 200' in length,</p>	<p>The back side of the service building will</p>	NO	<p>Staff recommends approval for this façade.</p>

I-35 Requirements Freeway Retail/Commercial Sub-District	Proposed	Standard Met?	Mitigation/ Rationale for Exception
<p>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.</p>	<p>have a flat stucco façade. The second structure has not been designed but will meet the intention of the ordinance.</p>		
<p>Windows must be a minimum of 40% up to a maximum of 80% on each building elevation.</p>	<p>Windows are 48% on front, 20% left side, and 17% right side. The second structure as not been designed but will meet intention of the ordinance.</p>	<p>PARTIAL - Front Only</p>	<p>Staff recommends approval.</p>
<p>Color of structures must be earth-tone in hue. (Planning Dir. may approve 10% variation).</p>	<p>As required by manufacturer. The second structure has not been designed but will meet the intention of the ordinance.</p>	<p>NO</p>	<p>Staff recommends approval the colors are muted and typical for auto dealers.</p>
<p>No more than three materials for facades of buildings</p>	<p>The right side has a 4th material being architectural metal at the service entrance, which is recessed. The second structure has not been designed but will meet</p>	<p>PARTIAL</p>	<p>Staff recommends approval.</p>

I-35 Requirements Freeway Retail/Commercial Sub-District	Proposed	Standard Met?	Mitigation/ Rationale for Exception
	the intention of the ordinance.		
No single building material may cover more than 80% of the front of any building (except for on-site service or utility structures).	MET The second structure has not been designed but will meet the intention of the ordinance.	YES	NA
Windows must not be glazed or re-glazed with mirrored/ reflective glass.	MET The second structure has not been designed but will meet the intention of the ordinance.	YES	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	MET The second structure has not been designed but will meet the intention of the ordinance.	YS	NA

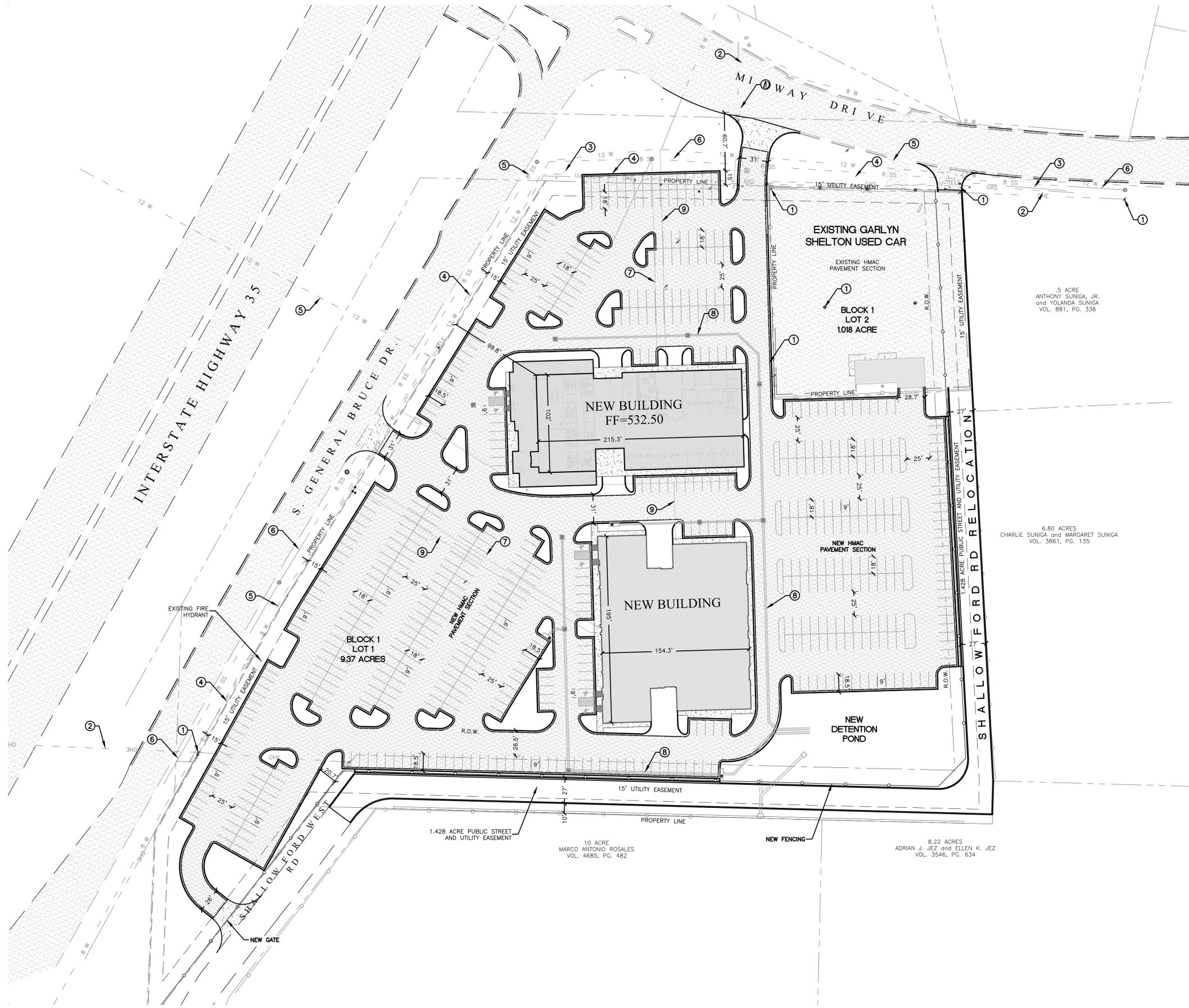
STAFF RECOMMENDATION: Staff recommends approval of an Appeal of Standards in Sec. 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for landscaping and building improvements as presented in this appeal request as submitted in the attached plans with the following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

- Staff recommends additional display not be permitted in the proposed Midway row area.
- Staff recommends applicants add an additional planting of 6 canopy trees in I-35 buffer area; 10 ornamental trees along Shallow Ford Road in Detention area.
- Staff recommends 20% of the landscape buffer areas must have native grass beds or wildflowers in all areas.
- Staff recommends applicant provides a parking screen via hedge row 2.5 to 4' high for all parking areas visible from public view.
- Staff recommends two canopy trees be provided in each of the six islands along I-35 frontage and two ornamental trees are planted in each of the others.
- Staff recommends minimum 6' wide sidewalk is constructed with this development along Midway Drive to meet minimum standards.
- Staff recommends the I-35 sign requirements be met as they relate to number, height and base materials.

FISCAL IMPACT: NA

ATTACHMENTS:

- [Site Plan](#)
- [Landscape Plan](#)
- [Elevation Exhibits](#)
- [Sign Plan](#)
- [Sign Exhibit](#)



LEGEND

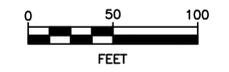
- NEW HMAc PAVEMENT SECTION (PER GEOTECH REPORT)
- NEW HEAVY DUTY REINFORCED CONCRETE PAVEMENT SECTION (PER GEOTECH REPORT)
- NEW CONCRETE FLATWORK (PER PROJECT DETAILS)
- NEW CONCRETE CURB AND GUTTER (PER PROJECT DETAILS)

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 WATER MAIN/METER
6. EXISTING SANITARY SEWER
7. NEW SANITARY SEWER MAIN (REFER TO UTILITY PLAN FOR CONSTRUCTION)
8. NEW STORM SEWER (REFER TO UTILITY PLAN FOR CONSTRUCTION)
9. NEW DOMESTIC WATER/FIRE SERVICE (REFER TO UTILITY PLAN FOR CONSTRUCTION)
10. FURNISH AND INSTALL
1-HANDICAP SIDEWALK RAMP (PER T&S STANDARDS)

NOTES

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



Date: _____ Revisions: _____
Remarks: _____

DRAWING STATUS
 THESE DRAWINGS WERE PREPARED UNDER THE AUTHORITY OF ENGINEER P.E. 100163, CLARK & FULLER, PLLC, FIRM NO. P-10584.
 THIS DRAWING IS RELEASED FOR THE PURPOSES OF INTERIM REVIEW ONLY AS PER DATE ON DRAWING. IT IS NOT TO BE USED FOR BIDDING OR CONSTRUCTION PURPOSES. ONLY DRAWINGS ISSUED FOR CONSTRUCTION CAN BE CONSIDERED COMPLETE.
 EOR: CONSTRUCTION
 FINC: DRAWINGS

GARLYN SHELTON NEW IH 35 & MIDWAY DRIVE COMMERCIAL SITE DEVELOPMENT & SHALLOWFORD RELOCATION
 Temple, Texas



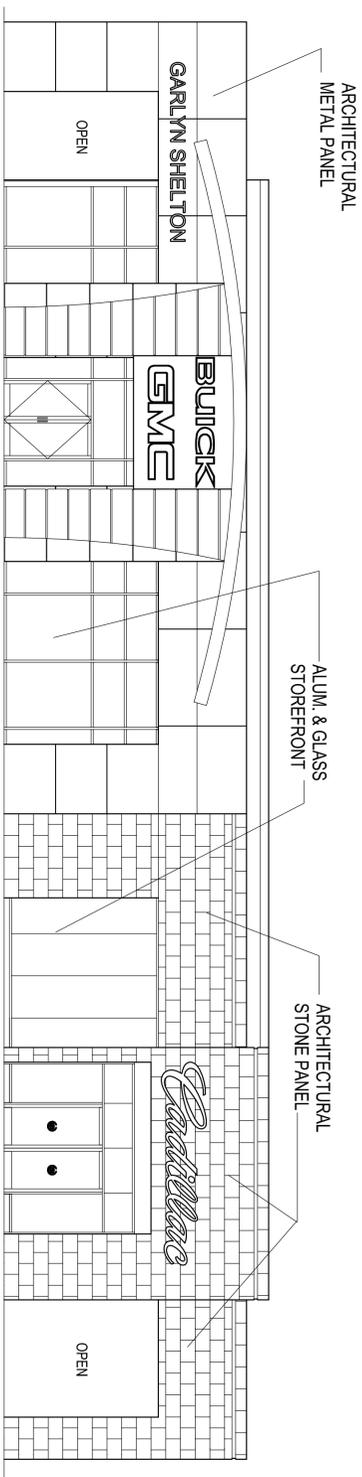
CLARK & FULLER
 CIVIL ENGINEERING • DESIGN • PLANNING
 215 North Main Street, Temple, TX 76701
 254-899-0899 www.clarkfuller.com F-10384



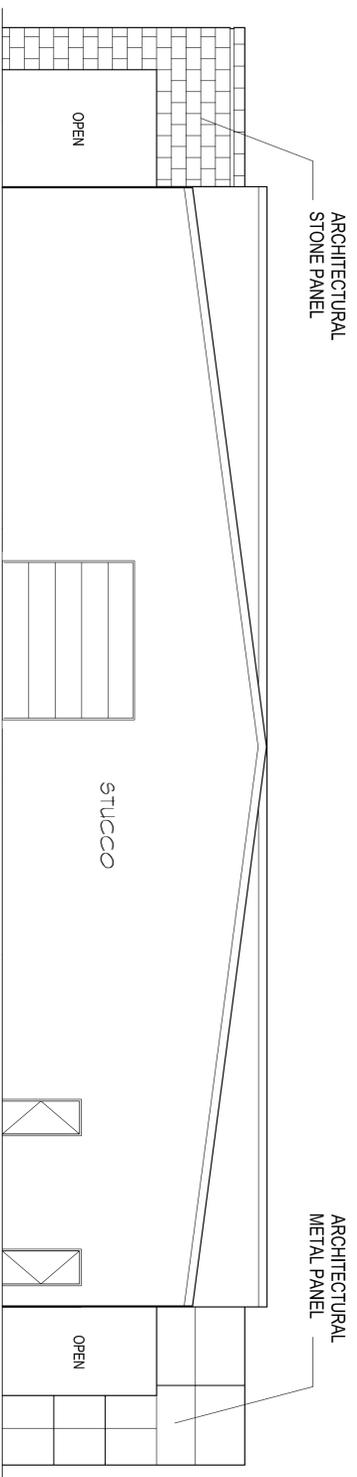
Project No: 101164-00
 Plot Date: 1-30-13
 Drawn By: DGR
 Designed By: JBF

CIVIL SITE DIMENSION PLAN

1

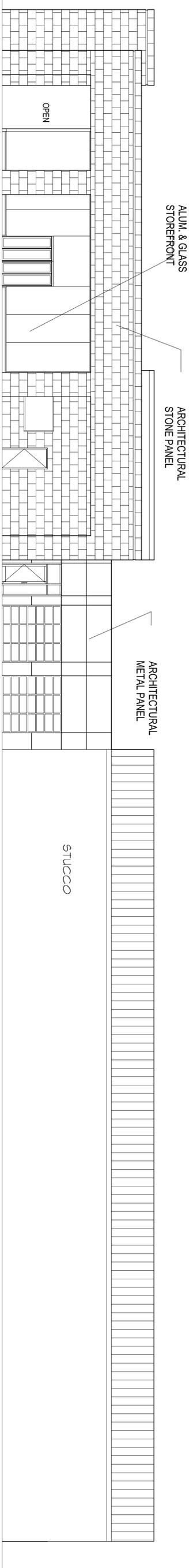


1 WEST ELEVATION
SCALE: 1/8" = 1'-0"

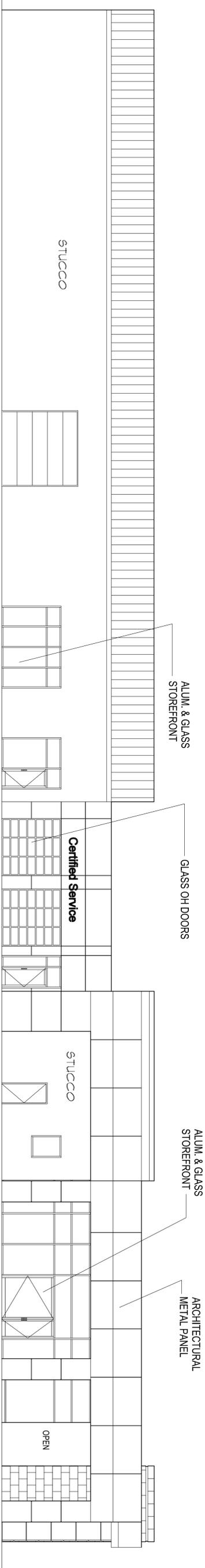


2 EAST ELEVATION
SCALE: 1/8" = 1'-0"

	LARRY NEAL / ARCHITECT 1023 CANYON CREEK DRIVE #125 TEMPLE, TEXAS 76504 (254) 778-1466	New Dealership Garlyn Shelton GMC TEMPLE, TEXAS	A4.1
	DATE: 12/21/12	JOB NO.:	



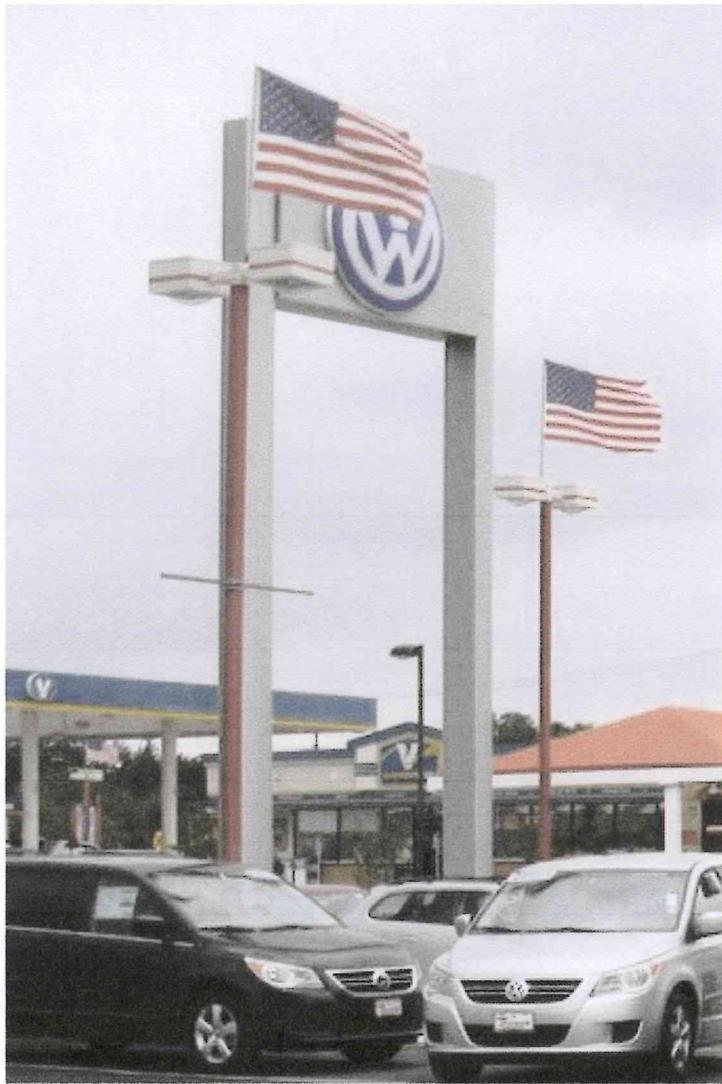
1 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



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

	LARRY NEAL / ARCHITECT 1023 CANYON CREEK DRIVE #125 TEMPLE, TEXAS 76504 (254) 778-1466	New Dealership Garlyn Shelton GMC TEMPLE, TEXAS
	DATE: 12/21/12	JOB NO.:

A4.2



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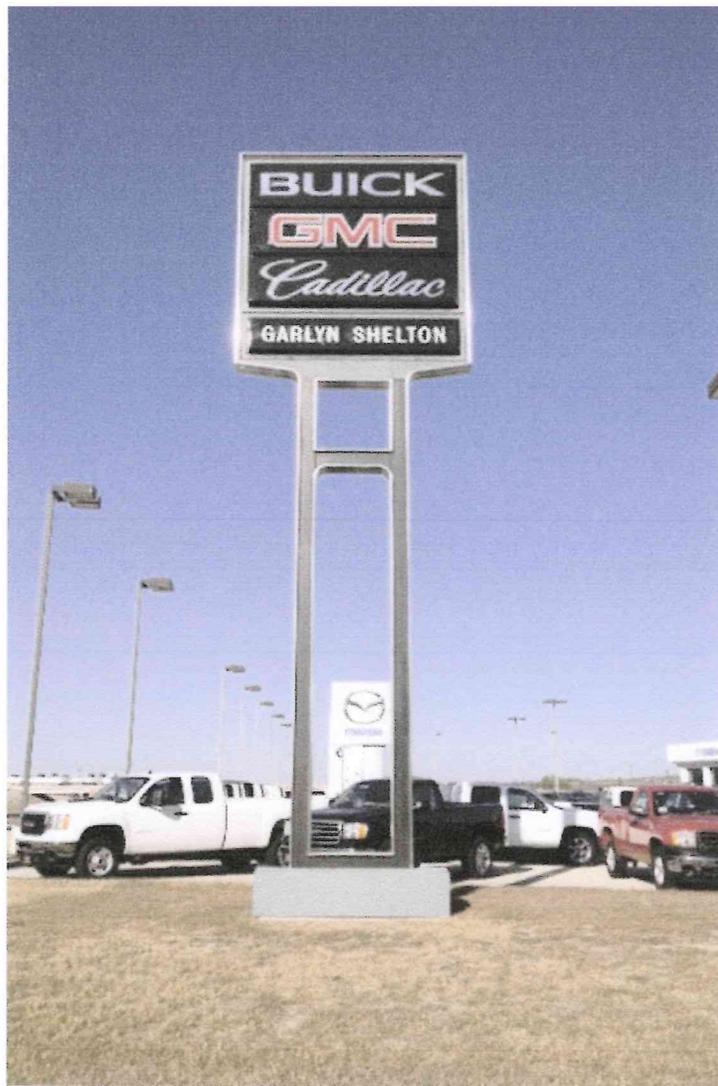
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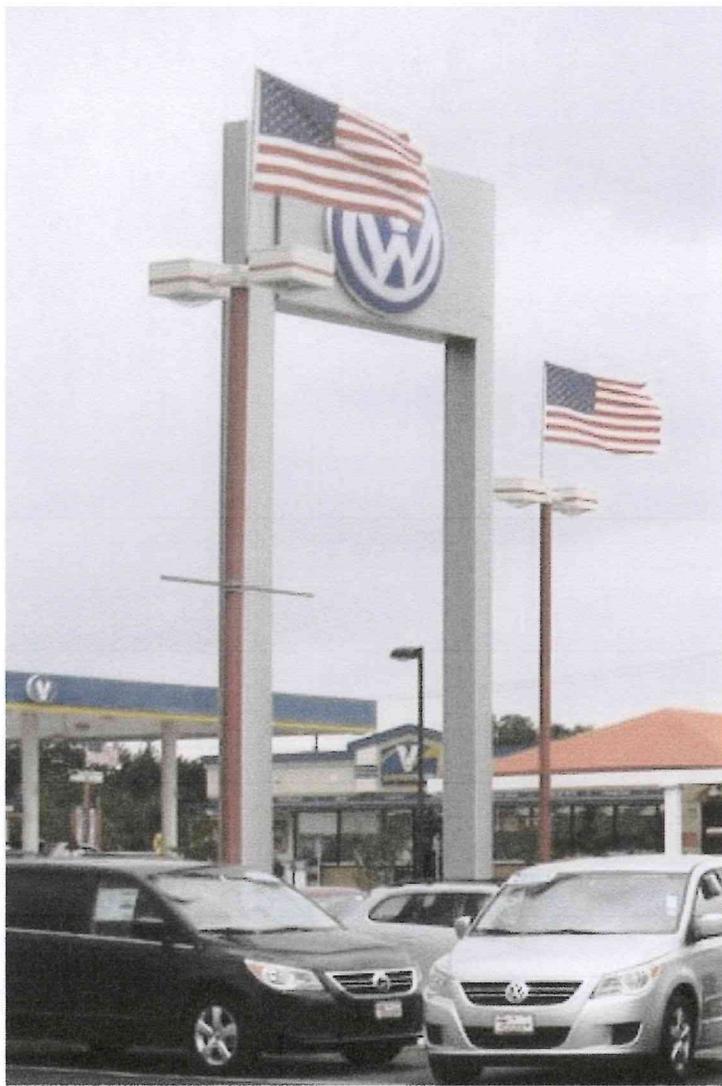
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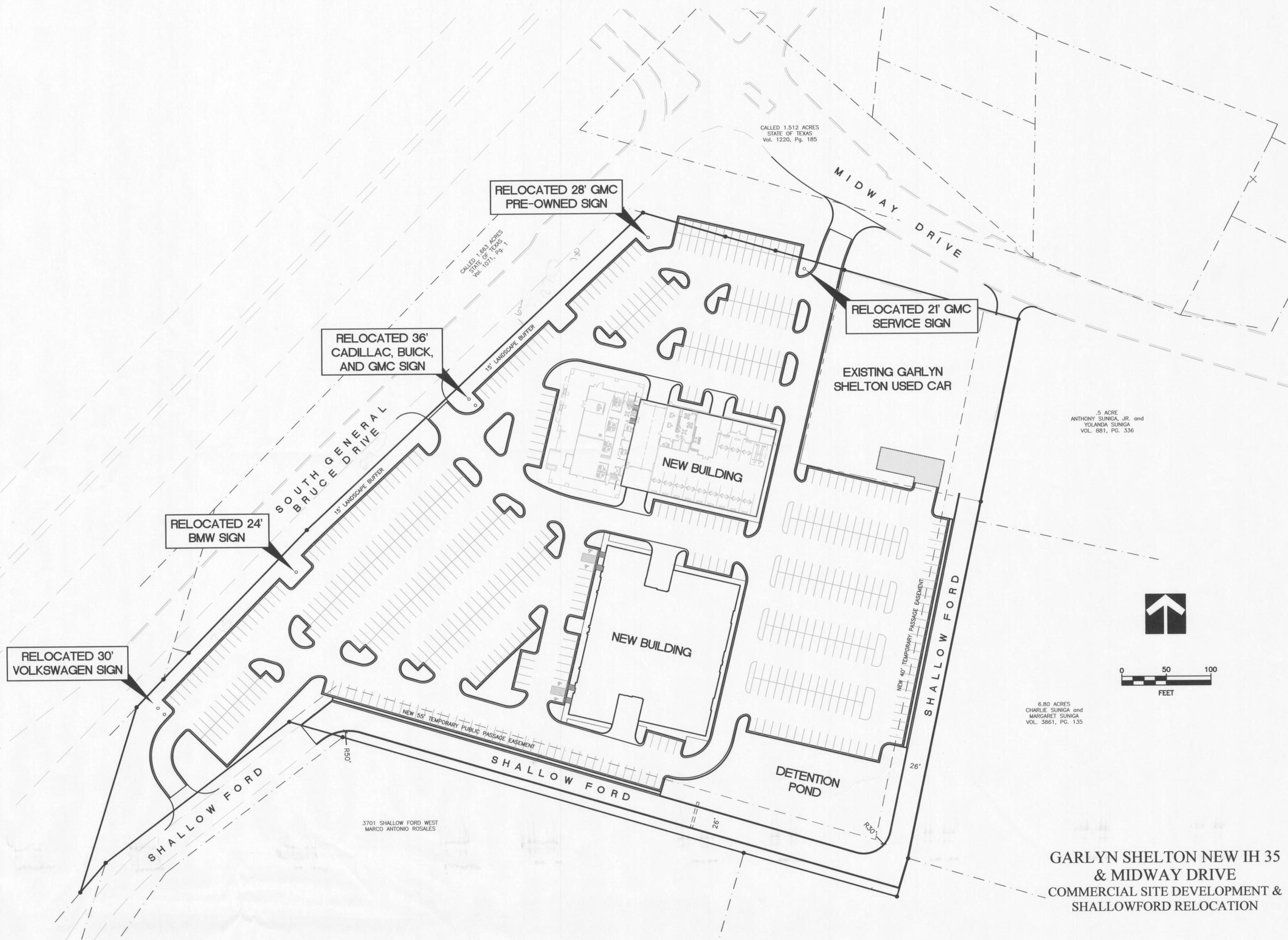
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RELOCATED 28' GMC
PRE-OWNED SIGN

RELOCATED 21' GMC
SERVICE SIGN

RELOCATED 36'
CADILLAC, BUICK,
AND GMC SIGN

RELOCATED 24'
BMW SIGN

RELOCATED 30'
VOLKSWAGEN SIGN

MIDWAY DRIVE

SOUTH GENERAL
BRUCE DRIVE

SHALLOW FORD

SHALLOW FORD

SHALLOW FORD

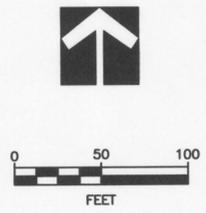
EXISTING GARLYN
SHELTON USED CAR

NEW BUILDING

NEW BUILDING

DETENTION
POND

5 ACRE
ANTHONY SUNIGA, JR. and
YOLANDA SUNIGA
VOL. 881, PG. 336



6.80 ACRES
CHARLIE SUNIGA and
MARGARET SUNIGA
VOL. 3861, PG. 135

3701 SHALLOW FORD WEST
MARCO ANTONIO ROSALES

**GARLYN SHELTON NEW IH 35
& MIDWAY DRIVE
COMMERCIAL SITE DEVELOPMENT &
SHALLOWFORD RELOCATION**



PLANNING AND ZONING COMMISSION AGENDA ITEM

2/04/13
Item #5
Regular Agenda
Page 1 of 2

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>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</p>	<p>Pending</p>	<p>Gary Freytag for Lexington Holdings</p>
<p>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.</p>	<p>Pending</p>	<p>Gary Freytag</p>
<p>P-FY-13-13 - Consider and take action on the Final Plat of Brazos Bend Subdivision, a 5.290 ± acres, 21-lot, 1-block residential subdivision, located on the west side of Old Waco Road, north of Brandon Drive. (Applicant: All Country Surveying)</p>	<p>DRC 2-04-13</p>	<p>All County Surveying</p>
<p>Z-FY-13-10 - Hold a public hearing to discuss and recommend action on a zone change form Planned Development District (PD) with specific uses of shopping center and housing development to Commercial District (C) on 0.52 to allow an off-premise sign (billboard) on 0.6483 ± acres, in Bell County, Texas, being part of the Redding Roberts Survey, Abstract Number 692, a part of that 9.173 acres of land described in the Dedication of Creekside Planned Development, a planned development in the City of Temple, Bell County, Texas, being of record in Volume 1528, Page 813, Deed Records of Bell County, Texas, located at 3602 SW H K Dodgen Loop.</p>	<p>P&Z 2-19-13</p>	<p>Lamar Advertising</p>

City Council Final Decisions	Status
<p>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.</p>	<p>APPROVED at 2nd Reading on January 17, 2013</p>
<p>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.</p>	<p>APPROVED at 2nd Reading on January 17, 2013</p>
<p>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.</p>	<p>APPROVED at 2nd Reading on January 17, 2013</p>
<p>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.</p>	<p>APPROVED at 2nd Reading on January 17, 2013</p>
<p>Z-FY-13-09 - Consider adopting a resolution authorizing an Appeal of Standards in Section 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.</p>	<p>APPROVED at 2nd Reading on January 17, 2013</p>
<p>P-FY-13-11 - Consider adopting a resolution approving 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 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.</p>	<p>APPROVED at 2nd Reading on January 17, 2013</p>



**PLANNING AND ZONING COMMISSION
MEETING EVALUATION
February 4, 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?

Excellent	Average	Poor

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

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

P&Z COMMISSION ATTENDANCE

2013															
	Jan 7	Jan 22	Feb 4	Feb 19	Mar 4	Mar 18	Apr 1	Apr 15	May 6	May 20	June 3	June 17	P	A	
James Staats	P	No Meeting Held											1		
Allan Talley	P												1		
Derek Martin	A													1	
Will Sears	P												1		
Greg Rhoads	P												1		
David Jones	P												1		
Chris Magaña	P												1		
Randy Harrell	A													1	
Patrick Johnson	P													1	

	July 1	July 15	Aug 5	Aug 19	Sept 3	Sept 16	Oct 7	Oct 21	Nov 4	Nov 18	Dec 2	Dec 16	P	A
James Staats														
Allan Talley														
Derek Martin														
Will Sears														
Greg Rhoads														
David Jones														
Chris Magaña														
Randy Harrell														
Patrick Johnson														

not a Board member