

**NOTICE OF MEETING
PLANNING AND ZONING COMMISSION
CITY MUNICIPAL BUILDING, 2 NORTH MAIN STREET
PLANNING CONFERENCE ROOM
OCTOBER 22, 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 Tuesday, October 22, 2013.
2. PZC Reinvestment Zone presentation by Kim Foutz, Assistant City Manager and Acting Director of Planning.
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, 2ND FLOOR
OCTOBER 22, 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 October 7, 2013.

B. ACTION ITEMS

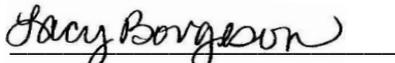
Item 2: [P-FY-13-47](#): Consider and recommend action on the Final Plat of Brayson Crossing, a 6.008 ± acres, 9-lot, 1-block residential subdivision, located in the western E.T.J., at the northeast corner of FM 439 and Sparta Loop.

Item 3: [Z-FY-13-38](#): 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 10.202 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.

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 4:50 PM, on October 18, 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
OCTOBER 7, 2013
5:30 P.M.**

PLANNING AND ZONING MEMBERS PRESENT
Vice-Chair Greg Rhoads

COMMISSIONERS:

Blake Pitts Chris Magaña
Patrick Johnson Omar Crisp
David Jones

PLANNING AND ZONING MEMBERS ABSENT:

James Staats Will Sears

STAFF PRESENT:

Kim Foutz, Acting Director of Planning
Trudi Dill, Deputy City Attorney
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, October 4, 2013 at 4:40 p.m. in compliance with the Open Meetings Law.

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

Vice-Chair Rhoads called Meeting to Order at 5:32 P.M.

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

A. CONSENT ITEMS

Item 1: Approval of Minutes: Work session and the regular meeting of September 16, 2013.

Approval by general consent.

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)

Mr. Mark Baker, Planner, stated this item would go forward to City Council for first reading on November 7th and second reading on November 21st.

This is a zone change from General Retail (GR) Planned Development General Retail (PD-GR) and Single Family-Two (SF-2) to a straight GR zoning and the Future Land Use and Character Map identifies the property as Suburban-Commercial District.

A 14-inch and four-inch water lines are available in West Adams Avenue and there is a 24-inch water line available in Old Waco Road. An 18-inch sewer line is available in West Adams and a 10-inch sewer line in Old Waco Road.

The surrounding properties and uses include the following: both developed and undeveloped property to the north, mini-storage and some single family residential to the east, a combination of developed and undeveloped to the west, and undeveloped land to the south.

The allowed and prohibited uses are given along with the development regulations comparisons.

Seventeen notices were mailed out with four returned in favor of the request and one in opposition.

Staff recommends approval of the request for a zone change from "GR", "PD-GR" and "SF-2" to "GR" for the following reasons:

- The proposed zoning is consistent with the Future Land Use Map which identifies this area as Suburban Commercial;

- The request complies with the Thoroughfare Plan;

- The proposed zoning is compatible with the surrounding uses; and

- Public facilities are available to serve the subject property.

Commissioner Johnson asked what the original PD was on the property. Mr. Baker said he believed it was primarily for the mini-storage, but would have to research to see what was put in the PD.

Vice-Chair Rhoads opened the public hearing.

Mr. Mike Beevers, 5101 FM 439, Belton, Texas, stated he was present on behalf of the applicant. Mr. Beevers responded to what was on the original PD and stated the tract was purchased in 2005 and the subject of the mini-storage came up. At that time, Staff recommended it be done under a PD zoning to accommodate the mini-storage rather than come in with GR and come back with a Conditional Use Permit (CUP). The balance of the tract was zoned in anticipation of duplexes or some other low impact, multi-family development.

There being no further speakers, Vice-Chair Rhoads closed the public hearing.

Commissioner Jones made a motion to approve Item 2, **Z-FY-13-35**, and Commissioner Magaña made a second.

Motion passed: (6:0)

Chair Sears and Commissioner Staats absent

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)

Mr. Phillip Melton, Planning Intern, stated the current site is vacant however, the applicant has submitted an application for a building permit. The Future Land Use and Character Map designate the area as Auto-Urban Commercial.

The property is zoned for GR and a CUP would be required as subject to Section 5.3.15 of the Unified Development Code (UDC).

Applicable standards from UDC Section 5.3.15 include traffic generation/area overcrowding, licensing from Texas Alcoholic Beverage Commission, parking, and distance from sensitive uses.

Surrounding properties include retail use to the south and east, I-35 to the north, and tire retail/service use to the west.

One notice was mailed and was returned in favor of the request.

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

The request is compatible with the Future Land Use & Character Plan which identifies this area as Auto-Urban Commercial; and

The applicant has demonstrated compliance with the specific standards in Section 5.3.15 of the UDC

Commissioner Pitts stated he had concerns about traffic on Bluejay.

Ms. Kim Foutz, Acting Director of Planning, stated the Gateway Center went in through the City Council and had a number of exemptions they requested. This is just a pad site with it. City Council did have discussions about the traffic on Bluejay as well as Gillmeister and they provided an exception for sidewalks on Gillmeister.

Vice-Chair Rhoads asked if the church located there would be going away. Ms. Foutz stated the church was moving outside of the center off of Gillmeister to the south. The measurement for alcohol beverage would not be within the area regulated or be a proximity problem.

Vice-Chair Rhoads opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Magaña made a motion to approve Item 3, **Z-FY-13-34**, and Commissioner Jones made a second.

Motion passed: (6:0)

Chair Sears and Commissioner Staats 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)

There being no further business, Vice-Chair Rhoads adjourned the meeting at 5:50 p.m.

Respectfully submitted,

Leslie Evans

**PLANNING AND ZONING COMMISSION
MONDAY, OCTOBER 7, 2013
4:45 P.M.
WORK SESSION**

PLANNING AND ZONING MEMBERS PRESENT

Vice-Chair Greg Rhoads

COMMISSIONERS:

Blake Pitts Chris Magaña
Patrick Johnson Omar Crisp
David Jones

PLANNING AND ZONING MEMBERS ABSENT:

James Staats Will Sears

STAFF PRESENT:

Kim Foutz, Acting Director of Planning
Jonathan Graham, City Attorney
Trudi Dill, Deputy City Attorney
Tammy Lyerly, Senior Planner
Mark Baker, Planner
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, Vice-Chair Rhoads opened the work session at 4:49 p.m. and asked Ms. Kim Foutz, Acting Director of Planning, to proceed.

Director's Report highlights were given since the list was long and numerous older items were still pending.

Ms. Foutz stated the use table needs to be updated since there were insufficient number of categories for Light Industrial (LI) zoning district.

Ms. Foutz stated interviews for the new Director of Planning candidates would take place on Wednesday, October 16th. There were four applicants but one has withdrawn leaving three applicants scheduled for interviews. Ms. Foutz would like one of the P&Z members to sit in on the interview panel and will talk with the Chair off line.

Mr. Jonathan Graham, City Attorney, gave a Platting presentation for the Commissioners.

What is a plat: A plat is a surveyor's drawing and field notes showing the boundaries of a property and a depiction of easements, flood zones, roadway and access right-of-way or a document that shows how property will be subdivided.

When is a plat required: Typically triggered by the subdivision of property and both State law and our UDC address specific requirements and a few exceptions.

Benefits of Platting: Ensures that property is "ready" for development with adequate infrastructure (water, wastewater, streets, drainage & fire protection, etc.), access by police, fire & EMS, access to public streets, and establishes lots, blocks and subdivision names for real estate transactions.

Basic language in the Local Government Code, Section 212.004 generally "requires a plat when the owner of a tract of land subdivides the tract into two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots" One of the exceptions is if the tracts are more than five acres.

Section 212.004 generally "requires a plat when the owner of a tract of land subdivides the tract into two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots"

Plats require approval by "municipality authority." When a city has a P&ZC, they are "municipal authority" but can require additional approval of City Council. Temple requires City Council additional approval only when developer is requesting an exception and allows delegation of some authority to Staff

Municipal platting authority extends to a city's ETJ (Extra Territorial Jurisdiction) (Sec. 212.003) A city authority may allow other exceptions to when a plat is required (Sec. 212.0045.) The ETJ is three and a half miles wide around the city outside the city limits.

Mr. Graham described the Interlocal Agreement the City has with the County. Under State law a provision that cities and counties must try to reach agreement on who controls an area. Our agreement with the county is within our ETJ, the City is the platting authority.

Procedure for approval (30 days) (Sec. 212.009) in order to ensure proper and prompt responses. The 30 days may be waived or the City would need to take the item forward and recommend denial. The clock begins anew after P&Z approval.

Standards for approval (Sec. 212.010) must conform to general plan for streets, utilities, etc.

Plat approval is "ministerial"—if it meets all the standards for approval (UDC) it MUST be approved, along with the appropriate zoning; otherwise a developer can request an exception. Zoning is discretionary and more judgment is involved.

Some of the exemptions set out in the Code include division of land into lots all of which are five acres or more in the City limits and 10 acres or more in the ETJ, where each lot

has public street access and no public improvement is being dedicated. Other exemptions include cemeteries and land acquired for a governmental purpose.

Under the city Code, a building permit is allowed for only one principal building without requiring a Final Plat where the property faces upon a publicly dedicated street and the last division of the property from other land occurred prior to:

- September 1, 1983;
- City annexation; or
- Extension of the City's extraterritorial jurisdiction.

Several types of plats were briefly explained:

Preliminary Plat – is a project with a concept and the applicant is ready to move forward with platting their property but everything is not all worked out completely. Where a project constitutes a unit of a larger tract or group of tracts that is 100 acres or larger under common ownership or control; where development is planned in multiple phases; must include all the same information as a Final Plat; Planning and Zoning Commission Final Action; however, City Council must approve exceptions.

Minor Plat – four lots or less; no new streets or extension of utilities; no exceptions requested; Planning Director has final action.

Amending Plat – to correct (add) an error in course or distance; show location of monument that has been changed; correct any other clerical error or omission; replat one or more of lots fronting an existing street in a manner that does not increase number of lots or extend utilities; Director of Planning Final Action.

Replat without Vacation - replatting a subdivision or part of a subdivision; public hearing required; notification of property owners required if residential and creating new lots; Planning and Zoning Commission Final Action or City Council if exceptions are involved.

Final Plat - Most typical submittal and follows up a preliminary plat; must “substantially conform” to the Preliminary Plat; same DRC process as others; Planning and Zoning Commission typically Final Authority; if developer requests exceptions to subdivision regulations plat must be approved by City Council

Development Review Committee and Process (DRC) is used for plat submittals and made up of internal staff of affected departments, followed by a second meeting with the applicant who submits revisions as needed. Once the plat is ‘deemed complete’ it will be placed on the agenda.

Ms. Foutz added that there does not necessarily have to be a preliminary plat to go to a final plat. There is a process to do it at the same time. The exception to this is currently if it is over 100 acres of land or a multi-phase project, then a preliminary plat is required. Discussions are ongoing between the City and TABA regarding this exception.

Mr. Graham stated from the City's standpoint we would like to know as much as possible regarding the project which also helps everyone involved.

Mr. Graham asked for any feedback on the zoning and platting information he has presented and Ms. Foutz asked the Commissioners if they were receiving enough information in order to make decisions.

Overall the Commissioners felt they were receiving enough information about the case. There have been a few exceptions where the cases should have been finalized before coming before P&Z. The Commissioners do not want to make minute decisions or negotiate from the dais about issues that should have been resolved before being on the agenda.

Mr. Graham stated whatever the Board/Commission recommends, that is what it is—a recommendation, it does not always have to follow Staff recommendation.

Due to time constraints, Vice-Chair Rhoads adjourned the meeting at 5:28 P.M.



PLANNING AND ZONING COMMISSION ITEM MEMORANDUM

10/22/13
Item #2
Regular Agenda
Page 1 of 2

APPLICANT / DEVELOPMENT: Mitchell & Associates for JRBC Investments LLC.

CASE MANAGER: Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: P-FY-13-47 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.

STAFF RECOMMENDATION: Staff recommends approval of the Final Plat of Brayson Crossing.

ITEM SUMMARY: The Development Review Committee reviewed the Final Plat of Brayson Crossing on October 9, 2013. It was deemed administratively complete on October 11, 2013. The Final Plat of Brayson Crossing is a 9-lot, 1-block, single family residential subdivision located in the western E.T.J., at the northeast corner of FM 439 and Sparta Loop.

The proposed plat is in agreement with the Preliminary Plat of Brayson Crossing, which was approved by City Council on September 5, 2013 with an exception to Unified Development Code Section 8.3 C: Park Land Dedication: General Requirements in the Extraterritorial Jurisdiction to waive park fees **and** an exception to Chapter 12 of the Code of Ordinances, Section 12-10, Fire Apparatus Access Roads, to allow a private apparatus access road that has a combined pavement and concrete ribbon curb width of no less than fourteen feet, instead of the minimum required width of eighteen feet on both sides of an entrance island; and with a condition that private roads be built to Bell County's street construction standards.

Water will be provided to the subdivision through proposed 6-inch water lines. This development will be serviced by septic system.

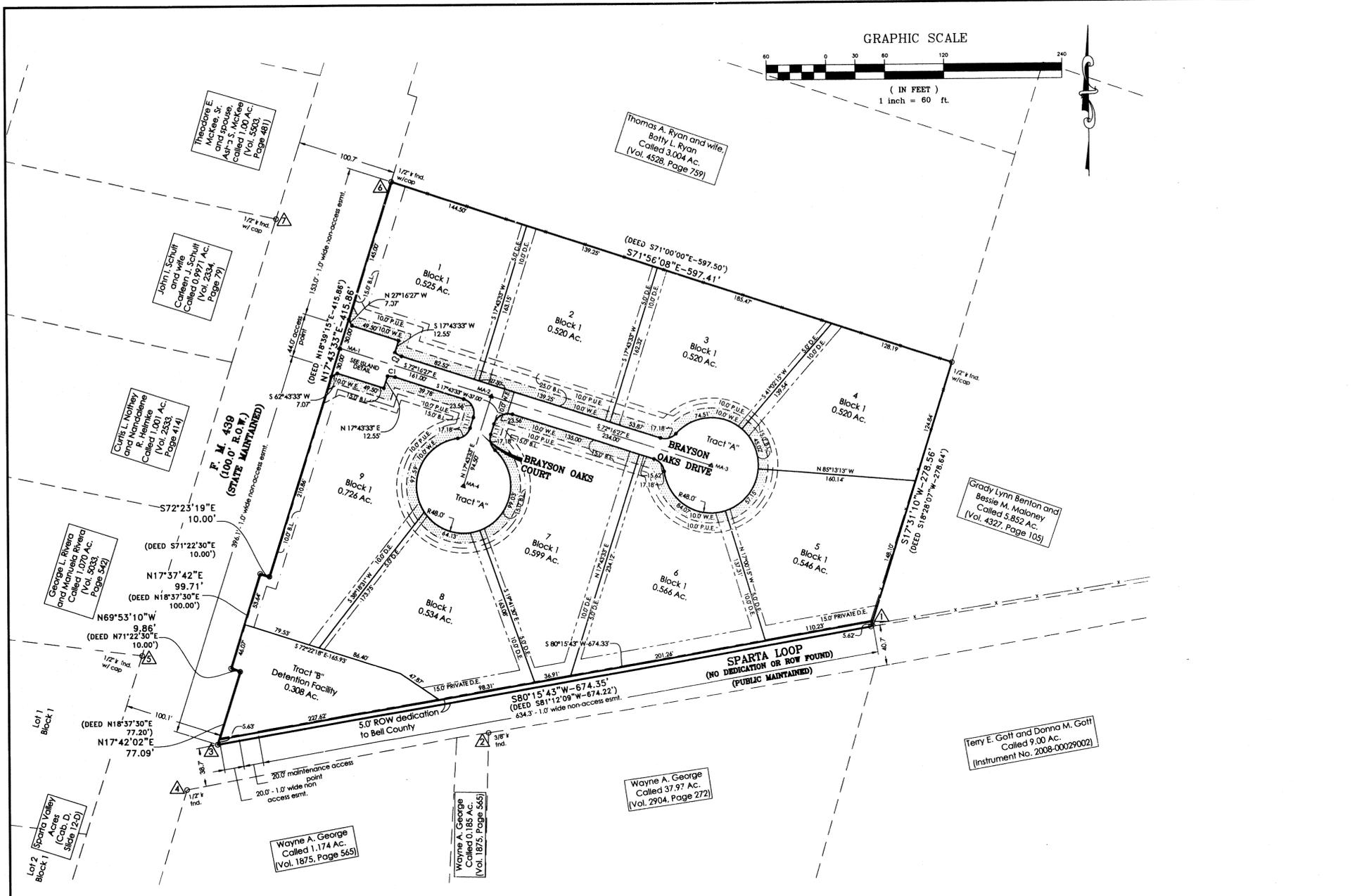
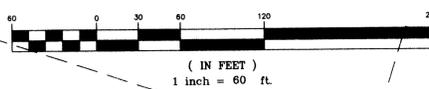
The Planning and Zoning Commission is the final plat authority since the applicant has not requested any new exceptions to the UDC.

With its approval of the Preliminary Plat, City Council granted an exception to required park fees in the sum of \$2,025 (\$225 per dwelling).

FISCAL IMPACT: Not Applicable

ATTACHMENTS:
Plat

GRAPHIC SCALE



STATE OF TEXAS §
COUNTY OF BELL §

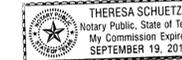
JRBC Investments, LLC, a Texas limited liability company, owner of the land shown on this plat and designated herein as BRAYSON CROSSING, within the extraterritorial jurisdiction of the City of Temple, Bell County, Texas, and whose name is subscribed hereto, does hereby dedicate for the use of the public forever all streets, alleys, parks, watercourses, drains, easements, and public places shown hereon within the plat boundaries of this subdivision.

WITNESS the execution hereof, on this 11 day of October, 2013.

For: JRBC Investments, LLC, a Texas limited liability company

Rebecca Taylor
Rebecca Taylor, President

Before me, the undersigned authority, on this day personally appeared Rebecca Taylor known to me to be the person whose name is subscribed to the foregoing instrument. It has been acknowledged to me that she executed the foregoing instrument as the owner of the property described hereon.



Theresa Schuetze
NOTARY PUBLIC STATE OF TEXAS
My Commission Expires: 9-19-16

In approving this plat by the Commissioners' Court of Bell County, Texas, it is understood that the building of all streets, roads, and other public thoroughfares and any bridges or culverts necessary to be constructed or placed is the responsibility of the owners of the tract of land covered by this plat in accordance with the plans and specifications prescribed by the Commissioners' Court of Bell County, Texas. Said Commissioners' Court assumes no obligation to build any of the streets, roads, or other public thoroughfares shown on this plat or of constructing any of the bridges or drainage improvements in connection therewith. The County will assume no responsibility for drainage ways or easements in the subdivision, other than those draining or protecting the public road system and streets. The County assumes no responsibility for the accuracy of representation by other parties in this plat. Flood plain data, in particular, may change depending on the subsequent development.

All easements as shown on this plat are free of liens.

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

Dated this _____ day of _____, 2013.

CHAIRMAN, PLANNING AND ZONING COMMISSION SECRETARY, PLANNING AND ZONING COMMISSION

I hereby certify this plat was approved this _____ day of _____, 2013 by the Bell County Commissioners' Court and may be filed for record in the Plat Records of Bell County, by the County Clerk.

COUNTY JUDGE

Witness my hand this _____ day of _____, 2013.

NOTARY PUBLIC, STATE OF TEXAS
My Commission Expires: _____

KNOW ALL MEN BY THESE PRESENTS,

That I, Rex D. Haas, Registered Professional Land Surveyor, do hereby certify that I did prepare this plat from an actual and accurate survey of the land, that the corner monuments shown hereon were properly placed under my personal supervision in accordance with the subdivision regulations of the County of Bell, Texas, and this subdivision is within the County Limits of Bell County, Texas.

Rex D. Haas
Rex D. Haas
Registered Professional Land Surveyor, No. 4378



REFERENCE TIES

△ to △ S75°03'24"W-402.61'	△ to △ N40°12'32"W-118.04'
△ to △ S34°51'38"W-55.05'	△ to △ S72°45'48"W-122.86'
△ 1/2" IRON ROD FOUND W/M&ASSOC., KILLEEN CAP.	△ 1/2" IRON ROD FOUND W/ CAP.
△ 3/8" IRON ROD FOUND	△ 1/2" IRON ROD FOUND W/ CAP.
△ 1/2" IRON ROD FOUND W/M&ASSOC., KILLEEN CAP.	△ 1/2" IRON ROD FOUND W/ CAP.
△ 1/2" IRON ROD FOUND	

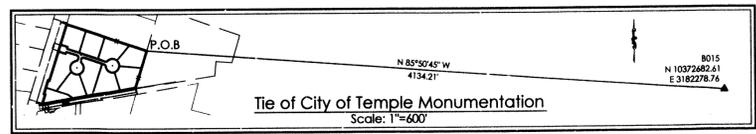
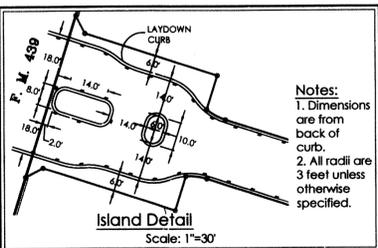
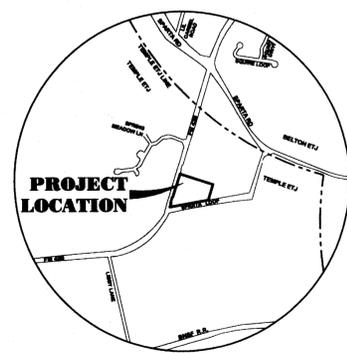
- NOTES:**
- All interior lot corners marked with 1/2" ir & cap stamped "M & A, Killeen" set after construction completed.
 - All property corners are 1/2" ir & cap stamped "M & A, Killeen, found, unless otherwise specified.
 - This subdivision is located in zone X, by the U.S. FEMA Agency Boundary Map, (Flood Insurance Rate Map), Map No. 48027C0325E, effective date September 26, 2008 for Bell County, Texas.
 - This subdivision will be served by on site sewerage facilities (OSS). The Bell County Health Department must approve any on site sewerage facilities installation prior to construction.
 - All bearings are grid bearings referenced to the Texas State Plane Coordinate System, Central Zone, NAD 83.
 - All coordinate values are referenced to City Monument No. B015.
 - The theta angle at City Monument number B015 is +01°27'28".
 - Combined Correction Factor (CCF) is 0.999854.
 - Published City Coordinates for City Monument number B015 are X = 3,182,278.76 and Y = 10,372,682.61.
 - The tie from City Monument number B015 to the northeast corner of this 6.007 acres tract is N85°50'45"W, 4,134.21 feet.
 - Grid Distance = surface distance times CCF.
 - Geodetic North = grid north + theta angle.
 - Area of Tract "A" = 0.566 Acres
Area of residential lots = 5.057 Acres
Area of Tract "B" = 0.308 Acres
Area of ROW Dedication = 0.077 Acres
 - ir = iron rod
fnd = found
P.U.E. = public utility easement
W.E. = water easement
D.E. = drainage easement
B.L. = building setback line
TBM = temporary bench mark
P.O.B = point of beginning
PAV. = pavement
 - Radii at right of way on lot 3, lot 6, lot 7 & lot 9 are 15' unless otherwise specified.
 - Tract "A" = private streets
Tract "B" = private detention facility
 - Common areas: Tract "A" & Tract "B".
 - Brayson Court & Brayson Oaks Drive:
Right of Way Width = 22.0'
Pavement Width = 20.0'
Along cut-de-sac:
Right of Way Radius = 48.0'
Pavement Radius = 47.0'

CURVE TABLE

CURVE	LONG CHORD	LENGTH	RADIUS	DELTA
C1	N83°15'09"W - 7.62'	7.66'	20.00'	21°57'25"
C2	S61°17'44"E - 7.62'	7.66'	20.00'	21°57'25"

MONUMENT

	NORTHING	EASTING
MA-1	10373000.6407'	3177534.1721'
MA-2	10372951.6220'	3177687.5285'
MA-3	10372880.3774'	3177910.4191'
MA-4	10372861.6118'	3177658.7577'



I, the undersigned, a registered sanitarian in the State of Texas, hereby certify that this subdivision has been reviewed for compliance with applicable state and county regulations governing On-Site Sewage Facilities and is hereby recommend for approval.

Signature: _____ Date: _____

Title: _____ Bell County Public Health District

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

Dated this _____ day of _____, A.D. 2013

BELL COUNTY TAX APPRAISAL DISTRICT
BY: _____

FILED FOR RECORD this _____ day of _____, 20____. In Year _____, Plat # _____, Plat Records of Bell County, Texas. Dedication Instrument # _____, Official Public Records of Real Property, Bell County, Texas.

Chilled square west side F.M. 439, south east corner concrete drainage main side drive at 6224 F.M. 439
Rev. 04.06.06

No.	DATE	REVISIONS
5.	10/11/2013	CITY/COUNTY COMMENTS
4.	9/4/2013	CITY/COUNTY COMMENTS
3.	7/15/2013	ENTRANCE REVISIONS
		REMARKS
		REVISIONS

BRAYSON CROSSING
CITY OF TEMPLE ETJ, BELL COUNTY, TEXAS
FINAL PLAT

SHEET TITLE:

MITCHELL & ASSOCIATES, INC.
ENGINEERING & SURVEYING
102 N. COLLEGE
KILLEEN, TEXAS 76541
PHONE: (254) 634-5541
FAX: (254) 634-2141
TEXAS BOARD OF PROFESSIONAL ENGINEERS FIRM REGISTRATION NO. 3241
T. B. P. L. S. FIRM REGISTRATION NO. 100004-00

DWG No.: 13-24-D
DATE: _____
SCALE: _____
DRAWN BY: _____
DATE: _____

9 LOTS
1729/83 AS SHOWN
1 BLOCK
6.008 AC.



PLANNING AND ZONING COMMISSION ITEM MEMORANDUM

10/22/13
Item 3
Regular Agenda
Page 1 of 3

APPLICANT / DEVELOPMENT: Doyle Spigener / Amy's Attic Self Storage

CASE MANAGER: Phillip Melton, Planning Intern

ITEM DESCRIPTION Z-FY-13-38: 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 10.202 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

STAFF RECOMMENDATION: Staff does not have a recommendation for the requested zone change to Planned Development – General Retail with Storage; staff has worked with applicant to provide some buffering.

ITEM SUMMARY:

The applicant is requesting a zone change from Planned Development- General Retail to Planned Development-General Retail with mini-storage for the purpose of constructing a 179,665 SF self-storage facility located on the south side of Waters Dairy Road, adjacent to and east of Stripes Convenience store with frontage on 31st street. The development will occur on a 10.202 acre site, which will provide a total of 16 storage buildings and an awning without sides for vehicle parking storage. The site plan includes an option for 15 storage buildings by joining together two buildings and shortening the overall length by 20'. Because of the current Planned Development-General Retail zoning does not allow storage units, the applicant is requesting rezoning the property to Planned Development-General Retail with Storage. The developer has proposed the following development components more fully depicted in the attached development plan documents (site plan).

Landscaping

A total of 5% of the site will be landscaped. The applicant has proposed the following improvements:

- A landscaped frontage filled with bushes and with small trees spaced 30’ on center will be on the west side of the site fronting 31st Street;
- Approximately half the length of the south side of the property is landscaped with medium canopy trees spaced 40’ on center adjacent to the residential duplex use on the south;
- To the east adjacent to the multifamily use, medium canopy trees are spaced 40’ on center with gravel or similar ground cover;
- A landscaped area with alternating medium and large canopy trees planted 25’ on center will be planted along Waters Dairy Road;

Building Materials and Architecture

Less than 5% of the development will meet the masonry standards in the UDC Section 7.8.3. The applicant has indicated on the site plan that the façades of buildings A, B, C, and D along 31st Street will have an 80% to 100% stone façade with 2 articulations every 45’. All sides of the office building will have an 80% to 100% stone façade with at least 2 articulations. The remaining 12 buildings will have façades that will not meet the masonry standards in the UDC Section 7.8.3.

The façade of the storage buildings facing Waters Dairy Rd. are 100% metal and will not meet the masonry standards in UDC Section 7.8.3F, which requires 70% of the surface area of each façade to consist of approved materials. The side façades on all buildings with frontage along 31st Street and Waters Dairy Rd., and all façades of buildings within the development also will not meet the UDC requirements. **Approval of the current Planned Development will result in approval of these masonry exceptions to UDC Section 7.8.3.**

Screening and Buffering

A 6’ privacy fence will surround the property, except on the west side facing 31st Street where an iron fence will be used, to screen the property from surrounding uses.

Signage

The applicant has indicated that a pole sign would be constructed along 31st Street. This sign would be subject to UDC Section 7.6.

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	Compliance?
CP	Map 3.1 - Future Land Use and Character (FLUP)	No
CP	Map 5.2 - Thoroughfare Plan	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City’s infrastructure and public service capacities	Yes
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	Yes

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

Future Land Use and Character Plan (FLUP) (CP Map 3.1)

The Land Use and Character Map identifies this area as Suburban Commercial which is appropriate for office, retail and services uses adjacent to residential neighborhoods and in other areas where the community's image and aesthetic value is to be promoted. Suburban Commercial is intended to maintain a residential appearance and character, and higher landscape surface ratios are required than in other commercial areas. This development does not meet the Future Land Use and Character Plan as it does not maintain a residential appearance or character and lacks the enhanced landscaping.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan identifies 31st Street as a Major Arterial and Waters Dairy Road as a Collector. Both thoroughfares provide sufficient capacity to accommodate the proposed use.

Availability of Public Facilities (CP Goal 4.1)

An 8" water line and an 8" sewer line run along 31st Street at the frontage of the property. These facilities are sufficient for the proposed use.

Temple Trails Master Plan Map and Sidewalks Ordinance

The Trails Master Plan calls for a Community Wide Connector Trail adjacent to 31st Street and the applicant as indicated on the site plan that the existing side walk would be widened to 8'. The applicant has also indicated that a 6' sidewalk would be constructed along Waters Dairy Road.

DEVELOPMENT REGULATIONS:

The attached development plan documents shall determine the applicable development standards for this site. A self-storage facility would be subject to UDC Section 5.3.8. which limits the size of each individual unit to 2,000 cubic feet. Per UDC Section 3.4.3., in approving a Planned Development and the related development plans, a standard may not be modified unless the UDC expressly permits such modification. Uses are limited to those identified in the development plans attached herein. Landscaping area, landscaping specifications, fencing and other buffering may not be reduced from that depicted in the site plan.

PUBLIC NOTICE:

24 notices of the Planning and Zoning Commission public hearing was sent out to property owners within 200-feet of case Z-FY-13-38 as required by state law and local ordinance. As of Friday October 18, 2013, 2 notices were returned in support and 2 notices were returned in opposition of the requested zone change. The newspaper printed notice of the Planning and Zoning Commission public hearing on October 11, 2013, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

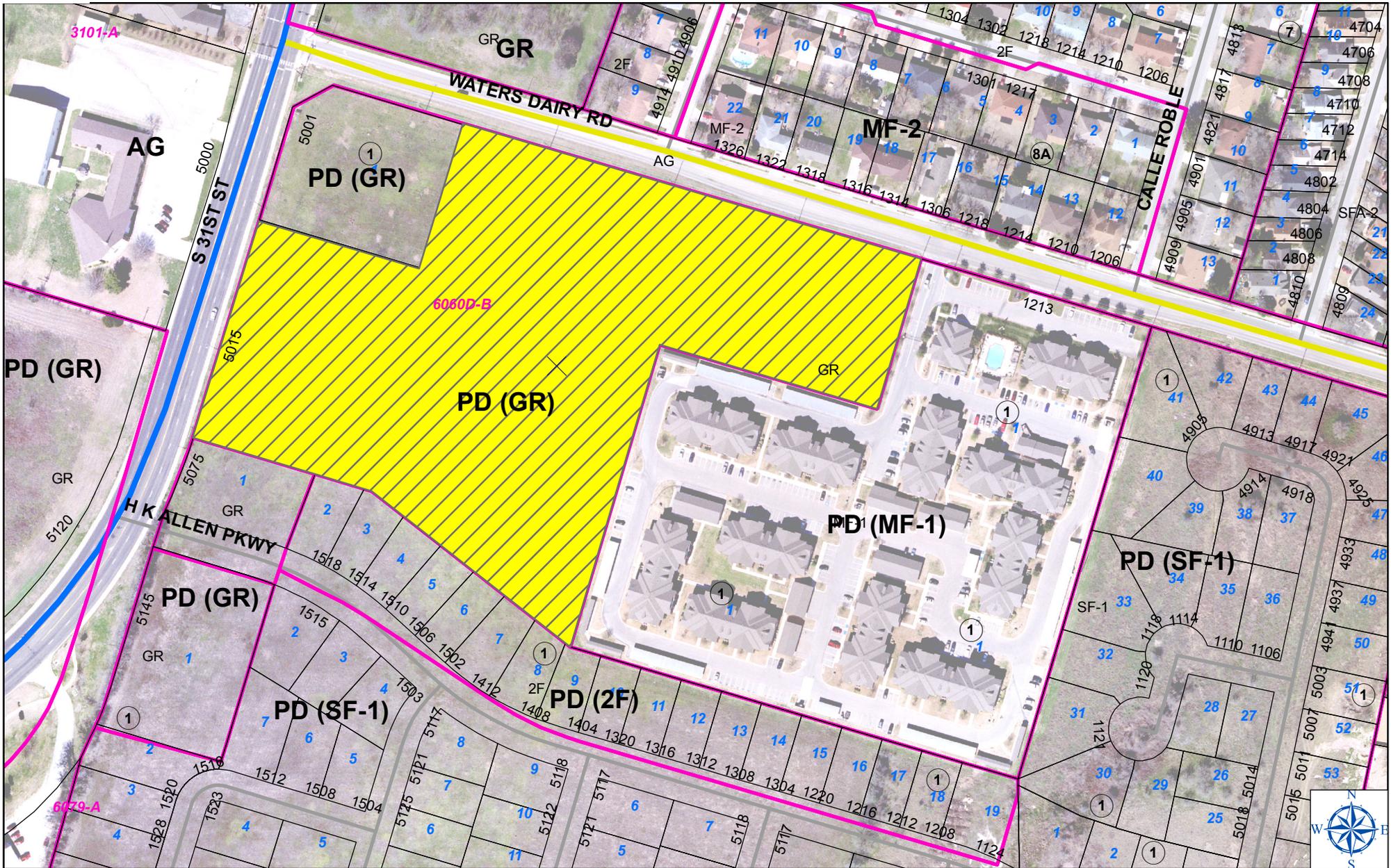
- Surrounding Properties and Uses
- Zoning and Location Map
- Surrounding Property Owner Notification Map
- Site Plan
- Property Owner Responses

Surrounding Property and Uses

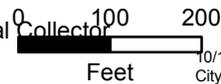
Location	Zoning	Current Use	Photo
Subject Property	PD-GR	Undeveloped	
West Across 31st Street	AG & PD-GR	First Church of the Nazarene & undeveloped	
East	PD-MF1	Multifamily	

Surrounding Property and Uses

Location	Zoning	Current Use	Photo
<p align="center">South</p>	<p align="center">PD-2F & PD-SF-1</p>	<p align="center">Residential/ Undeveloped</p>	
<p align="center">North across Waters Dairy Rd</p>	<p align="center">MF2</p>	<p align="center">Single Family Homes</p>	

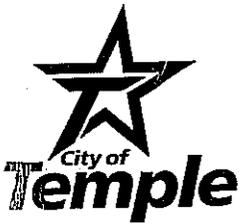


- Zoning - Color selection
- Parcel
- Expressway
- Proposed K-TUTS
- Collector
- Major Arterial
- Minor Arterial
- Proposed Major Arterial
- Proposed Minor Arterial
- Zoning
- Conceptual Collector



10/16/2013
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.



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

South Thirty-First Ltd
c/o Barge Properties
2005 Birdcreek Dr, Suite 211
Temple, Texas 76502

Zoning Application Number: Z-FY-12-38 Project Manager: Phillip Melton

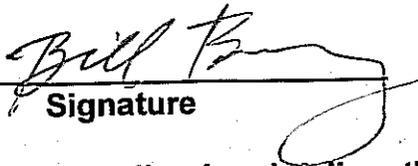
**Zone Change Request: Planned Development General Retail District (PD-GR) to
Planned Development General Retail District with Storage**

Location: South side of Waters Dairy Road, adjacent to Stripes Convenience Store

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

Bill BARGE
Print Name

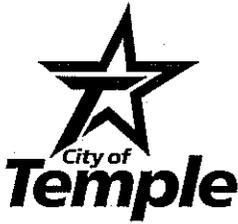
Please mail or hand-deliver this comment form to the address shown below, no later than October 22, 2013

City of Temple
Planning Department
Room 102
Municipal Building
Temple, Texas 76501

RECEIVED

OCT 18 2013

City of Temple
Planning & Development



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

Maurice & Betty Langston
1306 Waters Dairy Road
Temple, Texas 76502

Zoning Application Number: Z-FY-13-38 **Project Manager:** Phillip Melton

Zone Change Request: Planned Development General Retail District (PD-GR) to
Planned Development General Retail District with Storage

Location: South side of Waters Dairy Road, adjacent to Stripes Convenience Store

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:
TOO MUCH TRAFFIC AND NOISE ELEMENT

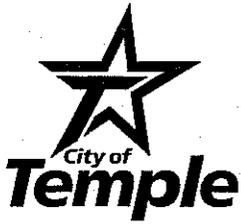
Maurice Langston
Signature

Maurice Langston
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than
October 22, 2013**

City of Temple
Planning Department
Room 102
Municipal Building
Temple, Texas 76501

RECEIVED
OCT 18 2013
City of Temple
Planning & Development Dept



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

Clarence M. Marion
1309 Paseo Del Cobre
Temple, Texas 76502

Zoning Application Number: Z-FY-13-38 **Project Manager:** Phillip Melton

Zone Change Request: Planned Development General Retail District (PD-GR) to
Planned Development General Retail District with Storage

Location: South side of Waters Dairy Road, adjacent to Stripes Convenience Store

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:

Clarence Marion

Signature

MARION, CLARENCE
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than
October 22, 2013**

City of Temple
Planning Department
Room 102
Municipal Building
Temple, Texas 76501

RECEIVED

OCT 18 2013

City of Temple
Planning & Development - 23



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

Leroy Phillips
4914 Calle Nogal
Temple, Texas 76502

Zoning Application Number: Z-FY-13-38 **Project Manager:** Phillip Melton

Zone Change Request: Planned Development General Retail District (PD-GR) to
Planned Development General Retail District with Storage

Location: South side of Waters Dairy Road, adjacent to Stripes Convenience Store

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 (x) denial of this request.

Comments:

*Increased traffic, speeding motorists, my yard receives enough
litter already. My driveway is being used for turnarounds
no privacy or respect of property.*

Leroy Phillips Sr.
Signature

LEROY PHILLIPS SR.
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than
October 22, 2013**

City of Temple
Planning Department
Room 102
Municipal Building
Temple, Texas 76501

RECEIVED
OCT 17 2013
City of Temple
Planning & Development



PLANNING AND ZONING COMMISSION AGENDA ITEM

10/22/13
Item #4
Regular Agenda
Page 1 of 2

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
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.	DRC 9/03/13	John Kiella
P-FY-13-46 - 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.	DRC 9/25/13 Pending	Robert Mitchell for James Herring
P-FY-13-45 - 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.	DRC 9/25/13	All County Surveying for Leonard Gillmeister
Z-FY-13-33 - 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& SF Railroad.	DRC 10/22/13	David Neman
P-FY-13-44 - 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.	DRC 9/25/13 2 nd DRC 10/22/13	Jason Carothers

P-FY-14-01 - 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.	DRC 10/22/13	Chuck Lucko for Arthur Brashier
Z-FY-14-03 - 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 more than 50 % and less than 75% of the gross revenue for The Patio On Main Restaurant/Bar, on Lot 15, Block 21, Temple Original, located at 12B South Main Street.	DRC 10/22/13	James Stewart
Z-FY-14-01 - 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 128.051 ± acres of land being part of the Baldwin Robertson Survey, Abstract 17, Bell County, Texas, located on the east side of SH 317, past the FM 2483 intersection and extending to the west side of North Pea Ridge Road.	P&Z 11/04/13	Gary W. Purser Jr.
Z-FY-14-02 - Hold a public hearing to discuss and recommend action on a zone change from a combination of Light Industrial (LI) and Commercial District (C) to Multiple Family Dwelling One (MF-1) District to Lots 3 and 4, Block 12, Northwest Hills, 1st Extension Replat of Blocks 11 & 12, addressed as 2201 and 2205 Valley Forge Avenue.	P&Z 11/04/13	Pat Dauphinais for Duane Hoffmann
Z-FY-14-03 - 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 more than 50 % and less than 75% of the gross revenue for The Patio On Main Restaurant/Bar, on Lot 15, Block 21, Temple Original, located at 12B South Main Street.	DRC 10/22/13	James Stewart

City Council Final Decisions	Status
Z-FY-13-32 – 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.	APPROVED at 2 nd reading on October 17, 2013
Z-FY-13-31 – Consider adopting an ordinance authorizing an amendment to Ordinance 2008-4230, the Choices '08, City of Temple Comprehensive Plan, Chapter 5, to amend the Thoroughfare Plan Map.	APPROVED at 1 st reading on October 17, 2013



**PLANNING AND ZONING COMMISSION
MEETING EVALUATION**

October 22, 2013

Rating Scale

Excellent Average Poor

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

Excellent	Average	Poor

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

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

P&Z COMMISSION ATTENDANCE

2013															
	Jan 7	Jan 22	Feb 4	Feb 19	Mar 4	Mar 18	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	A	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	A	P	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	A	P	A	P	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	A						13	3
Allan Talley	P	P	P	P									11	2
Derek Martin	P	A	A	P									7	6
Will Sears	P	P	P	P	P	P	A						13	3
Greg Rhoads	P	P	P	P	A	A	P						11	5
David Jones	P	P	P	P	P	P	P						15	1
Chris Magaña	P	P	P	P	P	P	P						12	4
Randy Harrell	P												11	1
Patrick Johnson	A	P	P	P	P	P	P						12	4
Thomas Rehak					*	P							1	
Omar Crisp					*	P	P						2	
Blake Pitts					*	P	P						2	

not a Board member

Comm. Harrell resigned

* New Commissioners appointed 9/2013