

**NOTICE OF MEETING
PLANNING AND ZONING COMMISSION
CITY MUNICIPAL BUILDING, 2 NORTH MAIN STREET
PLANNING CONFERENCE ROOM, 1st Floor
MAY 6, 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, May 6, 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
MAY 6, 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 April 15, 2013.

B. ACTION ITEMS

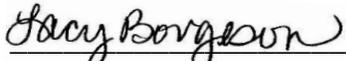
Item 2: [Z-FY-13-17](#) - Hold a public hearing to discuss and recommend action on a zone change from Agricultural District (AG) to Neighborhood Service District (NS) on 4.916 ± acres, situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 7425 West Adams Avenue. (John Kiella for Vineyard Christian Fellowship Church)

Item 3: [Z-FY-13-19](#): - Hold a public hearing to discuss and recommend action on a zone change from General Retail District (GR), Neighborhood Service District (NS), and Two Family District (2F) to General Retail District on Lots 1 – 12, Block 8, Freeman Heights Addition, being an area of 2.066 ± acres, located at the southeast corner of South 31st Street and West Central Avenue. (Travis Bousquet for property owners)

C. REPORTS

Item 4: Receive and discuss the [Planning Director's Report](#) containing items for future meetings regarding subdivision plats, zoning cases, conditional use permits, annexations, and proposed text amendments to the Unified Development Code. *(continued, if not completed in Work Session)*

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 11:00 AM, on May 2, 2013.



Lacy Borgeson, TRMC
City Secretary

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

I certify that this Notice of Meeting Agenda was removed by me from the outside bulletin board in front of the City Municipal Building at _____ the _____ day of _____, 2013. Title _____.

**PLANNING AND ZONING COMMISSION
MONDAY, APRIL 15, 2013
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:

Beverly Zendt, Interim Director of Planning
Trudi Dill, Deputy City Attorney
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. Beverly Zendt, Interim Director of Planning, to proceed.

The Director's Report was given:

Vineyard Christian Fellowship Church rezoning for purposes of redeveloping the property;

Walgreens rezoning,

Buc-ee's subdivision plat and I-35 appeals--a travel related store located on the southeast corner of North General Bruce Drive and H K Dodgen Loop;

Hills of Westwood revised master preliminary plat will add over 100 new lots and reconfigure roads;

S&W Memorial Hospital, replat one large parcel;

Valley Ranch, plat will be coming approximately June 17th and go to City Council in July; a rezoning was previously approved by P&Z at that location and was held off and will be considered by City Council simultaneously; and

BRV Addition, a large plat containing multiple zonings and crossed parcel lines which needs to be worked on.

City Council status given.

Ms. Zendt gives an overview of the Golden Corral I-35 appeals and the Highlands rezoning.

The potential site for Golden Corral will be located next to the Holiday Inn at South General Bruce Drive on an undeveloped tract of land. The size of the building will be approximately 8,035 square foot structure with 314 seats on a two acre site. All new construction triggers all standards.

Golden Corral applicants have met substantial compliance on the project. A site plan has been submitted and there are no protected trees were identified on site.

Regarding screening and buffering--no storage and connexes, no shipping containers or portable buildings will be allowed. Roof mounted equipment will not be visible and refuse storage containers will not be clearly visible from eye level (street).

Landscape standards met: parking and screening—a hedge row was provided, landscape buffer adjacent to the public right-of-way was provided, interior parking islands were all provided; and appropriate landscaping on the interior parking islands.

Applicant provided 30 percent landscaping and Staff requires 15 percent. All landscaped areas are irrigated and maintained. No drainage facilities are in the landscaped areas, vegetation has been provided along the foundation of the building and near the walkways adjacent to the building; all areas not covered by pavement are building or landscaped, and plants were selected from drought tolerant list. Applicant is providing a lot of shrubs with the trees in the interior parking island beds.

Architectural standards met: buildings are finished to all sides with same materials, no less the three architectural elements, all buildings are designed in tri-partite architecture, colors are earth tone in hue, windows are not glazed or reglazed with reflective glass, and the entrance is offset by nine feet.

The Planning Director is allowed to approve alternative materials and the applicant proposed using both hardi-siding and hardi-stucco. Normally, a more restrictive view is taken on alternate materials; however, given some of the proposed landscaping and other site considerations given to Staff, Staff feels this will present very well from I-35. Staff has also requested the hardi-stucco panels be as seamless as possible in order to minimize the seams and make it look like a stucco finish.

The sign has met all UDC requirements. It is a 40 foot sign height, an eight foot wide base, same materials as primary structure, hardi-stucco, and Staff asked that the seams again be eliminated to the greatest degree possible, if not entirely. The material must imitate real stucco as much as possible.

Lighting standards met: most of the standards have been met by the applicant. Ms. Zendt wanted the Commission to take note of the maximum illumination at 10 feet inside an adjacent nonresidential parcel. When first talking with the applicant they are looking for a foot candle measurement 10 feet inside the nonresidential parcel as being very low. Golden Corral will be located directly next to a hotel. Applicant worked with Staff to reduce the spillover lighting requirements into compliance.

Appeals: wheel stops. Applicant has proposed stand up curbs and will maintain as needed. Staff recommends approval.

Screening and buffering: there are gas and electric meters on Tristan Lane but there is a substantial buffer on Tristan located fairly close to the building and will conceal the meters. It is the functional back of the building. Staff recommends approval.

Service doors on Tristan Lane and loading area at the main entry have been assured that the loading will occur during normal operating hours. The loading zone faces the hotel. Staff recommends approval. The restaurant closes at 10:30 p.m.

Chair Staats was concerned about the loading and unloading late at night for the hotel residents.

Landscaping: Seventy percent of foundation plantings are required and applicant has proposed 54 percent. I-35 has 100 percent, the entry façade has 62 percent, Tristan Lane has 54 percent and the interior site has zero percent. The bed width varies three to six feet.

Nine to 10 trees are required along the General Bruce buffer and applicant provided eight large canopy trees. Tristan Lane with 314 feet of frontage required ten trees and eight have been provided. The required landscape buffer must have 60 percent evergreen trees and applicant provided 54 percent in the buffer and 63 percent on Tristan lane. Staff recommends approval of this portion of the landscape plan.

Berms: a minimum of two foot tall berms have been provided in multiple locations.

Terminal parking islands have been provided as required on all of the parking bays.

For this location, twenty-two three-inch caliper trees are required for the site and applicant has provided for 11; however, applicant has added substantial shrub beds to the areas which will add to the visual diversity and effect of the site. Most of the other trees were met and parking islands (terminal and interior) are all being provided.

Windows: must be a minimum of 40 percent to a maximum of 80 percent. Staff did not get 40 percent on any of the elevations. The south is 10 percent, the west is 14 percent, the east is eight percent and the north is 20 percent. Staff feels overall it should present well even without the lack of windows.

Lighting: Staff is not supporting this appeal. The UDC states total allowable lumens generated for each parcel is not to exceed 80,000 lumens per net acre with full cutoff lighting. For this site, approx. 160 would be allowable. The last number received from Golden Corral was 1,100,000 lumens. Staff is asking that the lighting be reduced based on various businesses in the community. The applicant is proposing an average ten foot candle illumination plan for the entire site.

Ms. Zendt discussed lighting with professional lighting companies to get an idea of comparable standards:

McDonald's has six to 12 foot candle lighting;
Culver's has two to four foot candle;
HEB has four to six foot candle;
Best Buy has three to four foot candle
Burger King as about eight foot candles;
Typical commercial strip (in Austin) has four to five foot candle;
Golden Corral has ten to 15 foot candles.

Ms. Zendt was referred to the Illuminating Engineering Society International Dark Sky Association's Model Ordinance and was told it was fair to cities, to commercial firms, and Temple should look at and consider adopting. According to this Ordinance, the recommendation is five lumens per square foot of hardscape for commercial corridors where moderate to high lighting is needed. Based on the model's formula, the calculation would project about 430,000 lumens for the subject site.

Staff is looking for an eight foot candle average or a lighting scheme with 700,000 lumens or less. This particular requirement calls for not more than 160,000.

The applicant provided a photometric report and has met the spillover requirements.

Staff recommends approval of all appeals except the lighting which is requested to still be reduced. The applicant has adjusted the previous lighting plan considerably but the average foot candle is still ten.

There being no further discussion, Chair Staats adjourned the meeting at 5:28 P.M.

**PLANNING AND ZONING COMMISSION
APRIL 15, 2013
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:

Beverly Zendt, Interim Director of Planning
Trudi Dill, Deputy City Attorney
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, April 12, 2013 at 11:00 a.m., in compliance with the Open Meetings Law.

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

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

Invocation by Chair Staats; Pledge of Allegiance by Commissioner Magaña.

A. CONSENT ITEMS

Item 1: Approval of Minutes: Work session and the regular meeting of April 1, 2013.

Item 2: Approval of Minutes: Special Called Meeting of March 26, 2013.

Meeting minutes were approved by general consent.

B. ACTION ITEMS

Item 3: P-FY-13-23 - Consider and take action on the Final Plat of Kenny B's GC Addition, a 2.03 ± acres, 1-lot, 1-block nonresidential subdivision, located on the east side of South General Bruce Drive, north of Tristan Lane. (Applicant: Justin Fuller for A. Lloyd Thomas)

Ms. Tammy Lyerly, Senior Planner, stated P&Z would be the final authority since no exceptions have been requested.

DRC deemed the plat administratively complete on April 8, 2013. The property is zoned Commercial (C). The property will be served by an eight-inch water line along the east right-of-way of South General Bruce Drive. There is a 15 foot wide off-site easement for a proposed six-inch sanitary sewer system that will connect to an existing manhole to the south. Tristan Lane lies to the south and Holiday Inn is to the west. This is a one lot, one block subdivision.

Staff recommends approval of the final plat.

Commissioner Talley made a motion to approve Item 3, **P-FY-13-23**, and Commissioner Rhoads made a second.

Motion passed: (9:0)

Item 4: Z-FY-13-16 - 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, parking, screening and wall standards, architectural standards, signs, and lighting. (Justin Fuller for Golden Corral Development)

Ms. Beverly Zendt, Interim Director of Planning, stated this was an I-35 appeal for the new Golden Corral restaurant located on South General Bruce Drive, in the I-35 Freeway Retail Commercial District.

The building will be an approximately 8,000 square feet structure with 314 seats on a two acre site of undeveloped property. New construction along I-35 triggers all requirements.

A summary of general standards met included the following:

- The site plan was submitted;

- No protected trees on site;

- No storage in connexes, shipping containers or portable buildings;

- Roof mounted equipment must be screened from a vantage point of six feet above finished grade; and

- Refuse storage/compacters/vehicle loading and unloading must not be clearly visible at eye level from any public street or located within 100 feet of any public street.

A summary of landscape standards met included the following:

Parking screen of hedge row/earthen berm, or retaining wall two and a half to four feet high to shield parking areas visible from public view;

Landscape buffer has been provided in accordance with I-35 standards on both I-35 and Tristan Lane side. They are turfed and meet the maximum width requirements (20' on freeway side and 20 feet on the public street side);

Interior parking islands, one per every 10 spaces were provided, 170 square feet area (one three-inch tree required in each) all provided in accordance with the Unified Development Code (UDC);

Applicant has provided 30 percent landscaping and 15 percent is required. Applicant stated this will be irrigated and maintained;

No drainage facilities in landscape areas;

Vegetation has been used to soften the appearance of the walls with foundation plantings and buffering adjacent to the walkways;

Twenty percent required landscape buffer has native grass beds or wildflowers;

Areas not covered by building or pavement must be landscaped; and

Plants have been selected from the drought tolerant list.

A summary of architectural standards met included the following:

Buildings must be finished on all sides with same materials, detailing and features;

No less than three architectural elements;

All buildings must be designed and constructed in tri-partite architecture;

Color of structures must be earth-tone in hue;

Windows must not be glazed or re-glazed with mirrored or reflective glass;

Building entrances must inset or offset by minimum of six feet. Front foyer is articulate nine feet; and

No single building material may cover more than 80 percent of the front of any building.

Building elevations are shown with hardi-siding/stucco materials. Staff requests that the hardi-stucco is only being considered as an alternative building material provided the seams are minimized or eliminated entirely to simulate a stucco appearance.

A summary of sign and utility standards met included the following:

Applicant agrees to comply with all utility requirements and sign requirements. A 40 foot sign has been provided.

A summary of lighting standards met included the following:

Applicant has agreed to all lighting standards including:

All luminaires of 1,800 or more lumens must be full-cutoff;

Exterior lighting must have soft, indirect illumination;

Site lighting used for building illumination must be down wall washing only.

Maximum illumination at 10 feet inside an adjacent nonresidential parcel or on a public roadway, must not exceed 0.1 horizontal foot-candles or 0.1 vertical foot-candles.

Summary of Appeals Requested:

Parking: Wheel stops are required but no wheel stops are proposed either adjacent to the building or the landscape areas. Staff recommends approval of this request. They have provided a standup curb around the entire off-site parking area and around the proposed bed areas which will be maintained.

Screening and Buffering: Ground mounted service equipment must be located at the rear of building. Applicant has gas and electric meters on Tristan Lane along with service doors and a loading zone at the main entry on Tristan Lane. Staff recommends approval of this request since Tristan Lane is a heavily landscaped side of the site since it faces a public road.

Landscaping: 70 percent of the façade is required to be landscaped and applicant has provided 54 percent of the foundation plantings. Nine to 10 trees are required in the buffer along General Bruce Drive and applicant provided eight trees. Ten canopy, three-inch caliper trees are required along Tristan Lane and applicant has provided eight. The landscape buffer must have a minimum of 60 percent evergreen trees and applicant proposes 54 percent.

Staff recommends approval of these appeal requests since applicant has shown substantial compliance on most of the standards.

A minimum two inch tall berm must be installed in 50 percent of the buffer area. The berm varies from 24 to 30 inches and has been provided in 42 percent of the total buffer area for both Tristan Lane and I-35.

Terminal parking islands at the end of each row have all been provided. The square feet requirement is 360 feet and applicant has provided between 261 and 415 square feet.

Twenty-two trees are required and applicant has provided 11 three-inch caliper trees and Staff recommends approval as applicant has fully shrubbed all the beds and provided all required islands per I-35 standards creating a considerable landscaping plan for the entire site. Staff recommends approval of this request.

Architectural: Windows must be a minimum of 40 percent on each building elevation and applicant has not met that standard on any of the buildings. Staff feels it will present well from I-35 and recommends approval.

Lighting: Staff has recommended additional compliance. The UDC states the maximum allowable total lumens generated on each parcel are 80,000 lumens per net acre. This location would permit 160,000 lumens. The applicant has proposed 1,000,000 ±.

In order to have a sense of this amount of lumens, Staff has compared several business lighting standards (average foot candle):

McDonalds has an average of six to 12 foot candle lighting;
Culver's has an average of two to four foot candles;
HEB has an average of four to six foot candles;
Best Buy has an average of three to four foot candles; and
Burger King has an average of eight foot candles.

Professional lighting firms have informed Staff that the typical commercial strip center may have an average of four to five foot candles. Golden Corral would have a typical lighting scheme of 10 to 15 foot candles for their site. They started at 12 and have reduced it to 10; however, Staff would like them to reduce it to an eight foot candle range or provide a lighting scheme no greater than 700,000 lumens. Staff is asking for consideration on this particular issue because of the proximity of the hotel next to their site.

Staff recommends approval of all appeals as with the following exception:

Staff recommends that the applicant provide an average illumination of 8 Foot Candle for the entire site or a lighting scheme with 700,000 lumens or less.

A public hearing is not required on this item, however, Chair Staats wanted to hear comments from the applicant.

Mr. Aaron Parr, Vice-President of Construction, 5151 Glenwood Avenue, Raleigh, NC, stated their lighting requirement use to be 12 to 14 and for security reasons they do not like to go below 12 for both customers and employees. The employees are not allowed to go outside the building after dark but they use a compacter attached to the building. Mr. Parr stated the employees' park at the outer edge of the parking lot. Mr. Parr stated this site is very wooded and safety is a main concern for the employees. There are no other buildings except for the Holiday Inn.

Mr. Parr stated the other businesses referenced by Staff were not taking into account of their foot candles any lighting off of the building. The parking lots of the fast food locations do not extend out as far of Golden Corral's does.

Chair Staats asked what other restaurant comparable to Golden Corral uses the same lighting. Mr. Parr stated they vary a lot—McDonald's is around 10. Chair Staats asked if they planned to draw down the lights after closure and Mr. Parr stated they did not but he could look into it, perhaps around the perimeter.

Chair Staats stated his concern was for the hotel. Mr. Parr stated that the light poles have been dropped down to 18 feet making the building taller than the poles, so most of that would be blocked.

Mr. Parr stated this issue has only come up once before in Albuquerque, New Mexico and they ended up with their standard lighting. The spot lighting is left on full blast through the night.

Mr. Parr stated the deliveries would happen during the morning or during the day; there are no deliveries at night.

Commissioner Rhoads made a motion to approve Item 4, **Z-FY-13-16**, as presented by the applicant, and Commissioner Martin made a second.

Motion passed: (9:0)

Item 5: Z-FY-13-13 - Hold a public hearing to consider and recommend action on a zone change from Agricultural District (AG) to Single Family One District (SF-1) for lots 1-3 and Lots 5-20, Block 1, and all of Blocks 2 – 5, The Highlands Phase 1, located on the north side of West Adams Avenue, west of Windmill Farms Subdivision. (City-Initiated)

Commissioner Johnson stated he would abstain from this item.

Ms. Zendt stated this was a City initiated rezoning and will go forward to City Council on May 16th for first reading and June 5th for second reading.

This subject area was annexed in 1996 as part of a 4.67 square mile area brought into the City. At that time and in accordance with the applicable regulations, the property had a temporary zoning designation of Agricultural (AG). The subdivision was already constructed and built as a single family residential subdivision in the 1980s.

The purpose of the rezoning is to establish an appropriate zoning designation for the area that is compatible with the existing development pattern already on the ground and consistent with the City's Future Land Use and Character Map which designate the area as Suburban-Residential—appropriate for mid-sized residential lots.

Surrounding properties include Urban Estates (UE) to the south, undeveloped land lies to the north and east, and a residential subdivision to the west.

Several allowed and prohibited uses in AG and Single Family-One (SF-1) are given.

Dimensional requirements will vary. Most of the existing lots range from a quarter of an acre to half an acre, depending on the location, and fall into the SF-1 range. The setbacks will change from AG with a 15 foot minimum setback to a six foot minimum setback in SF-1.

West Adams is constructed as a major arterial and all streets within the subdivision have been constructed to local street or local collector street standards. West Adams already has a 10 foot sidewalk constructed and is currently served by Temple water with a 10-inch water line serving the subdivision. On-site sewage facilities are currently in effect for wastewater needs.

Forty-eight property owner notices were mailed out: three notices were received in favor, four notices were in opposition; and one notice was on the fence.

On April 2nd, Staff held a neighborhood meeting which had approximately 12 property owners in attendance. A slideshow presentation was given explaining why and how the annexation process occurred, why the AG zoning was designated, and why the SF-1 rezoning was initiated.

Staff recommends approval of the rezoning because it is compatible with the existing development pattern of the residential neighborhood, provides the owners with an appropriate zoning designation for the residential area, the rezoning is compatible with the Comprehensive

Plan and the Future Land Use and Character Map, and the proposed rezoning ensures that future changes and transitions in the area will be compatible with the existing residential character of the subdivision.

Vice-Chair Sears asked about possible sewer facilities clarification for the subdivision. Ms. Zendt stated the City has a wastewater fund and a certain amount of money is set aside every year and primarily used for cost sharing and new development projects. There is a provision that allows that funding to be used for the extension of sewer to existing subdivisions. Ms. Zendt is not familiar with all of the aspects of the adopted Ordinance but knows it requires a petition and a certain percentage of the landowners to be agreeable to participate in the cost sharing. There is formula used which breaks down the percentage of what the City and the homeowners each pay for the facilities. There are several preliminary steps that need to be taken and then it is taken forward for City Council approval. Ms. Zendt explained that the extension of sewer services was not a requirement and was generally brought forward when initiated by the property owners.

Information about sewer facilities was given at the neighborhood meeting but to date, Ms. Zendt has not had any calls or emails regarding the issue.

Chair Staats opened the public hearing.

There being no speakers, the public hearing was closed.

Vice-Chair Sears made a motion to approve Item 5, **Z-FY-13-13**, and Commissioner Talley made a second.

Motion passed: (8:0)

Commissioner Johnson abstained

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)

There being no further business, Chair Staats adjourned the meeting at 6:12 p.m.

Respectfully submitted,
Leslie Evans



PLANNING AND ZONING COMMISSION ITEM MEMORANDUM

5/06/13
Item # 2
Regular Agenda
Page 1 of 5

APPLICANT/ DEVELOPMENT: John Kiella

CASE MANAGER: Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: Z-FY-13-17 Hold a public hearing to discuss and recommend action on a zone change from Agricultural District (AG) to Neighborhood Service District (NS) on 4.916 ± acres, situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located on the south side of West Adams Avenue, at 7425 West Adams Avenue.

STAFF RECOMMENDATION: Staff recommends approval of the requested zone change to NS District for the following reasons:

1. The request does not comply with the Future Land Use and Character Map, but is consistent with the adjacent nonresidential development to the east;
2. The request complies with the Thoroughfare Plan; and
3. Public facilities will be available to subject property.

ITEM SUMMARY: The applicant requests a zone change from Agricultural District (AG) to Neighborhood Service District (NS). The applicant's requested zone change would allow development of nonresidential uses that are considered compatible with the existing residential uses to the south.

SURROUNDING PROPERTY AND USES:

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

Direction	Zoning	Current Land Use	Photo
Subject Property	AG	Church and Undeveloped Land	
North	GR	Retail Uses	
South	SF-3	Single Family Residential Uses	

Direction	Zoning	Current Land Use	Photo
East	NS and SF-3	Nonresidential Development	
West	AG	Agricultural Uses / Undeveloped Land	

COMPREHENSIVE PLAN COMPLIANCE:

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

Document	Policy, Goal, Objective or Map	Site Conditions	Compliance
CP	Map 3.1 - Future Land Use and Character (FLUP)	The applicant's property is identified as Suburban Residential. The applicant's requested NS District does not comply with this recommendation, but is consistent with adjacent nonresidential development (zoned NS) to the east. A zone change to the NS District would require an amendment to the Future Land Use and Character Plan.	N
CP	Map 5.2 - Thoroughfare Plan	The property fronts West Adams Avenue, which is identified as a Major Arterial. The requested NS district is appropriate along major arterials.	Y
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service	Utility maps show a 3-inch water line along the south right-of-way of West Adams Avenue. There's a 12-inch sewer line along the north right-of-way of West Adams Avenue and a 6-	Y

	capacities	inch sewer line on the adjacent property to the east.	
STP	Temple Trails Master Plan Map & sidewalks	There is an existing Citywide Spine Trail along the north side of West Adams Avenue.	Y

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

DEVELOPMENT REGULATIONS:

According to the City of Temple Comprehensive Plan, the property’s current Suburban Residential land use classification is characterized by mid-size single family lots, allowing for greater separation between dwellings and more emphasis on green space versus streets and driveways. Since the requested NS District does comply with the property’s Suburban Residential land use classification, a zone change would require an amendment to the Future Land Use and Character Plan.

The requested NS zoning district is the most restrictive retail district and is intended to provide day-to-day retail and service needs for residential neighborhood service areas. This district should be located convenient to residential areas in locations such as the corner of a local road and a collector that serves the neighborhood.

The NS zoning district permits limited retail services, usually for a small neighborhood area, with uses such as a convenience store, bank, barber or beauty shop, small cleaners or florist, as well as some residential uses, except apartments.

A rezoning from the AG to the NS zoning district would allow many uses by right that would not have been allowed before. Those uses include, but are not limited to, the following:

Residential uses

- Single Family Attached
- Single Family Detached
- Industrialized Housing

Nonresidential uses

- Office
- Restaurant
- Bank or savings and loan
- Food or Beverage sales store without fuel sales

Prohibited uses include home for the aged, HUD-Code manufactured homes, duplex, townhouse, building material sales, mini-storage warehouse, welding or machine shop, and alcohol beverage sales for off-premise consumption in a package store, among others.

Dimensional standards for **nonresidential** development are as follows:

- Minimum lot size – N/A
- Minimum Lot Width – N/A
- Minimum Lot Depth – N/A
- Front Yard Setback – 15 feet
- Side Yard Setback – 10 feet
- Rear Yard Setback – 10 feet

Dimensional standards for **residential** development (Single Family Detached) are as follows:

- Minimum lot size – 6,000 sq. ft.
- Minimum Lot Width – 50 feet
- Minimum Lot Depth – 100 feet
- Front Yard Setback – 15 feet

- Side Yard Setback – 10% lot width with 5 feet minimum
- Rear Yard Setback – 10 feet

The subject property is the site of an existing Church. Although development regulations require a 6-foot wide sidewalk along Major Arterials, such as West Adams Avenue, the subject property was developed without a sidewalk. The 6-foot sidewalk will be required with the property's redevelopment, per the UDC Section 7.3-Sidewalks:

Applicability

Sidewalks built in accordance with the standards in Sec. 8.2.3 are required adjacent to a collector street, minor arterial or major arterial if:

A new building or structure is built requiring a Building Permit as set forth in Sec. 3.13; or

The cost to remodel an existing structure is by 50 percent or more of the assessed value of the property per the current tax rolls.

PUBLIC NOTICE:

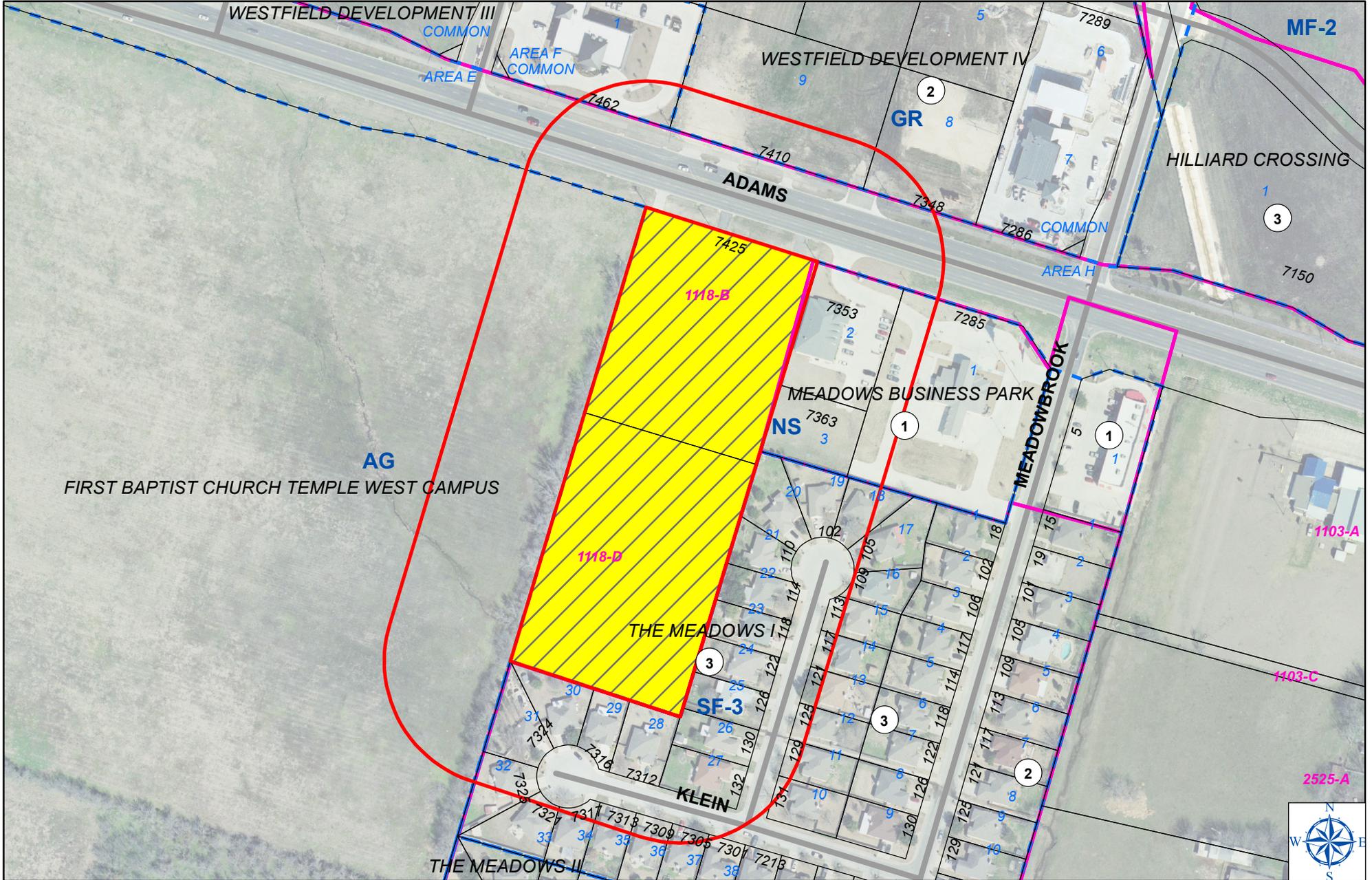
Thirty-three notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of April 25, 2013, No notices were returned in favor of the request and one notice was returned in opposition.

The newspaper printed notice of the Planning and Zoning Commission public hearing on April 25, 2013, in accordance with state law and local ordinance.

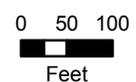
FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Zoning and Location Map
Future Land Use and Character Map
Notification Map
Returned Notices

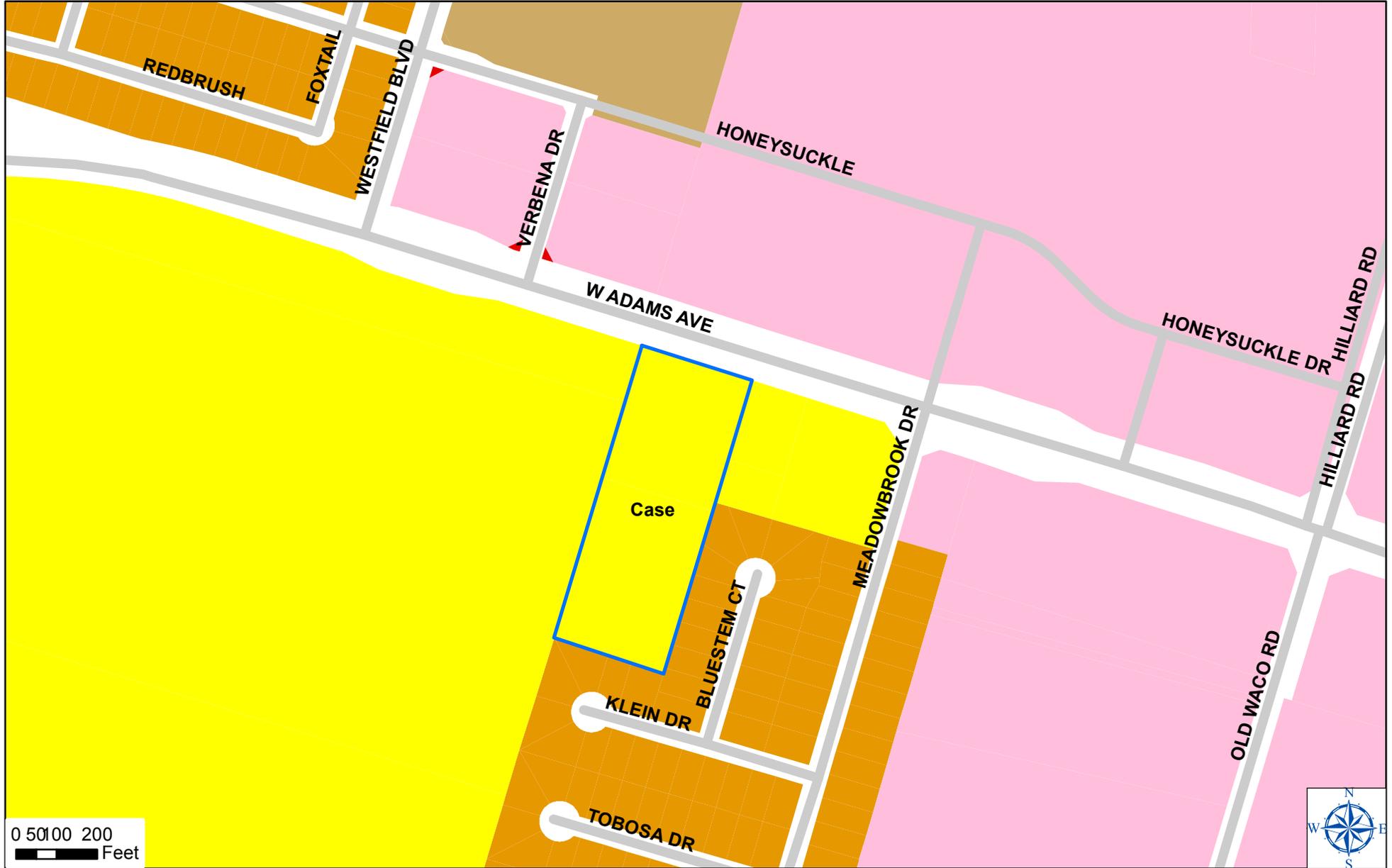


	Case		Zoning	1234-A	Outblock Number		Block Number
	200' Buffer		Subdivision	1234	Address	1	Lot Number



4/12/2013
 City of Temple GIS
 tlyerly

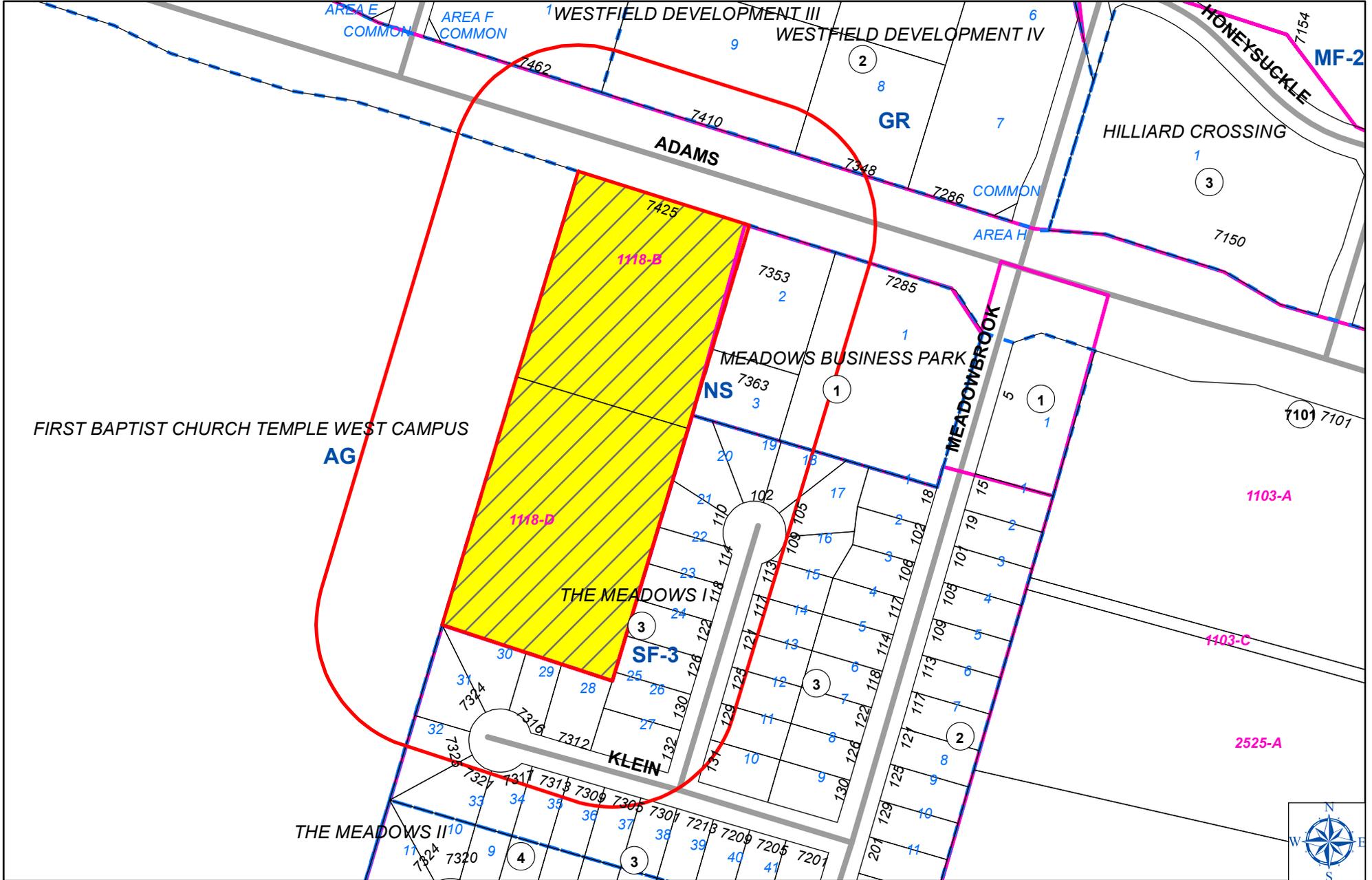
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



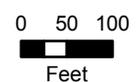
Future Land Use

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

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



4/12/2013
 City of Temple GIS
 tlyerly

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



**RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE**

Jesse Koontz
113 Bluestem Court
Temple, Texas 76502

Zoning Application Number: Z-FY-13-17

Project Manager: Tammy Lyerly

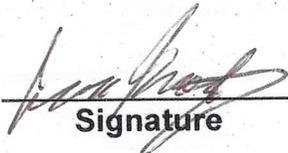
Location: 7425 West Adams Avenue

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:



Signature

Jesse Koontz

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 6, 2013

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

RECEIVED
APR 30 2013
City of Temple
Planning & Development

Number of Notices Mailed: 33

Date Mailed: April 25, 2013



PLANNING AND ZONING COMMISSION AGENDA ITEM

05/06/13
Item #3
Regular Agenda
Page 1 of 4

APPLICANT/ DEVELOPMENT: Travis Bousquet (Bousquet Group)

CASE MANAGER: Mark Baker, Planner

ITEM DESCRIPTION: Z-FY-13-19: Hold a public hearing to discuss and recommend action on a zone change from General Retail District (GR), Neighborhood Service District (NS), and Two Family District (2F) to General Retail District on Lots 1 – 12, Block 8, Freeman Heights Addition, being an area of \pm 2.066 acres, located at the southeast corner of South 31st Street and West Central Avenue.

STAFF RECOMMENDATION:

Based on the above discussion, staff recommends approval for a zone change from “GR”, “NS” and “2F” to “GR” for the following reasons:

1. The proposed zoning is consistent with the Future Land Use Map which identifies this area as Auto-Urban Commercial;
2. The request complies with the Thoroughfare Plan;
3. The proposed zoning is compatible with the surrounding uses; and
4. Public and private facilities are available to serve the subject property.

ITEM SUMMARY: The applicant has requested “GR” zoning for the purpose of developing a Walgreens store.

According to the City of Temple Comprehensive Plan / Future Land Use Plan, the subject property is within the designated Auto-Urban Commercial District. The Auto-Urban Commercial District is for the majority of the areas identified for commercial use, generally concentrated at intersections versus strip development along major roads. The “GR” District is the standard retail zoning district and allows most retail uses intended to serve larger service areas.

The subject property is located on the SE Corner of S. 31st Street and W. Central Ave. Specifically, the subject property is bordered by W. Central Ave to the north, S. 31st Street to the west, West A Ave to the south and South 29th Street to the east. Both West Central Ave and South 31st Street are identified as Major Arterials in the Thoroughfare Plan and sufficient capacity exists for the proposed use.

Sufficient utilities are in place to accommodate the proposed use of the property. The subject property is served by 8” water lines in West Central Ave, South 31st Street and South 29th Street. A 6” sewer

line is available to the property in West Central Ave and the alley. It should be noted that an application to abandon and relocate the existing 6" sewer line in the alley is in process.

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	GR, NS & 2F	Mixed Residential and Non-Residential Uses		
North (Across West Central Ave)	2F	First Lutheran Church		
South (Across West A Avenue)	2F & GR	Mixed Residential and Non-Residential Uses		
East (Across South 29 th Street)	2F & O-2	Mixed Residential and Non-Residential Uses		

Direction	Zoning	Current Land Use	Photo
West (Across South 31 st Street)	GR & O-2	Commercial Uses	

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)	Auto-Urban commercial is identified for the subject property as well as identified in all four directions from the subject property. Neighborhood Conservation is identified to the south of the subject property.	Y
CP	Map 5.2 - Thoroughfare Plan	The subject property has frontage on W. Central Ave and S. 31 st Street, both identified as Major Arterials. Both S. 29 th Street and W. A Ave are identified 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 8" water lines in W. Central Ave, S 31 st Street and S. 29 th Street. A 6" sewer line is available to the property in W. A Ave and in the existing alley. However the sewer line in the alley is proposed to be abandoned and relocated.	Y
STP	Temple Trails Master Plan Map & sidewalks	The Master Plan Map has identified a proposed community-wide connector trail along S. 31 st Street.	Y

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

DEVELOPMENT REGULATIONS:

The "GR" district is the standard retail zoning district and allows most retail uses including retails sales, restaurants, grocery stores and department stores. Other examples of permitted uses may include but not limited to: an indoor flea market, a temporary carnival/ circus or a beer and wine store with off-site consumption. Examples of conditional uses may include but not limited to: a temporary asphalt or concrete batch plant, petroleum or gas well, a kennel without a veterinary hospital, cemetery, crematorium, mausoleum or a sewage pumping station.

Standard non-residential setbacks in the "GR" district are:

Front - 15'

Side - 10'
Side (corner) - 10'
Rear - 0'

Per UDC Section 7.6.12, the property is subject to the Central Ave Corridor sign standards which place additional standards on wall and freestanding signage. Wall signs are restricted to no more than 10% of the tenant's wall frontage and one sign is permitted per business façade. In the case of freestanding signs: Low-profile signs are restricted to a maximum 50 square feet in area and 8' in height and high-profile signs are restricted to a maximum of 35 square feet in area and 15' in height but the height may be increased to 35' if certain setback and spacing requirements are met.

Since West Central Ave is identified as a major arterial in the Thoroughfare Plan, a 4' wide sidewalk is required. In addition, South 31st Street is identified as a major arterial as well as a proposed Community Wide Connector in the Trails Master Plan, an 8' wide sidewalk is required per UDC Section 8.2.3. The sidewalk would be triggered when a new building or structure is built requiring a building permit as set forth in UDC Section 3.13.

PUBLIC NOTICE:

Sixteen 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 Thursday May 2, 2013 at 9:00 AM, four notices had been returned in favor of the proposed zone change. No notices for denial had been received.

The newspaper printed notice of the Planning and Zoning Commission public hearing on April 25, 2013, 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 Notices



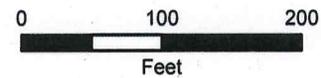
Z-FY-13-19

Zone Change Request from GR, NS & 2F to GR

SE Corner S. 31st Ave & W. Central Ave

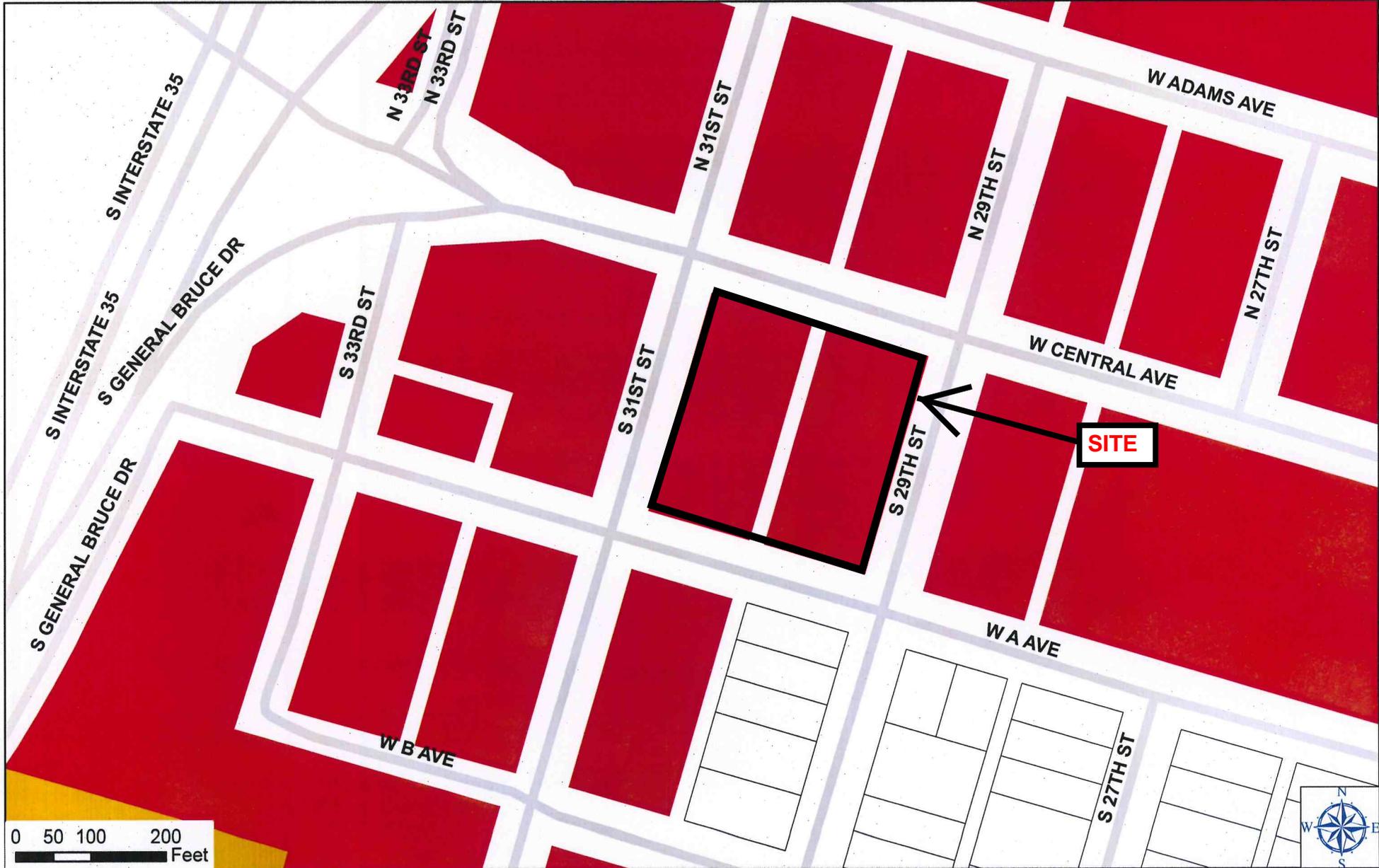


 Case



4/26/2013
City of Temple GIS
mbaker

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Future Land Use

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

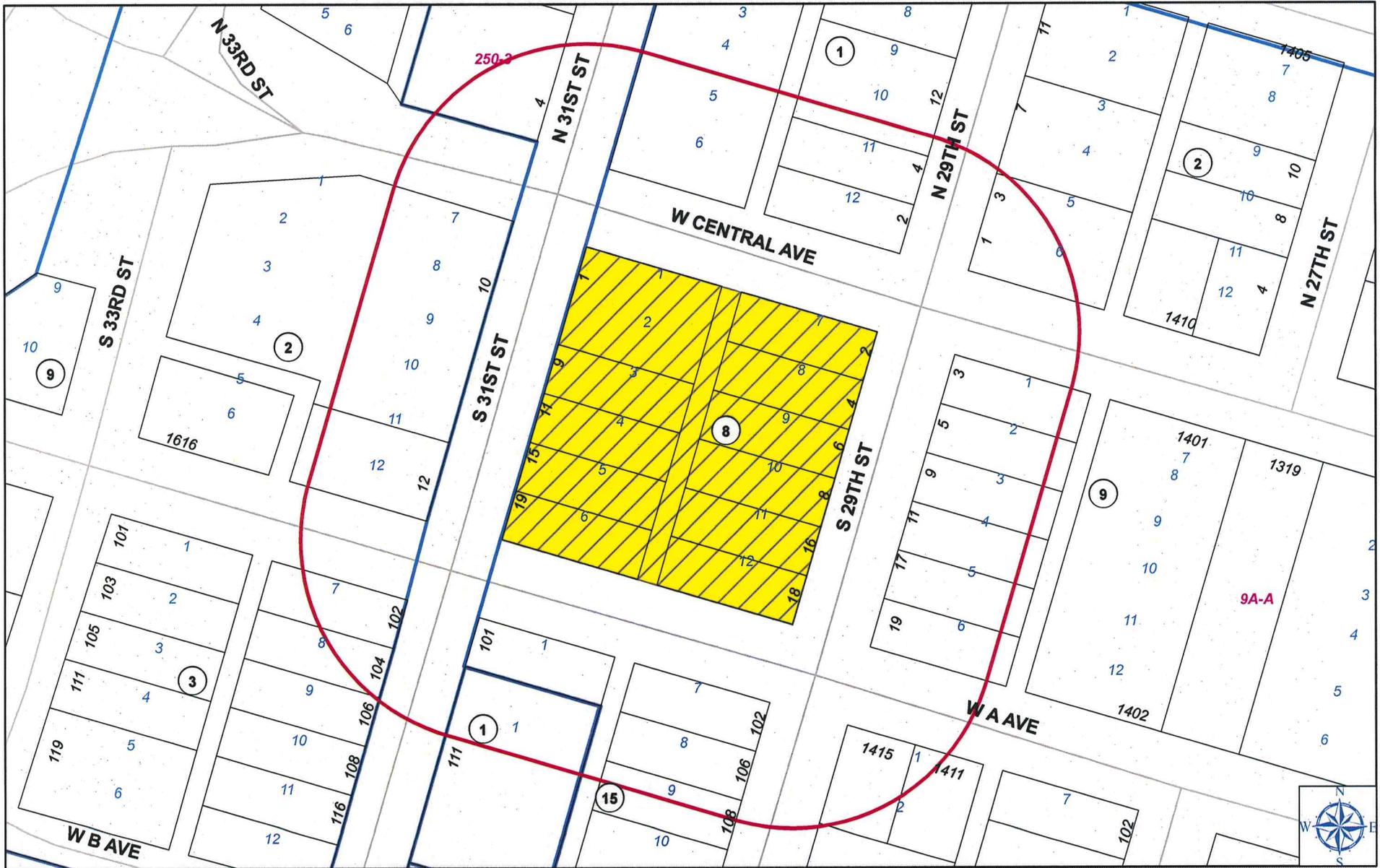
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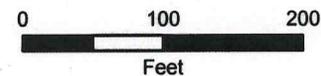
Z-FY-13-19

Zone Change Request from GR, NS & 2F to GR

SE Corner 31st Ave & Central



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



4/26/2013
 City of Temple GIS
 mbaker

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**RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE**

First Lutheran Church
1515 West Adams Avenue
Temple, Texas 76504

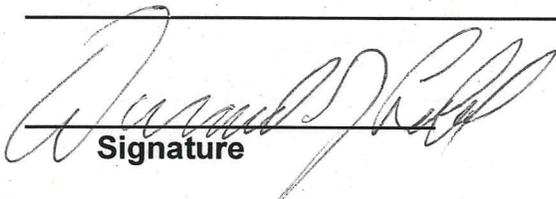
Zoning Application Number: Z-FY-13-19 **Project Manager:** Mark Baker

Location: Southeast Corner of South 31st Street & West Central Avenue

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:


Signature

Daniel J. Ladd
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 6, 2013

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

RECEIVED
MAY 01 2013
City of Temple
Planning & Development

Number of Notices Mailed: 16

Date Mailed: April 25, 2013



**RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE**

CADA Ltd
1 North 29th Street
Temple, Texas 76504

Zoning Application Number: Z-FY-13-19 **Project Manager:** Mark Baker

Location: Southeast Corner of South 31st Street & West Central Avenue

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: I would be for approval if this is for a
Walgreens Store. I understand they bought
some of the effected lots.

Mitchel Davis for CADA
Signature

Mitchel Davis for CADA
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 6, 2013

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

RECEIVED
MAY 02 2013
City of Temple
Planning & Development

Number of Notices Mailed: 16

Date Mailed: April 25, 2013



**RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE**

Vijay Mehta
805 Paint Brush Lane
Temple, Texas 76502

Zoning Application Number: Z-FY-13-19 **Project Manager:** Mark Baker

Location: Southeast Corner of South 31st Street & West Central Avenue

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: We agree with the zoning request
completely. That area is definitely
best suited for GR

Vijay Mehta
Signature

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 6, 2013

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

RECEIVED
MAY 02 2013
City of Temple
Planning & Development

Number of Notices Mailed: 16

Date Mailed: April 25, 2013



**RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE**

Alfred P. Mungia
1415 West Avenue A
Temple, Texas 76504

Zoning Application Number: Z-FY-13-19 **Project Manager:** Mark Baker

Location: Southeast Corner of South 31st Street & West Central Avenue

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:

~~Comments We Approval~~
Comments We Approval
I recommend approval

Alfred P. Mungia
Signature

ALFRED P. Mungia
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 6, 2013

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

RECEIVED
MAY 02 2013
City of Temple
Planning & Development

Number of Notices Mailed: 16

Date Mailed: April 25, 2013



PLANNING AND ZONING COMMISSION AGENDA ITEM

5/06/13
Item #4
Regular Agenda
Page 1 of 3

APPLICANT: Planning & Zoning Commission

CASE MANAGER: Beverly Zendt, Interim Director of Planning

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-13-25 Consider and take action on the Final Plat of BUC-EE's Subdivision, a 29.659 ± acres, 1-lot, 1-block nonresidential subdivision, located at the southeast corner of North General Bruce Drive and SE H K Dodgen Loop.	Pending	Ash & Associates, LLC
P-FY-13-24 Consider and take action on the Amended Master Preliminary Plat of The Hills of Westwood, a 201.145 ± acre, 519-lot, 14-block residential subdivision, located on the east side of South Pea Ridge Road, north of Hogan Road.	Pending	Turley Associates, Inc. for John Kiella
P-FY-13-21 Consider and take action on the Final Plat of Scott and White Memorial Hospital, a 209.04 ± acre 1 lot, 1-block nonresidential subdivision located generally from the main campus to various locations along West Avenue R to south 13th, 15th, 19th Streets to Fryers Creek.	Pending	Ronald Carroll
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	PZC 6/17/13	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.	CC 7/11/13	Gary Freytag

<p>P-FY-13-19 Consider and take action on the Preliminary Plat of BRV Addition, a 43.00 ± acres, a 139-lot, 6-block residential subdivision, located on the northeast side of SW H K Dodgen Loop, south of Hopi Trail.</p>	<p>Pending</p>	<p>Jon Hake for J. Kirk Willard)</p>
<p>P-FY-13-13 Consider and take action on the Final Plat for Brazos Bend Subdivision, a + 5.50 acre, 20-lot, Office Two (O2) residential subdivision, being part of the Nancy Chance Survey, abstract 5, Bell County, Texas being the remainder of a called 5.50 acre tract conveyed to Extraco Banks, NA, custodian of the Todd Scott IRA in Document No. 2011-00041131, Official Public Records of Real Property, Bell County, Texas. The property is located at 510 Old Waco Road, on the west side of Old Waco Road, north of Brandon Drive.</p>	<p>Needs 2nd DRC TBD</p>	<p>All County Surveying</p>
<p>P-FY-13-26 Consider and take action on the Final Plat of Rabern Ranch, a ± 1.126 acre, 1-lot, 1-block residential subdivision, located on the north side of South Pea Ridge Road, west of Parkside Drive.</p>	<p>DRC 5/6/13</p>	<p>Turley Associates</p>
<p>P-FY-13-27 Consider and take action on the Final Plat of Temple Bible Church Subdivision Phase III, a ± 9.26 acres, 1-lot, 1-block, nonresidential subdivision, located on the south side of Cottonwood Lane, east of Oakview Drive, (Applicant: All County Surveying for Temple Bible Church)</p>	<p>DRC 5/6/13</p>	<p>All County Surveying</p>
<p>P-FY-13-28 Consider and take action on the Final Plat of TRI-Supply Subdivision, a 11.33 ± acres, 1-lot, 1-block, non residential subdivision, located at the southeast corner of Range Road and NW H K Dodgen Loop. (Applicant: All County Surveying for TEDC)</p>	<p>DRC 5/6/13</p>	<p>All County Surveying</p>
<p>Z-FY-13-20 Hold a public hearing to discuss and recommend action on a zone change from Agricultural District (AG) to General Retail District (GR) on 1.00 ± acres, being a portion of the Daniel Meador Survey, Abstract Number 577, situated in the City of Temple, Bell County, Texas located at 8744 Airport Road.</p>	<p>PZC 5/20/13</p>	<p>Belton Engineering</p>
<p>Z-FY-13-21 Hold a public hearing to consider and recommend action on a zone change from Agricultural District (AG) to General Retail District (GR) on ± 1.296 acres of land situated in the Nancy Chance Survey, Abstract 5, Bell County, Texas, located on the west side of Old Waco Road, south of West Adams Avenue. (Shane Wood for H.A. Procter)</p>	<p>PZC 5/20/13</p>	<p>All County Surveying</p>

City Council Final Decisions	Status
<p>Z-FY-13-14: Consider adopting an ordinance authorizing amendments to Ordinance 2010-4413, Temple Unified Development Code, Articles 5 and 11, related to the following land uses: boarding/rooming house; correctional facility; halfway house; institution for alcoholic and narcotic patients; institution, religious, charitable, philanthropic nature; substance abuse treatment facility; social service shelter; and transitional or emergency shelter.</p>	<p>APPROVED at 1st Reading on April 18, 2013</p>
<p>P-FY-13-17: Consider adopting a resolution approving the Final Plat of High Crest Phase II, a 36.345 ±, 57-lot, 4-block, residential subdivision, with developer requested exceptions to local regulations related to: street width, payment of park fees, slope design (roadside swales), detention and mitigation, minimum number of entrances, and the provision of no-parking signs; located on east side of Bowles Ranch Road, north of FM 439, in Temple's western ETJ.</p>	<p>APPROVED on April 18, 2013</p>



**PLANNING AND ZONING COMMISSION
MEETING EVALUATION
May 6, 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.).
