

**NOTICE OF MEETING  
PLANNING AND ZONING COMMISSION  
CITY MUNICIPAL BUILDING, 2 NORTH MAIN STREET  
PLANNING CONFERENCE ROOM  
OCTOBER 7, 2013, 4:45 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, October 7, 2013.
2. PZC Platting 101 presentation by Jonathan Graham, City Attorney.
3. 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, 2<sup>ND</sup> FLOOR  
OCTOBER 7, 2013, 5:30 P.M.  
REGULAR MEETING AGENDA**

1. \_\_\_\_\_ Invocation
2. \_\_\_\_\_ Pledge of Allegiance

**A. CONSENT ITEMS**

All items listed under this section, Consent Agenda, are considered to be routine by the Planning & Zoning Commission and may be enacted in one motion. If discussion is desired by the Commission, any item may be removed from the Consent Agenda at the request of any Commissioner and will be considered separately.

**Item 1:** [Approval of Minutes](#): Work session and the regular meeting of September 16, 2013.

**B. ACTION ITEMS**

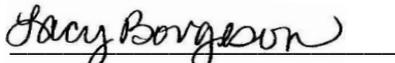
**Item 2:** [Z-FY-13-35](#): Hold a public hearing to discuss and recommend action on a zone change from General Retail District (GR), Single-Family Two District (SF-2), and Planned Development District (PD-GR) to General Retail District (GR) on 29.953 ± acres of land situated in the Nancy Chance Survey, Abstract No. 5, City of Temple, Bell County, Texas, located at the southeast corner of West Adams Avenue and Old Waco Road. (Michael Beevers for Bill Barge)

**Item 3:** [Z-FY-13-34](#): Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption where sales will be less than 75% of the gross revenue for the Longhorn Steakhouse, on Lot 2, Block 1, Gateway Center, located at 4507 South General Bruce Drive. (LuAron McCormack for Jim Powell)

**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 4:40 PM, on October 4, 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  
SEPTEMBER 16, 2013  
5:30 P.M.**

**PLANNING AND ZONING MEMBERS PRESENT**  
Chair Will Sears

**COMMISSIONERS:**

James Staats	Thomas Rehak
Chris Magaña	Patrick Johnson
David Jones	Blake Pitts
Omar Crisp	

**PLANNING AND ZONING MEMBERS ABSENT:**

Greg Rhoads

**STAFF PRESENT:**

Kim Foutz, Assistant City Manager, and  
Acting Director of Planning  
Trudi Dill, Deputy City Attorney  
Jonathan Christian, Fire Marshall  
Tammy Lyerly, Senior Planner  
Mark Baker, Planner  
Mary Maxfield, Planning Technician  
Phillip Melton, Planning Intern  
Leslie Evans, Administrative Assistant

**The agenda for this meeting was posted on the bulletin board at the Municipal Building, September 13, 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 Sears called Meeting to Order at 5:34 P.M.

Invocation and Pledge of Allegiance led by Chair Sears.

Chair Sears introduced and welcomed the new Commissioners: Thomas Rehak, Omar Crisp and Blake Pitts.

**A. CONSENT ITEMS**

**Item 1: Approval of Minutes:** Work session and the regular meeting of September 3, 2013.

Approval by general consent.

## B. ACTION ITEMS

**Item 2: P-FY-13-43:** Consider and take action on the Final Plat of Westfield Development Phase X, a 10.703 ± acres, 56-lot, 4-block residential subdivision, located on the east side of North Pea Ridge Road, across from Georgia Avenue in Hilldell Estates. (Applicant: John Kiella)

Ms. Tammy Lyerly, Senior Planner, stated the P&Z Commission was the final authority since the applicant has not requested any exceptions to the Unified Development Code (UDC).

DRC review this plat on September 4, 2013 and deemed it administratively complete on September 11, 2013. The proposed plat is in agreement with the Westfield Development Second Amended Master Preliminary Plat and proposes 56 single family lots. The property is zoned Planned Development Single Family-Two (PD-SF-2).

City Council granted an exception in 2012 to the four foot wide sidewalk along North Pea Ridge Road, designated a collector, for this development under Resolution 2012-6535-R. Due to the approved Capital Improvement Plan (CIP), the plat reflects a note stating a six to eight foot wide sidewalk along North Pea Ridge Road will be installed by the City of Temple.

Water services will be provided through an eight-inch water lines. Wastewater services will be provided through an eight-inch sanitary sewer line. Park fees in the amount of \$12,600 are required for this development (calculated at \$225 per single family lot created).

Staff recommends approval of the final plat of Westfield Development Phase X.

Commissioner Staats made a motion to approve Item 2, **P-FY-13-43**, as presented and Commissioner Jones made a second.

*Motion passed: (8:0)*

Vice-Chair Rhoads absent

**Item 3: Z-FY-13-31:** Hold a public hearing to discuss and recommend action on an amendment to Ordinance 2008-4230, the Choice '08, City of Temple Comprehensive Plan, Chapter 5, to amend the Thoroughfare Plan.

Mr. Phillip Melton, Planning Intern, stated Staff was proposing amendments to the Thoroughfare Plan related to the Transportation Capital Improvement Plan (TCIP) and Reinvestment Zone (RZ) No. 1 Master Plan.

The current Thoroughfare Plan was adopted as part of the Comprehensive Plan in 2008 and last submitted in October 2012.

There are 15 proposed changes:

The first four are not yet improved to their respective classifications and are shown as existing on the current Thoroughfare Plan. These will be shown as proposed rather than existing thoroughfares. These include sections of North Pea Ridge Road, Prairie View Road and Hogan Road.

The next three thoroughfares are not currently functioning nor planned to function as currently classified. Proposed updates would reduce their classification to a lower classification. These include Mouser Road, Case Road and McLane Parkway.

Segments 8 through 10 are currently shown as proposed thoroughfares but have been constructed since the last Thoroughfare Plan update. Proposed updates reclassify these as existing rather than proposed thoroughfares. These include Hilliard Road, Westfield, and Central Pointe Parkway.

Segments 11 through 13 are thoroughfares that have been upgraded or downgraded in classification. These changes were adopted as part of RZ No. 1 Master Plan. Proposed updates reflect these changes into the Thoroughfare Plan. These include Avenue U, 13<sup>th</sup> and 17<sup>th</sup> Streets and Scott and White Boulevard.

Segments 14 and 15 are new thoroughfare segments that would be added to the Thoroughfare Plan in accordance with RZ No. 1 Master Plan. Segment 14 connects Old Howard Parkway to McLane Parkway and Segment 15 connects Old Howard Road to Wendland Road.

Staff recommends approval of the Thoroughfare Plan and also recommends annual review of the Thoroughfare Plan to ensure it represents current and projected transportation needs.

Chair Sears opened the public hearing.

Mr. John Kiella, 11122 Whiterock Drive, Temple, Texas, stated on the RZ one, Segment 15, they were working with HEB and they had that as a proposed collector; HEB might want that as a private road.

Ms. Kim Foutz, Acting Director of Planning and Assistant City Manager, suggested that if there were any question about it that that portion was not passed right now. This can always come back and be added at a later time. Staff would rather it not be added until at such time the issue is more secured.

Mr. Kiella stated the homebuilders were behind all the other changes but requested Segment 15 be pulled for now.

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

Commissioner Jones made a motion to approve Item 3, **Z-FY-13-31**, with the exclusion of Segment 15, and Commissioner Johnson made a second.

*Motion passed: (8:0)*

Vice-Chair Rhoads absent

## **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)***

Ms. Foutz did not have anything to report on the Director's Report.

There being no further business, Chair Sears adjourned the meeting at 5:46 p.m.

Respectfully submitted,  
Leslie Evans

**PLANNING AND ZONING COMMISSION  
MONDAY, SEPTEMBER 16, 2013  
5:00 P.M.  
WORK SESSION**

**PLANNING AND ZONING MEMBERS PRESENT**

Chair Will Sears

**COMMISSIONERS:**

James Staats	Thomas Rehak
Chris Magaña	Patrick Johnson
David Jones	Blake Pitts
Omar Crisp	

**PLANNING AND ZONING MEMBERS ABSENT:**

Greg Rhoads

**STAFF PRESENT:**

Kim Foutz, Assistant City Manager and  
Acting Director of Planning  
Jonathan Graham, City Attorney  
Trudi Dill, Deputy City Attorney  
Jonathan Christian, Fire Marshall  
Tammy Lyerly, Senior Planner  
Mark Baker, Planner  
Mary Maxfield, Planning Technician  
Phillip Melton, Planning Intern  
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 Sears opened the work session at 5:02 p.m. and asked Ms. Kim Foutz, Acting Director of Planning, to proceed.

Ms. Foutz explained continuous efforts were being made to move forward on the Planning Director position. There are four applicants currently going through the interview process with the consultant which meet all of the criteria requested. Should this group pass the consultant's review, they will be brought in for interviewing the first week of October. Notification updates will be sent out regarding the interview panels in the near future.

Mr. Jonathan Graham, City Attorney, presented an overview of the 2013 Guide for PZC Legal Aspects of Zoning. This information contains basics tools for zoning information.

Mr. Graham stated he would focus on a decision making tree for zoning cases, how to build a record, dealing with proponents and opponents, zoning and planning over the long term and a Q&A session.

There is no simple litmus test in zoning cases and the PZC needs to exercise considerable discretion in their decisions. There is some guidance under State law (LGC Chapter 211) that gives a list of issues that should be looked at, including but not limited to, congestion, safety, fire, panic, health and welfare, light and air, overcrowding, transportation, water, sewer, schools, parks and other public needs.

Mr. Graham gave a recommended short form test for Commissioners to ask themselves:

- Is it consistent with the Comprehensive Plan;
- How will the change affect surrounding uses of property;
- Has there been a change of circumstances; and
- How will the change affect public health, safety or welfare.

Building the record is extremely important and contains many things: letters from the public; staff comments—written or oral; responses to 200 foot notice letters; comments made at a public hearing; and statements made by PZC members. Building the record is important because if someone challenged the decision made, the court would review the record. Courts are deferential to governing body and P&Z and the question is not whether a judge might have considered the entire record and could reach a different decision but whether there is anything in the record that would support the governing body's decision called an abuse of discretion standard. Staff will help the governing bodies because they build many of those things into the record.

It is entirely appropriate for constituents to contact individuals outside of a meeting venue, but do encourage them to either appear at the public hearing or file written comments so it will become part of the record building. Protect yourself by advising them you will consider all comments before making a decision.

Not all property is ripe for rezoning at the time it comes up. It is alright to deny a current request because the necessary infrastructure is not yet in place that will support that use, but articulate that.

The Comprehensive Plan is more than any one document or a collection of documents—it is all of that plus evidence that P&Z and City Council is following a fair and consistent process guided by rules and principles.

P&Z makes recommendations to City Council. The City Council gives great weight to P&Z recommendations and decisions. By law, the City Council cannot make a final decision of conduct a final public hearing until they have the final report/recommendation from P&Z.

The City Council has adopted an ordinance that requires three-fourths of all its members (4 of 5 possible votes) to overrule a recommendation from P&Z that a zoning change be denied.

Do not base a decision solely on what an applicant says they will do or what it will look like. The eventual project may come out looking very different. When you rezone something, any of the things allowed in the zoning classification may occur. Focus on whether this is an appropriate location for that zoning and if the time is appropriate.

Ms. Foutz reminds the Commissioners Staff is unable to present an all-inclusive list for zoning classifications and only give a select few. Ms. Foutz explained she is seeing a trend where someone says they will do one thing and something else gets done. The City is on a pyramid zoning which means a higher zoning would allow a lot of different things under that zoning classification. Ms. Foutz encouraged the Commissioners to review the table to understand the possibilities available within the zoning designations.

Mr. Graham covered some of the most frequently asked questions:

Can a time limit be put on a zoning change (or limit the change to a particular owner)? Generally no. A zoning change runs with the property/land and is not subject to changes in ownership or the passage of time. An exception is with Conditional Use Permits (CUPs).

Can we require physical changes to buildings or property? Generally no if it is a straight zoning. The governing bodies cannot condition the approval on the owner erecting fences or installing landscaping or locating a driveway in a certain location. An exception to this rule comes when the City Council approves a Planned Development (PD).

Ms. Foutz encouraged the Commissioners, if they ever felt uncomfortable because something was insufficient (such a buffering), to talk to the Director of Planning. The role of the P&Z is to make recommendations regarding text amendments that need to occur.

What is spot zoning? Spot zoning is the rezoning of property to a use that is incompatible with the uses shown in the Comprehensive Plan that is not dictated by a change in circumstances, or is inconsistent with the surrounding uses of property, or both. It is illegal. If a zoning request is for a use not shown in the Comprehensive Plan, it does not mean that it is spot zoning. Nor is a zoning change necessarily spot zoning just because it is isolated or confined to a single tract.

What is contract zoning? It is another way of saying the City cannot agree by contract that they will rezone the property in return for a promise by the property owner to do something.

The Future Land Use map of the City shows a particular use or range of uses for a particular property. Is the City Council obligated to approve an immediate change of zoning to a use within that "range of uses?" Not necessarily. The future land use map is just that, it shows the anticipated future, appropriate use of property. The City Council can consider current condition and availability of infrastructure, surrounding uses of property, or any change of circumstances since the Plan was adopted.

Is the City Council bound by that precedent? Do not assume that a prior action is ever a precedent; it is a consideration but rarely more than that. Zoning is discretionary and factually dependent. Rarely are two properties identically situated. Circumstances do change.

Due to time constraints, Mr. Graham needed to end his presentation.

Ms. Foutz asked the Commissioners to remember that is someone comes in with a zoning request, such as Commercial, and the Commissioners are not comfortable with some of the uses within that designation, the posting covers for them to pass at that level or lower; you cannot go up. Mr. Graham added that the terms used can be more restrictive or less intensive.

Ms. Leslie Evans, Administrative Assistant, stated the P&Z luncheon to be held in honor of former Commissioners Derek Martin and Allan Talley will be held in October and more information would be coming soon. On September 23<sup>rd</sup> an orientation training session will be held for all newly appointed board members and all seasoned members of all boards are strongly encouraged to attend.

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



## PLANNING AND ZONING COMMISSION AGENDA ITEM

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10/07/13  
Item #2  
Regular Agenda  
Page 1 of 3

**APPLICANT/ DEVELOPMENT:** Michael Beevers for Bill Barge

**CASE MANAGER:** Mark Baker, Planner

**ITEM DESCRIPTION:** Z-FY-13-35 Hold a public hearing to discuss and recommend action on a zone change from General Retail District (GR), Single-Family Two District (SF-2), and Planned Development District (PD-GR) to General Retail District (GR) on 29.953 ± acres of land situated in the Nancy Chance Survey, Abstract No. 5, City of Temple, Bell County, Texas, located at the southeast corner of West Adams Avenue and Old Waco Road.

**STAFF RECOMMENDATION:** Based on the following discussion, staff recommends approval for a zone change from GR, PD-GR and SF-2 to GR for the following reasons:

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

**ITEM SUMMARY:** According to the City of Temple Comprehensive Plan / Future Land Use Plan (FLUP), the property's current Suburban Commercial land use designation is appropriate for office, retail and services uses adjacent to and abutting residential neighborhoods and in other areas where the community's image and aesthetic value is to be promoted, such as "gateways" and high-profile corridor locations. The land use classification is characterized by extensive landscaping and /or open space. The architectural style of buildings, roof, signage and lighting also contribute to a suburban character. The request to a General Retail zoning district (GR) complies with the FLUP. In addition, the GR zoning designation is compatible with the adjacent land use and will continue the non-residential pattern of development in the immediate area.

The requested GR zoning district is the standard retail district and allows most retail uses including retail sales, restaurants, grocery stores, department stores, or offices and residential uses except apartments. The GR zoning district is intended to serve larger service areas than neighborhoods. The district should be located at the intersection of major arterials and should provide total on-site traffic, maneuvering such that traffic entering and exiting the facility should have room to turn, stack and park within the confines of the retail facility. Adjoining zoning districts should be carefully selected to reduce environmental conflicts.

Although it is anticipated the property will be developed with general retail uses, there are a number of uses that are permitted by right. Those uses include but are not limited to:

Residential uses  
Single-Family Dwelling  
Duplex  
Convent or monastery

Nonresidential uses  
Veterinary Hospital (No kennels)  
Electrical substation (high voltage bulk power)  
Minor vehicle servicing

**Prohibited uses** include HUD-Code manufactured homes and land lease communities, apartments, boat sales or storage, welding or machine shop, storage warehouse and major vehicle repair. All industrial uses are prohibited, except industrial uses allowed by an approved conditional use permit (i.e. temporary asphalt concrete batching plants).

**SURROUNDING PROPERTY AND USES:** The following table provides the direction from the property, Future Land Use Plan (FLUP) designation, existing zoning and current land uses:

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Suburban Commercial	GR, PD-GR & SF-2	Undeveloped
North	Suburban Commercial	AG, O-1 & GR	Undeveloped & Commercial Dev.
South	Suburban Commercial	AG	Undeveloped & Scattered SF Residences
East	Suburban Commercial	PD-GR & SF-2	Mini Storage & SF Residences (Crescent View Subdivision).
West	Suburban Commercial	AG, GR & SF-3	Undeveloped & Scattered SF Residences & Dev. (Meadows Subdivision)

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

<u>Document</u>	<u>Policy, Goal, Objective or Map</u>	<u>Compliance</u>	
CP	Map 3.1 - Future Land Use and Character (FLUP)	Suburban Commercial is identified for the subject property as well as identified for the immediate and surrounding area. GR zoning is a compatible zoning district and consistent with the Suburban Commercial FLUP designation.	Y
CP	Map 5.2 - Thoroughfare Plan	The subject property will take access from both W. Adams Ave and Old Waco Road. W. Adams Ave is a major arterial and Old Waco is a proposed major arterial as well as the proposed "Outer Loop". In addition to both roads meeting arterial standards, Old Waco Road will require a 120' ROW.	Y
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Water is available to the subject property through a 14" and 4" water line in W. Adams Ave and a 24" water line in Old Waco Road. Sewer is available through an 18" sewer line in W. Adams Ave and a 10" sewer line in Old Waco Road.	Y
STP	Temple Trails Master Plan Map	Master Plan Map has identified a City-Wide	Required

	& sidewalks	Spine Trail in Old Waco Road. Sidewalks are required on both sides of arterials per UDC section 8.2.3.	(Addressed through Plat)
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CP = Comprehensive Plan      STP = Sidewalk and Trails Plan

**DEVELOPMENT REGULATIONS:** Standard non-residential setbacks in the GR district are:

- Minimum lot size - N/A
- Minimum Lot Width - N/A
- Minimum Lot Depth - N/A
- Front Yard Setback - 15'
- Side Yard Setback - 10'
- Corner Side Setback - 10'
- Rear Yard Setback - 0'

Per UDC Section 4.4.4F.3a, a minimum 10' rear setback is required where a non-residential use abuts a residential zoning district or use.

In addition, any proposed non-residential development will be subject to the general development standards prescribed in UDC Section 7. This section provides for standards for access, circulation, sidewalks, landscaping, off-street parking, signage, screening, buffering and exterior building materials. While several of these items will be addressed through the anticipated plat, the remainder will be addressed through the Construction Document review phase of development.

**PUBLIC NOTICE:** Nineteen notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of Wednesday October 2, 2013 at 10:00 AM, No notices for either approval or disapproval have been received.

The newspaper printed notice of the Planning and Zoning Commission public hearing on September 26, 2013, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

- Subject and Surrounding Property Photos
- Zoning Map
- Future Land Use and Character Map
- Surrounding Use, Zoning & Future FLUP
- Buffer Notification Map

# Site & Surrounding Property Photos



**Site: Undeveloped - Looking South**



**Site: Undeveloped - Looking West from the Red Barn Mini Storage Property**



**West: Developed – Texas Partners Federal Credit Union**



**West: Undeveloped - Across Old Waco Road**



**East: Developed - Red Barn Mini Storage**



**East: Developed - Mini Storage and Single Family Residences**



**North: Developed & Undeveloped Land**

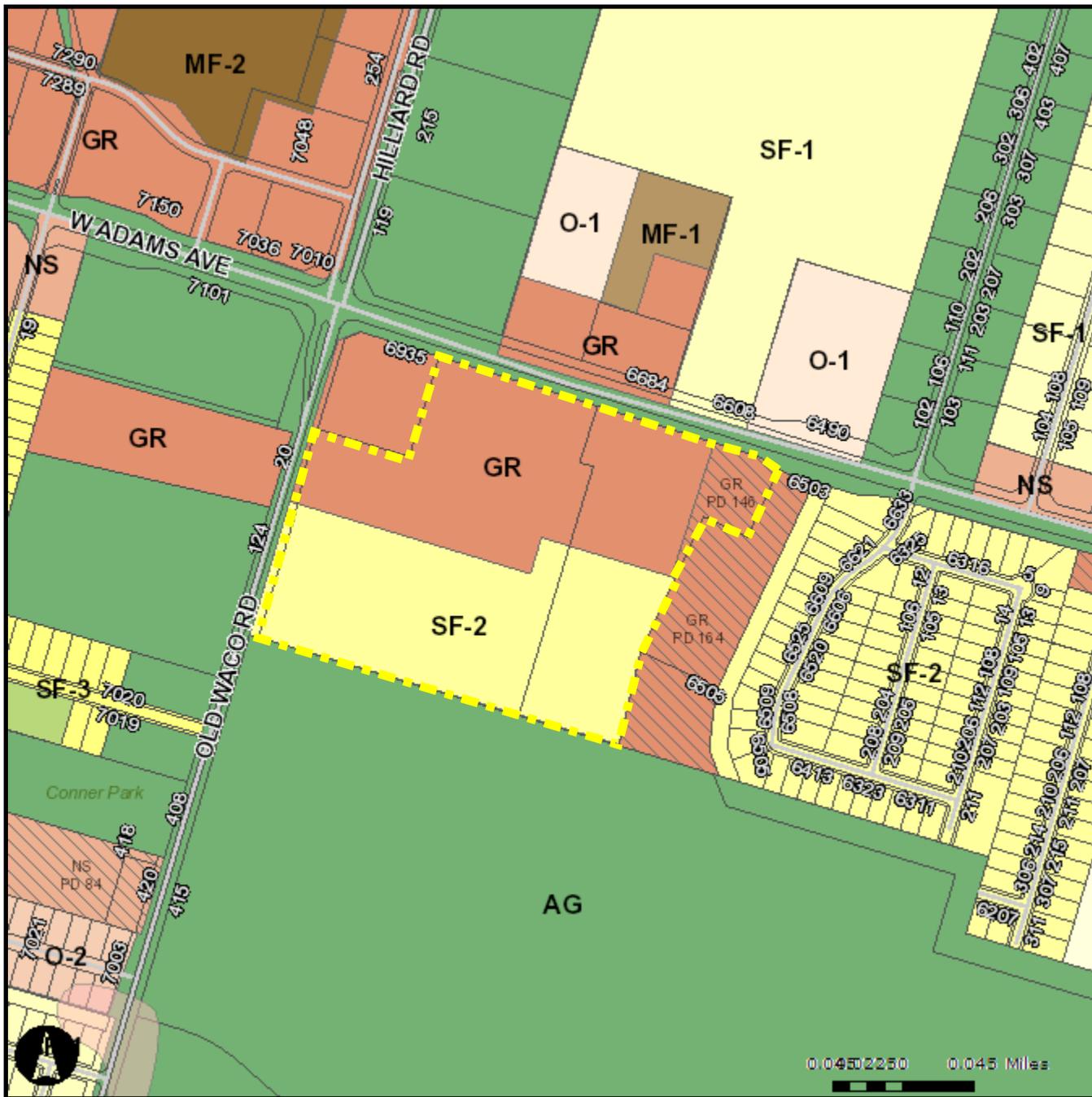


**North: Holy Trinity Catholic High School**



**South: Aerial Map showing area to the south of project site as primarily undeveloped**

# Map





**Future Land Use**

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

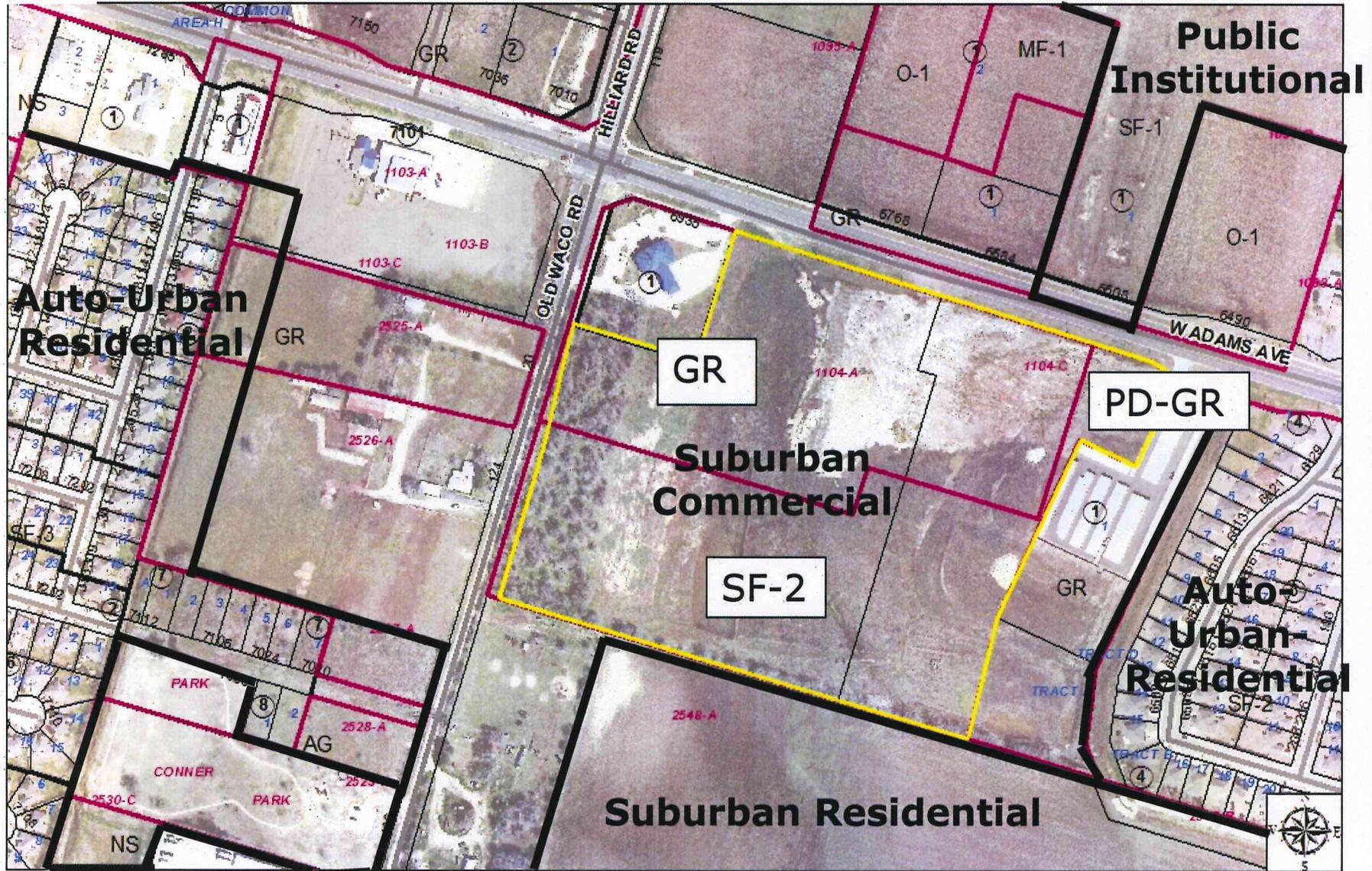
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



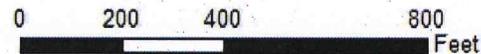
Z-FY-13-35

# Surrounding Use, Zoning & FLUP

SEC W. Adams Ave.  
& Old Waco Rd.



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



9/23/2013  
City of Temple GIS

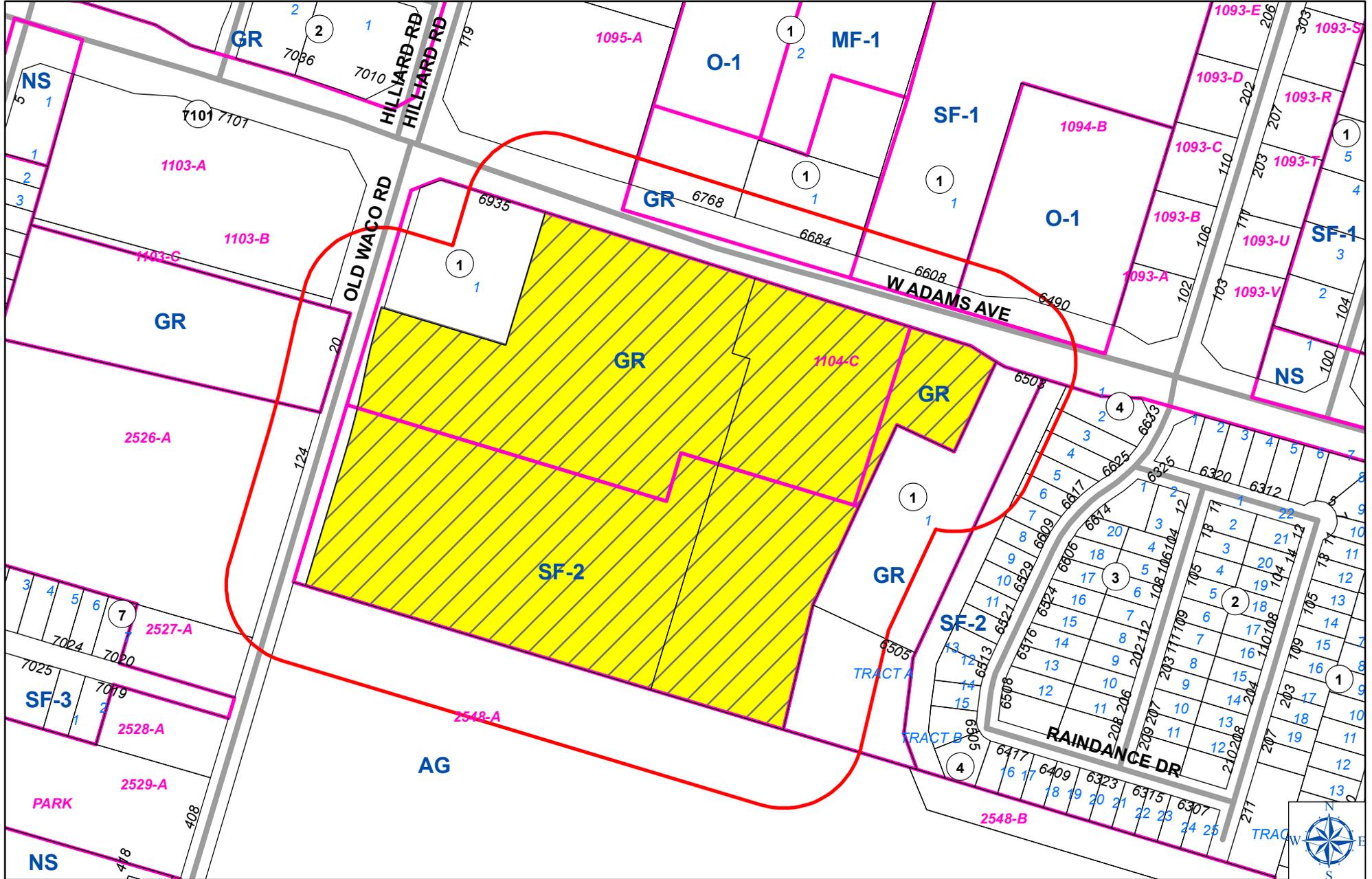
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Z-FY-13-35

GR, GR-PD & SF-2 to GR

SEC W. Adams Ave. & Old Waco Rd.



Case

200' Buffer

Zoning

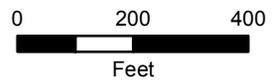
1234-A  
1234 Address

Outblock Number

1

Block Number

Lot Number



9/17/2013  
City of Temple GIS  
mbaker

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





## PLANNING AND ZONING COMMISSION AGENDA ITEM

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10/07/2013  
Item #3  
Regular Agenda  
Page 1 of 2

**APPLICANT / DEVELOPMENT:** LuAron McCormack

**CASE MANAGER:** Phillip Melton, Planning Intern

**ITEM DESCRIPTION:** Z-FY-13-34 Hold a public hearing to consider and recommend action on a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption where sales will be less than 75% of the gross revenue for a Longhorn Steakhouse Restaurant in the Gateway Center located at 4507 South General Bruce Drive.

**STAFF RECOMMENDATION:** Staff recommends approval of the requested Conditional Use where less than 75% of the gross revenue will be from the sale of alcoholic beverages with on-premise consumption for the following reasons:

1. The request is compatible with the Future Land Use and Character Map;
2. The applicant has demonstrated compliance with the specific standards in Section 5.3.15 of the UDC.

**ITEM SUMMARY:** The subject property is located on the southeast side of South General Bruce Drive between Gillmeister Lane and Mockingbird Lane. The property is addressed as 4507 South General Bruce Drive. The applicant, LuAron McCormack, proposes establishing a business where it is anticipated that less than 75% of the gross revenue will be from the sale of alcoholic beverages with on-premise consumption. As the applicant is proposing sales of alcoholic beverages other than beer and wine, a conditional use permit will be required.

Establishments with alcoholic beverage sales for on-premise consumption are subject to the standards in Section 5.3.15 of the UDC. A number of the standards applicable to this property have been identified and are discussed as follows:

**Traffic Generation / Area Overcrowding:** It is not anticipated that there will be a substantial increase to traffic generation or overcrowding.

**Licensing from Texas Alcoholic Beverage Commission:** The applicant must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code. This will be required within 6 months from the date of the issuance of the conditional use permit.

**Parking:** According to the applicant's site plan, 81 parking spaces will be provided, which is in accordance to the UDC Sec. 7.5.

**Distance from Sensitive Uses:** As provided by UDC Section 5.5.15C, the property is not located within 300 from a place of worship, elementary or secondary school, public hospital, public park, or any residentially zoned or developed lot. The closest distance to any of these listed uses, as measured in a straight, direct line from the property line of the establishment to the nearest property line, is to 2410 Blue Jay Drive, a residential use, at a distance of approximately 546 feet.

The applicant has provided a site plan as required per UDC Section 3.5.2B. Staff has reviewed the use permit and the site plan which were considered by the DRC during their September 23, 2013 meeting. Based on the proposal, no issues were identified during the meeting. The applicant has applied for a building permit, and the approved site plan for the building permit will be included in the Ordinance if the conditional use permit is approved by City Council.

**SURROUNDING PROPERTY AND USES:** The following table shows the subject and surrounding properties existing zoning and current land uses:

<b><u>Direction</u></b>	<b><u>Zoning</u></b>	<b><u>Current Land Use</u></b>
Subject Property	GR	Currently Unoccupied
(N) IH-35	N/A	Freeway
(S) Gateway Center	GR	Retail Uses
(E) Gateway Center	GR	Retail Uses
(W) New Pool's Tires & Rims	GR	Service Uses

**PUBLIC NOTICE:** One notice of the Planning and Zoning Commission public hearing was sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. The notice was returned with no objection to the Conditional Use Permit.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

- Site Photos
- Aerial Map
- Site Plan
- Buffer Notification Map
- Returned Property Owner Notice



**South: Subject Property (in the foreground) and the Gateway Center**



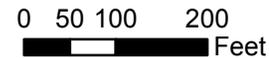
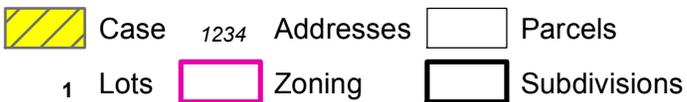
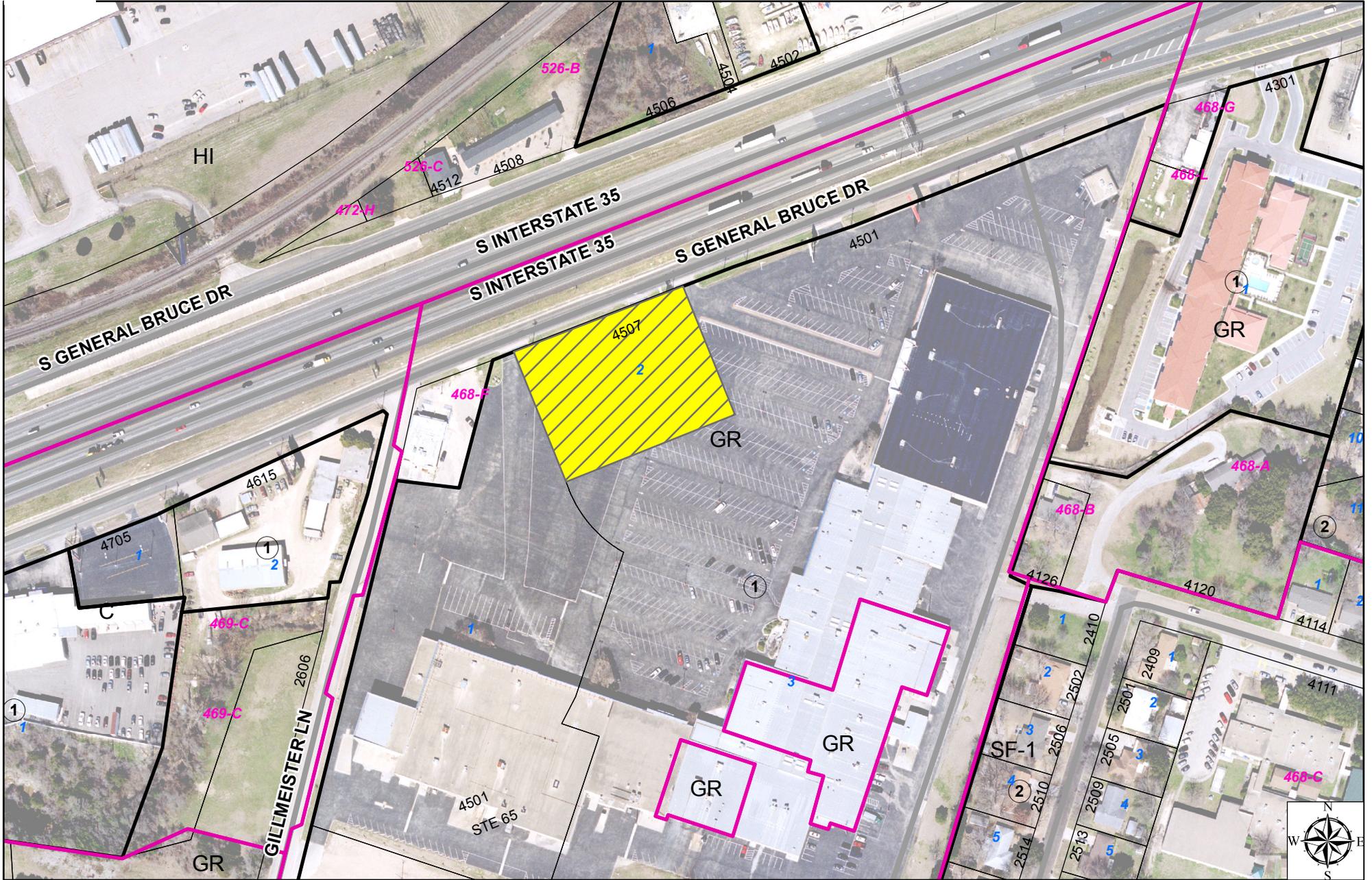
**North: Interstate 35**



**East: Gateway Center**

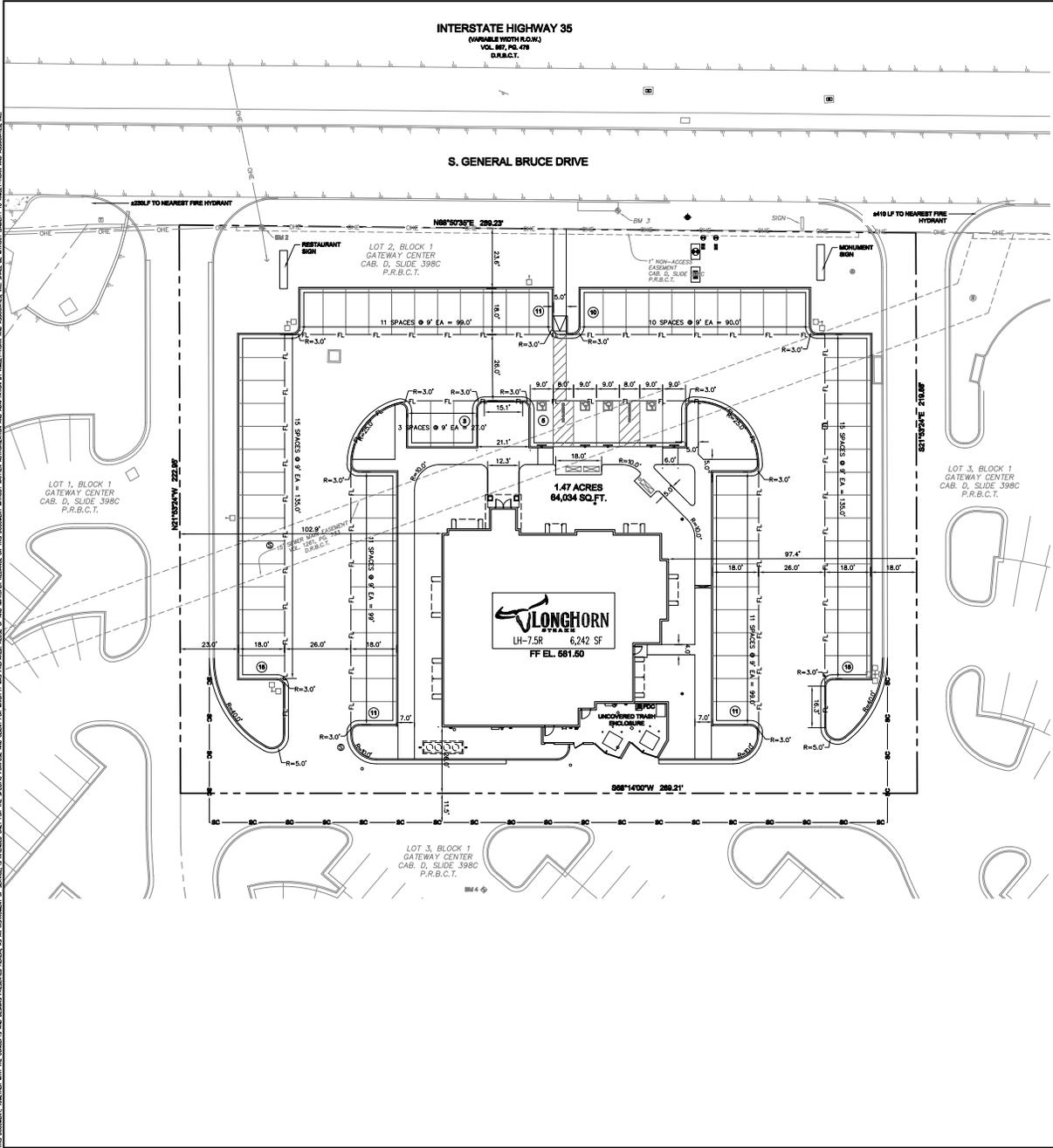


**West: Gateway Center Parking Lot and New Pool's Tires and Rims**



10/1/2013  
City of Temple GIS

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.



**LEGEND**

⊙	EXISTING SANITARY SEWER MANHOLE
⊕	EXISTING STORM SEWER MANHOLE
⊙	EXISTING CURB INLET
⊕	EXISTING FIRE HYDRANT
⊕	EXISTING WATER VALVE
⊕	EXISTING WATER METER
⊕	EXISTING UTILITY POLE
⊕	EXISTING UTILITY FEEDER
⊕	PROPOSED FIRE DEPT. CONNECTION
⊕	PROPOSED WATER METER
⊕	PROPOSED ROOF DRAIN
⊕	PROPOSED MACROFLOW PREVENTER
⊕	PROPOSED 1/2" DIA. GATE INLET
⊕	PROPOSED UTILITY POLE
⊕	PROPOSED LIGHT (REF. MEP PLANS)
⊕	PROPOSED SANWELL LINE
⊕	PROPOSED OVERHEAD ELECTRIC LINE
⊕	PROPOSED PARKING COUNT

- GENERAL NOTES**
1. DIMENSION DIMENSIONS AND RADI ARE TO FACE OF CURB, UNLESS OTHERWISE NOTED.
  2. WALL DIMENSIONS ARE TO EXPOSED FACE OF WALL, UNLESS OTHERWISE NOTED.
  3. PARK SHOW ARE IF UNLESS OTHERWISE NOTED.
  4. REFER TO MEP PLANS FOR SITE LIGHTING ELECTRICAL PLAN.
  5. REFER TO ARCHITECTURAL AND STRUCTURAL PLANS TO VERIFY ALL IN IS PLAN DIMENSIONS.

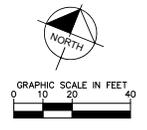
**SITE DATA**

PROJECT DESCRIPTION:	NEW CONSTRUCTION OF A LONGHORN STEAKHOUSE RESTAURANT	
LEGAL DESCRIPTION:	BEING ALL OF LOT 2, BLOCK 1, GATEWAY CENTER, AN ADDITION TO THE CITY OF TEMPLE, TEXAS ACCORDING TO THE PLAT RECORDED IN CACKET 0, SLIDE 398C OF THE PLAT RECORDS OF HELL COUNTY, TEXAS.	
ADDRESS:	1438 AND GILLEMESTER LANE, TEMPLE, TX 76788	
ZONING:	DR. PD IS GENERAL RETAIL PLANNED DEVELOPMENT DISTRICT 22 AND WITHIN I-35 CORRIDOR OVERLAY DISTRICT (FREWAY RETAIL/COMMERCIAL SUB-DISTRICT)	
FLOOD ZONE:	ZONE X, AS SHOWN ON FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 4803030400, DATED SEPTEMBER 25, 2008	
SITE AREA:	64,294 S.F.	1.48 AC.
FLOOR AREA RATIO:	6,242 S.F. / 64,294 S.F. = 0.10	
PROJECT COVERAGE:	PROVIDED	
BUILDING AREA:	6,242 SF	0.14 AC.
IMPERVIOUS AREA:	42,289 SF	0.97 SF
LANDSCAPE AREA:	18,342 SF	0.37 SF
TOTAL:	64,294 SF	1.48 AC.
PARKING CALCULATION:	CITY: 1 SPACE PER 3 SEATS (82 SEATS) = 81 SPACES DEVELOPER: 1 SPACE PER 3 SEATS (82 SEATS) = 81 SPACES	
PARKING SUMMARY:	REQUIRED	PROVIDED
STANDARD:	77	77
ACCESSIBLE:	4	4
TOTAL:	81	81

**BENCHMARKS**

BM 1	TRIANGLE CUT FOUND ON TOP OF CURB LOCATED ON WEST SIDE OF GILLEMESTER LANE AND 880'S SOUTH OF THE INTERSECTION OF S. GENERAL BRUCE DR. AND GILLEMESTER LN. ELEV=81.24
BM 2	COTTON SPINDLE FOUND ON THE SOUTH SIDE OF A POWER POLE ON THE SOUTH SIDE OF S. GENERAL BRUCE DR. 300' NORTHEAST OF THE INTERSECTION OF S. GENERAL BRUCE DR. AND GILLEMESTER LN. ELEV=878.91
BM 3	1" SET ON THE SOUTHWEST CORNER OF A CURB INLET LOCATED ON THE SOUTH SIDE OF S. GENERAL BRUCE ROAD 300' NORTHEAST OF THE INTERSECTION OF S. GENERAL BRUCE DR. AND GILLEMESTER LN. ELEV=881.20
BM 4	1" SET ON THE NORTHWEST CORNER OF A CONCRETE BASE ON A LIGHT POLE LOCATED 380' EAST OF THE EAST R.O.M. LINE OF GILLEMESTER LN. AND 280' SOUTH OF THE SOUTH R.O.M. LINE OF S. GENERAL BRUCE DR. ELEV=871.71

**STOP!**  
**CALL BEFORE YOU DIG**  
 DIG TESS  
 CALL: 811 (local)  
 or 1-800-DIG-TESS  
 (@ least 72 hours prior to digging)



**McIntosh**

**Kimley-Horn and Associates, Inc.**  
 601 NW LOOP 416, SUITE 350  
 SAN ANTONIO, TEXAS 78216  
 PHONE: 214-241-3100  
 FAX: 214-241-6699  
 WWW.KIMLEY-HORN.COM  
 TYPE: FIRM NO. 528  
 © 2013 KIMLEY-HORN AND ASSOCIATES, INC.  
 KHA PROJECT # 06387076

**REGISTERED PROFESSIONAL ENGINEER**  
 STATE OF TEXAS  
 NUMBER: 95562  
 06/25/2013

**LONGHORN**  
 RESTAURANT

Issue Date: 08/26/13

REVISION INFORMATION

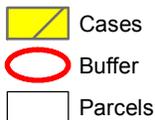
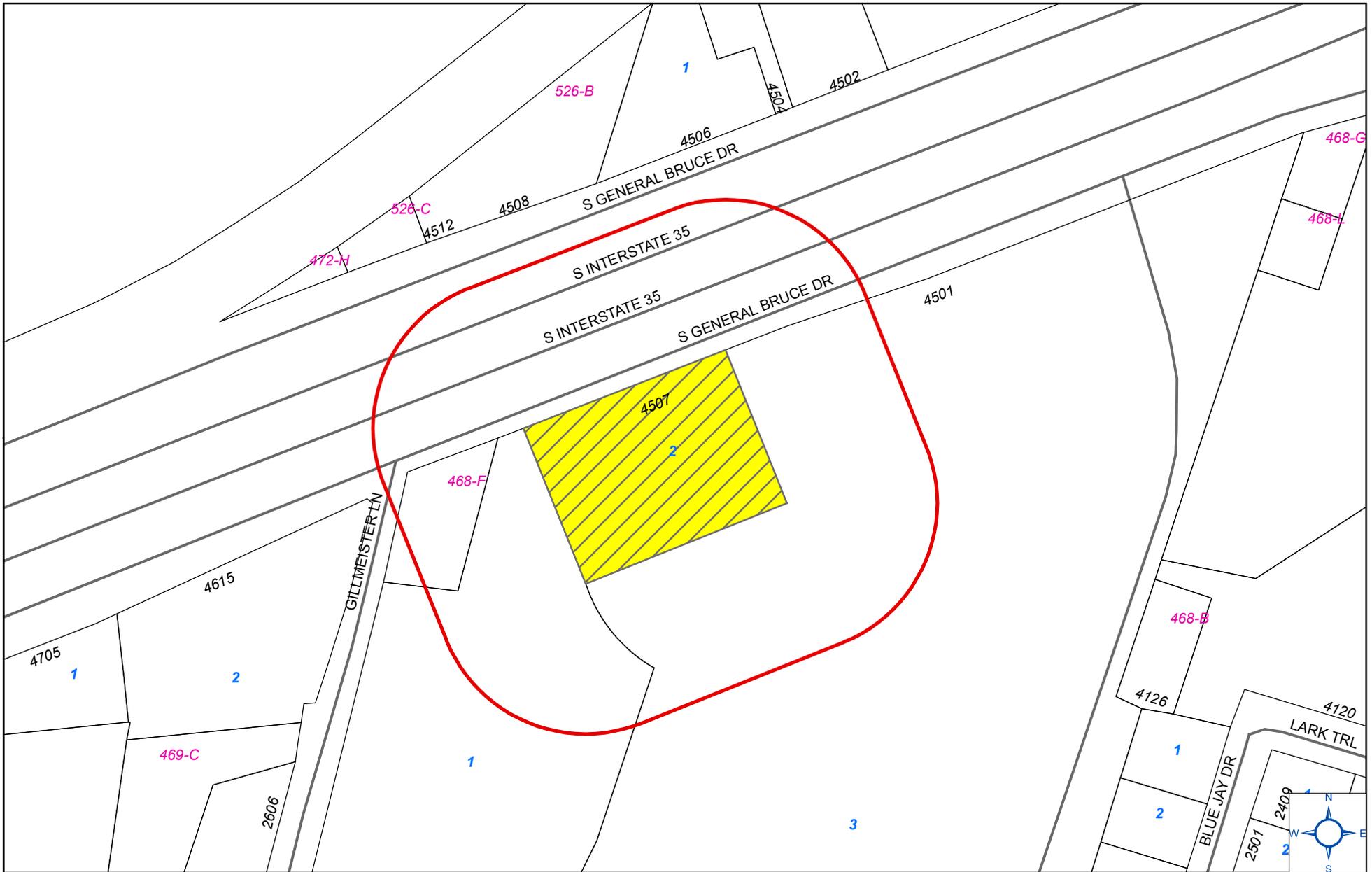
Restaurant #: 13L0183

**LONGHORN**  
 PROTOTYPE LH-7.5-R  
 GATEWAY CENTER  
 IH-35 & GILLEMESTER

AUTHORIZED FOR PERMIT/ BID  
 TEMPLE, TX

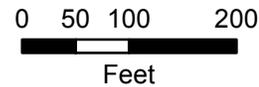
DRAWING  
 SITE AND DIMENSION  
 CONTROL PLAN

C3.1



Historic Lot Lines  
Outblock 1234-A

Lots 1  
Addresses 1234



9/11/2013  
City of Temple GIS  
pmlton

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**RESPONSE TO PROPOSED  
CONDITIONAL USE PERMIT  
CITY OF TEMPLE**

Mohammad Kayani  
7208 Rick Drive  
Temple, Texas 76701

**Zoning Application Number: Z-FY-13-34**

**Project Manager: Phillip Melton**

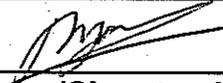
**Location: 4507 South General Bruce Drive**

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

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

**Comments:**

*In my opinion Alcoholic is Bad for Human. In my Religion is prohibited. Beside these two things I have no objection.*

  
(Signature)

*10-1-13*

*Mohammad KAYANI*  
(Print Name)

Please mail or hand-deliver this comment form to the address shown below, no later than October 7, 2012.

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

**RECEIVED**  
OCT 04 2013  
City of Temple  
Planning & Development



# PLANNING AND ZONING COMMISSION AGENDA ITEM

10/07/13  
 Item #4  
 Regular Agenda  
 Page 1 of 3

**APPLICANT:** Planning & Zoning Commission

**CASE MANAGER:** Kim Foutz, Acting 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
<b>P-FY-13-21-</b> 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	DRC 6/05/13 Pending	Ronald Carroll
<b>P-FY-13-34 -</b> Consider and take action on the Final Plat of Lake Pointe Phase III, a 66.87 ± acres, 343-lot, 10-block residential subdivision, located on the southwest corner of Prairie View Road and North Pea Ridge Road.	DRC 7/01/13 2 <sup>nd</sup> DRC pending	W&B Development
<b>Z-FY-13-29 -</b> Hold a public hearing to discuss and recommend action on a zone change from Agricultural District (AG) to Single Family-Two District (SF-2) on 32.02 ± acres, being part of the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located South of Poison Oak Road, between South Pea Ridge Road and Old Waco Road.	Pending	Glynn Cummings
<b>P-FY-13-41 -</b> Consider and take action on the Final Plat of Joshlin Subdivision, Lots 2R1 and 2R2, Block 1, a ± 7.731 acre, 2-lot, 1-block nonresidential subdivision, located on the north side of West Adams Avenue, east of Hilliard Road and west of Holy Trinity High School. ( <i>Joshlin is now called G2K-North</i> )	Pending PZC	Nathan Streett
<b>P-FY-13-29 -</b> Consider and take action on the First Amending Plat of Janke Acres, a 4.143 ± acres, 1-lot, 1-block residential subdivision, located on the east side of South Pea Ridge Road, south of Poison Oak Road in Temple's southwestern ETJ.	DRC 8/19/13	Jennifer Ryken for Kenneth & Sherry Janke

<p><b>P-FY-13-38</b> - Consider and take action on the Preliminary Plat of Carriage House 2, a 60.31 ± acres, 194-lot, 194 lots, ?-block residential subdivision, located on the along the east side of Carriage House Drive, east of Oak Hills Drive &amp; Trailridge Drive.</p>	<p>DRC 8/19/13 Pending zone change</p>	<p>Jason Carothers</p>
<p><b>Z-FY-13-31</b> - Hold a public hearing to discuss and recommend action on an amendment to Ordinance 2008-4230, the Choice '08, City of Temple Comprehensive Plan, Chapter 5, to amend the Thoroughfare Plan.</p>	<p>Pending</p>	<p>City initiated</p>
<p><b>Z-FY-13-35</b> - Hold a public hearing to discuss and recommend action on a zone change from General Retail District (GR), Single-Family Two District (SF-2), and Planned Development (GR) District (PD-GR) on 29.953 ± acres of land situated in the Nancy Chance Survey, Abstract No. 5, City of Temple, Bell County, Texas, located at the southeast corner of West Adams Avenue and Old Waco Road.</p>	<p>PZC 10/07/13</p>	<p>Michael Beevers for Bill Barge</p>
<p><b>P-FY-13-46</b> - Consider and take action on the Preliminary Plat of Shiloh Terrace Phase Four, a 27.84 ± acre, 42-lot, 2-block, residential subdivision located on the north side of Sparta Road, west of Water Works Road in Temple's Western E.T.J.</p>	<p>Pending</p>	<p>Robert Mitchell for James Herring</p>
<p><b>P-FY-13-45</b> - Consider and take action on the Final Plat of Gillmeister Addition Phase Two, a 5.582 ± acre, 3-lot, 1-block nonresidential subdivision located along the southwest corner of Gillmeister Lane and South General Bruce Dr.</p>	<p>Pending</p>	<p>All County Surveying for Leonard Gillmeister</p>
<p><b>Z-FY-13-33</b> - Hold a public hearing to discuss and recommend action on a zone change from Light Industrial District (LI) to Heavy Industrial District (HI) on ± 28.217 acres, being part of the Nancy Ferguson Survey, Abstract No. 322, Bell County, Texas, located on the south side of Industrial Boulevard, adjacent to and east of the AT&amp; SF Railroad.</p>	<p>PZC 10/21/13</p>	<p>David Neman</p>
<p><b>P-FY-13-44</b> - Consider and take action on the Final Plat of The Ranch At Woodland Trails Phase II, a ± 13.545 acre, 20-lot, 1-block, residential subdivision, located west of Canyon Trail and west of FM 2271, located in Temple's western E.T.J.</p>	<p>DRC 9/25/13 2<sup>nd</sup> DRC pending</p>	<p>Jason Carothers</p>
<p><b>Z-FY-13-36</b> - Hold a public hearing to discuss and recommend action on an amendment to Ordinance 2010-4413, Temple Unified Development Code, Article 3 to amend notification requirements; Article 4 to amend dimensional standards; Article 6 to amend TMED landscaping requirements; Article 6 to amend I-35 Overlay window requirements; Article 6 to amend the 1st and 3rd Overlay District; and Article 7 to amend off street parking requirements.</p>	<p>Pending</p>	<p>City Initiated</p>
<p><b>P-FY-13-47</b> - Consider and recommend action on the Final Plat of Brayson Crossing, a 6.008 ± acres, 9-lot, 1-block residential subdivision, located in the western E.T.J., at the northeast corner of FM 439 and Sparta Loop. (Applicant: Mitchell &amp; Associates for JRBC Investments LLC)</p>	<p>DRC 10-7-13</p>	<p>Mitchell &amp; Associates</p>

<p><b>Z-FY-13-37</b> - Hold a public hearing to consider and recommend action on a Conditional Use Permit for the Salvation Army's McLane Center of Hope Transitional Shelter on property located at the southwest, southeast and northeast corners of South 9th Street and West Avenue G and addressed as 409, 410, 411, 413, 420 and 501 West Avenue G and 709 South 9th Street, Temple, Texas. (Applicant: Salvation Army)</p>	<p>DRC 10-7-13</p>	<p>Capt. Shafer for Salvation Army</p>
<p><b>Z-FY-13-38</b> –Hold a public hearing to consider and recommend action on a zone change from Planned Development-General Retail (PD-GR) to Planned Development-General Retail with Storage on 10.20 acre tract of land situated in the Maximo Moreno Survey, Abstract 14, Bell County, Texas, located on the south side of Waters Dairy Road, adjacent to and east of Stripes Convenience store</p>	<p>DRC 10-7-13</p>	<p>Doyle Spigener</p>
<p><b>P-FY-14-01</b> - Consider and take action on the Final Plat of Jencer Addition, a 28.29 ± acres, 2-lot, 1-block, nonresidential subdivision, located on the south side of Industrial Boulevard, along the east side of the Burlington Northern Santa Fe Railroad, and on the north side of I-35. ( Applicant: Chuck Lucko for Arthur Brashier)</p>	<p>DRC 10-21-13</p>	<p>All County Surveying for Arthur Brashier</p>

<p><b>City Council Final Decisions</b></p>	<p><b>Status</b></p>
<p><b>Z-FY-13-32:</b> Consider adopting an Ordinance authorizing a zone change from Agricultural District (AG) to Single-Family Dwelling 2 District (SF-2) on 25.83 ± acres, being part of the Baldwin Robertson Survey, Abstract 17, Bell County, Texas, generally located northeast of Poison Oak Road and east of Carriage House Drive.</p>	<p>APPROVED at 1<sup>st</sup> Reading on October 3, 2013</p>



# PLANNING AND ZONING COMMISSION MEETING EVALUATION

October 7, 2013

## Rating Scale

Excellent    Average    Poor

- 1. What is your overall rating of the P & ZC's Meeting?
- 2. How would you rate the content of the staff's reports?
- 3. How would you rate the clarity of the meeting agenda?
- 4. How would you rate the staff presentation?

Excellent	Average	Poor

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

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

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P&Z COMMISSION ATTENDANCE

2013															
	Jan 7	Jan 22	Feb 4	Feb 19	Mar 4	Mar 18	Mar 26	Apr 1	Apr 15	May 6	May 20	June 3	June 17	P	A
James Staats	P	No Meeting Held	P	P	P	P	P	A	P	P	P	A	P	9	2
Allan Talley	P		P	P	P	P	P	P	P	A	P	A	P	9	2
Derek Martin	A		P	A	P	P	P	A	P	P	P	A	P	6	5
Will Sears	P		A	P	P	A	P	P	P	P	P	P	P	9	2
Greg Rhoads	P		P	P	P	A	A	P	P	P	P	A	P	8	3
David Jones	P		P	P	P	P	A	P	P	P	P	P	P	10	1
Chris Magaña	P		P	A	P	A	A	P	P	P	P	A	P	7	4
Randy Harrell	A		P	P	P	P	P	P	P	P	P	P	P	10	1
Patrick Johnson	P		P	A	P	P	P	P	A	P	A	P	P	8	3
									Special Called Meeting						

	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	P	P	P	P	P	P							13	2
Allan Talley	P	P	P	P									11	2
Derek Martin	P	A	A	P									7	6
Will Sears	P	P	P	P	P	P							13	2
Greg Rhoads	P	P	P	P	A	A							10	5
David Jones	P	P	P	P	P	P							14	1
Chris Magaña	P	P	P	P	P	P							11	4
Randy Harrell	P												11	1
Patrick Johnson	A	P	P	P	P	P							11	4
Thomas Rehak					*	P							1	
Omar Crisp					*	P							1	
Blake Pitts					*	P							1	

not a Board member

Comm. Harrell resigned

\* New Commissioners appointed 9/2013