

**NOTICE OF MEETING
PLANNING AND ZONING COMMISSION
CITY MUNICIPAL BUILDING, 2 NORTH MAIN STREET
PLANNING CONFERENCE ROOM
JANUARY 21, 2014, 5:00 P.M.
WORK SESSION AGENDA**

Staff will present the following items:

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Monday, January 21, 2014.
2. Receive and discuss the Planning Director's Report containing items for future meetings regarding subdivision plats, zoning cases, conditional use permits, annexations, and proposed text amendments to the Unified Development Code (UDC).

**NOTICE OF MEETING
PLANNING AND ZONING COMMISSION
CITY MUNICIPAL BUILDING, 2 NORTH MAIN STREET
CITY COUNCIL CHAMBERS, 2ND FLOOR
JANUARY 21, 2014, 5:30 P.M.
REGULAR MEETING AGENDA**

1. _____ Invocation
2. _____ Pledge of Allegiance

A. CONSENT ITEMS

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

Item 1: [Approval of Minutes](#): Work session and the regular meeting of January 6, 2014.

B. ACTION ITEMS

Item 2: [Z-FY-13-29](#) – 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 26.88 +/- acres, being part of the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located south of Poison Oak Road , east of South Pea Ridge Road.

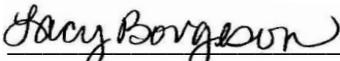
Item 3: [P-FY-14-12](#) – Hold a public hearing and consider and take action on the Final Plat of Sweet Addition, a 1.00 acre +/-, 2-lot, 1 block, nonresidential subdivision, being a replat of Lot 2, Saunders Addition, located at 8932 West Adams Avenue, on the north side of West Adams Avenue (FM 2305) and the south side of Adams Lane.

Item 4: [Z-FY-14-18](#) – Hold a public hearing to consider and recommend action on a rezoning from Agricultural District (AG) to Planned Development District - General Retail (PD-GR) to allow residential and nonresidential uses on 103.07 +/- acres being part of the Redding Roberts Survey, Abstract 692, Bell County, Texas, located at the northwest corner of FM 1741 (South 31st Street) and FM 93.

C. REPORTS

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 1:55 PM, on January 16, 2014.



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 _____, 2014. Title _____.

_____ Title: _____

**PLANNING AND ZONING COMMISSION
JANUARY 6, 2014
5:30 P.M.**

PLANNING AND ZONING MEMBERS PRESENT
Chair Will Sears

COMMISSIONERS:

James Staats Greg Rhoads
Patrick Johnson David Jones
Omar Crisp

PLANNING AND ZONING MEMBERS ABSENT:

Blake Pitts

STAFF PRESENT:

Brian Chandler, Director of Planning
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, January 3, 2014 at 11:45 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 5:30 P.M.

Invocation by Commissioner Jones; Pledge of Allegiance by Commissioner Staats.

A. CONSENT ITEMS

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

Approved by general consent.

B. ACTION ITEMS

Item 2: P-FY-13-44 - Consider and take action on the Final Plat of The Ranch At Woodland Trails Phase II, a ± 13.545 acre, 22-lot, 1-block, residential subdivision, located west of Canyon Trail and west of FM 2271, located in Temple's western E.T.J.

Ms. Tammy Lyerly, Senior Planner, stated this plat was located in the ETJ and after P&Z would go forward to the County Commissioner's Court for their review.

Development Review Committee (DRC) reviewed the proposed plat on September 25, 2013, October 22, 2013, and November 20, 2013. The proposed plat was deemed administratively complete on January 3, 2014. There is a proposed cul-de-sac that agrees with the preliminary plat of The Ranch At Woodland Trails which was approved by City Council with Resolution No. 2008-55990-R. This approval allowed for a longer cul-de-sac length than allowed by the Subdivision Ordinance at that time.

Water services will be provided through a six-inch water line or a series of water lines located in the proposed right-of-way of Ridge Oak Drive and septic system will serve the subdivision.

Tract A, a 40 foot wide drainage easement and Tract B, a 50 foot wide drainage easement, will both be owned and maintained by the Home Owners Association (HOA). Lot 52, Block 1 of Woodland Trails, Phase II, document 2013-00046405 will be owned and maintained by The Ranch At Woodland Trails HOA. A 40 foot wide off-site drainage easement located on Lot 51, Block 1 of Woodland Trails, Phase II, will be granted to the Ranch At Woodland Trails HOA.

Park fees for this subdivision are due in the amount of \$9,450.00 (\$4,500.00 for Phase I and \$4,950.00 for Phase II) and will be required at the time the signed mylars are released for recordation of the plat.

Plat is shown and described.

Staff recommends approval of the Final Plat of The Ranch At Woodland Trails, Phase II.

Ms. Lyerly stated the email from Mr. Evans had not been received yet but asked the applicant to state his comments previously mentioned in the work session.

Mr. Jared Bryan, 11783 Bonnie Lane, Belton, Texas 76513, was appearing on behalf of Jason Carothers, the applicant. Mr. Bryan stated the applicant would like the Commission's approval on the plat, and would hold off on the signature. Mr. Bryan expected the easement to be signed off on by Tuesday, January 7, 2014 and if for some reason, the easement is not able to be signed, the plat would be brought back with the removal of the 45 foot easement and moving the water into the county right-of-way.

Vice-Chair Rhoads made a motion to approve Item 2, **P-FY-13-44**, as stated, and Commissioner Jones made a second.

Motion passed: (6:0)

Commissioner Pitts absent; two vacancies

Item 3: P-FY-13-45 - Hold a public hearing to consider and recommend action on the Final Plat of Gillmeister Addition, Phase Two, a 5.582 ± acres, 3-lot, 1-block nonresidential subdivision, being a replat of Lot 2, Block 1, Gillmeister Addition, located at the southwest corner of the intersection of Gillmeister Lane and South General Bruce Drive/IH-35.

Ms. Lyerly stated that P&Z would be the final plat authority since the applicant did not ask for any exceptions to the UDC.

DRC reviewed the plat on September 25, 2013 and the proposed plat was deemed administratively complete on December 27, 2013.

According to The Texas Local Government Code, 212.014, Replatting Without Vacating the Plat, requires a public hearing for this replat. This is a proposed replat of Lot 2, Block 1 of the Gillmeister Addition. The property is zoned Commercial (C) and General Retail (GR) districts.

Water services would be provided through a new six-inch water line connection to an existing water main along Gillmeister Lane. Sewer services are available through existing six-inch, 12-inch and 18-inch sanitary sewer lines. A new eight foot by six foot box covered storm sewer that would be provided within a new 20 foot wide drainage easement on Lots 1 and 2.

Staff recommends approval of the Final Plat of Gillmeister Addition, Phase II, following a public hearing.

Chair Sears informed the meeting attendees of the time limit rules for speaking and then opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Staats made a motion to approve Item 3, **P-FY-13-45**, as presented, and Vice-Chair Rhoads made a second.

Motion passed: (6:0)

Commissioner Pitts absent; two vacancies

Item 4: Z-FY-13-29 - 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 26.88 +/- acres, being part of the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located south of Poison Oak Road, east of South Pea Ridge Road.

Mr. Mark Baker, Planner, stated this item would go to City Council for first reading on January 16, 2014 and February 6, 2014 for second reading.

The Future Land Use and Character Map designate the subject property as Suburban-Residential.

A 15-inch sewer line is available on the southern boundary of the property and an eight-inch water line is available within S. Pea Ridge Road.

Surrounding properties include undeveloped and scattered single family use to the south, single family residential (Wind Crest Subdivision) to the north, and scattered single family uses on acreage zoned AG to the east and west.

Single Family-Two (SF-2) allowed and prohibited uses are cited, along with development standards. Sidewalks are required on one side of collector streets per Unified Development

Code (UDC) Section 8.2.3. The sidewalk would be noted on any future plat and required at the time of development.

Twelve notices were mailed out with zero returned in agreement and three returned in opposition.

Staff recommends approval of the request for a zone change from "AG" to "SF-2" for the following reasons:

The proposed zoning complies with the Future Land Use Plan Map which identifies this area as Suburban Residential;

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 Jones asked if the sidewalks would be required on both Pea Ridge and Old Waco Road for both sides of the property. Mr. Baker responded the applicant owned the entire piece from S. Pea Ridge to Old Waco Road. When this originally came in to Planning in the summer of 2013, Staff could not support the rezoning request because of the Future Land Use and Character Map designation. The applicant reworked the rezoning request and the property does not border on Old Waco Road. A sidewalk would be required under the rezoning request for SF-2 and would be along S. Pea Ridge which would be required when the plat comes forward. Currently the adjacent piece along Old Waco will remain general AG until a request for a zone change and plat and then a sidewalk will be required. This area is part of the Outer Loop and the requirement is 120 foot right-of-way and the applicant is aware of this.

Commissioner Jones asked if Pea Ridge was also on the list of roads to be widened and worked on and if so, has a date been set. Mr. Baker stated parts of S. Pea Ridge were scheduled but did not have time frames; however, he estimated it as a later phasing.

Commissioner Staats asked how many lots were feasible with the amount of acreage available and allowed. Mr. Baker deferred this question to the engineer who was present.

Commissioner Jones asked if an exit would be allowed out on to Old Waco Road since some of the response comments were concerned about traffic and the roads being inadequate. Mr. Baker replied that Staff has not seen a proposed plat. Mr. Baker added that due to future development along Old Waco Road Staff would take into consideration of a connection or stub that would be provided for future development.

There is no time frame available for this portion of Old Waco to be worked on.

Chair Sears opened the public hearing.

Mr. Ralph Sheffield, 3916 S. Pea Ridge Road, Temple, Texas, stated concerns about the road situation. Mr. Sheffield has lived in the area for 20 years and as more development comes in Pea Ridge gets worse. Poison Oak will only hold two cars at a time due to the instability of the

road. There are more drainage issues to the south of the development. These issues should be addressed before more development occurs.

Mr. Sheffield added that he was not against development, but doing it prior to having an infrastructure in place is inappropriate. The City and County should work together to resolve issues. Safety reasons should be considered first and the roads need to be safe.

Mr. Sam Fulcher, 4405 Sunflower Lane, Temple, Texas, stated he was attending with some of his neighbors who all live off of Poison Oak Road. Several of the neighbors own property in the area and some of these homes range in the \$400,000 to 600,000 plus in improvements and these are 50 acres estates with nice homes on them. Property value is important.

Mr. Fulcher was in agreement with Mr. Sheffield and stated that Poison Oak Road was a glorified driveway. It is a ranch road and was not intended for high volume traffic. Belton ISD proposes to build an elementary school in the area. Mr. Fulcher stated a high density SF-2 development is not needed in the area. It is too dense for an area that cannot support the infrastructure.

Mr. Reuben Marek, 3908 S. Pea Ridge Road, Temple, Texas, agreed with the previous speakers. S. Pea Ridge is a very busy road but the road needs to be improved first.

Mr. Fulcher hands out documents to the Commission and Ms. Leslie Evans, Administrative Assistant, asks for a copy for the record.

Ms. Jennifer Ryken, Turley Associates, 301 N. 3rd Street, Temple, Texas, stated she represented the owner of the property. Turley is working on a preliminary plat for this project and eventually would have an entrance off of Pea Ridge and Old Waco Road and they would like to have a boulevard entrance off of Old Waco Road eventually. Old Waco Road is on the list for improvements which will help some of the concerns. Turley is working with the City to make sure adequate right-of-way will be in place when the improvements come through.

Ms. Ryken stated the property owner would like to do homes a bit above SF-2, 60, 65, to 70 foot wide lots, a bit deeper, and would fit more with SF-1. Cookie cutter homes or low end homes would not be built. It is anticipated that a plat for the City should be ready in approximately one month's time.

Commissioner Staats asked how many lots would be on the property and Ms. Ryken responded about 100 and construction would be phased. Ms. Ryken explained the subject property was over 28 acres and the owner is looking at going a bit bigger than the 5,000 square foot lot required: 6,000 to 7,000 range.

Ms. Ryken did not have a time frame for the widening on any of the roads, but knows they are on the list for improvements/construction.

Mr. Sam Fulcher returns to the podium and stated the area needs to be developed wisely. If the applicant wants to do SF-1, then do SF-1. Everyone knows what can happen when zoning is requested below what the stated intent is.

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

Vice-Chair Rhoads agreed that the entire area will end up being developed. The City needs to speak on any definite plans for the roads in order to figure out what to do for the area. Mr. Baker stated there were plans for S. Pea Ridge and Old Waco but this far south along that alignment he is unaware of any plans. Vice-Chair Rhoads asked for something on this within the next month.

Commissioner Jones agreed with Commissioner Rhoads and echoed that Pea Ridge is not in good shape right now and Old Waco Road needs expanding. Commissioner Jones is conflicted and commented that if the houses were going to be a larger size (SF-1) than SF-2 than it should be zoned for what is going to be built.

Chair Sears agreed with all of the comments previously made. The entire area is growing quickly and the infrastructure cannot keep up. It is unknown what the City development, streets, etc. will be and this will continue to be a problem. The roads are not safe. Chair Sears prefers Urban Estates (UE) instead of SF-1/SF-2 with the current infrastructure. Chair Sears commented that approximately 120 lots would fit on 28 acres and was more likely it would be 120 if it remained SF-2; 110-ish with SF-1 most likely. UE would change the entire development and traffic.

Commissioner Staats agreed that larger lots would be a better fit to the area and feels the roads are very unsafe and too busy. Commissioner Staats stated he could not support this request.

Chair Sears added that along with development, foot and bike traffic increases and there is only so much room with Pea Ridge as the only road.

Commissioner Jones asked if the Commission voted no, what was the time frame before the applicant would be able to bring the item back. Ms. Dill stated that that rule applied when they are denied at City Council.

Mr. Baker stated the applicant just stated they would be willing to table the item until the next scheduled meeting. Ms. Ryken stated she represented the owner and would be willing to table the item until the next scheduled P&Z Meeting on January 21, 2014.

Vice-Chair Rhoads made a motion to table Item 4, **Z-FY-13-29**, until the next scheduled P&Z meeting on January 21, 2014 and Commissioner Jones made a second.

Motion passed: (6:0)

Commissioner Pitts absent; two vacancies

Item 5: Z-FY-14-12 - Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow a used tire service and repair facility to be located within the I-35 Overlay Zone, Lot 3, Block 13, Temple Heights subdivision, County of Bell, Texas, addressed as 2815 South General Bruce Drive.

Mr. Baker stated this item would go forward to City Council first reading on February 6, 2014 and second reading on February 20, 2014.

The Future Land Use and Character Map designate the subject property as Auto-Urban Commercial and the existing structure and property are developed but vacant.

Zoning of the property is Commercial (C) which permits minor automotive service uses by-right (e.g. tire service and repair). The property is within the I-35 Overlay Zone which requires a Conditional Use Permit (CUP) for minor automotive service uses (UDC Section 6.7). Minor automotive service uses subject to performance standards per UDC Section 5.3.23.

An eight-inch sewer line is located in S. 57th Street and a six-inch sewer line is located in West L Avenue. A six-inch water line is also located in S. 55th Street.

No impacts are anticipated to the city facilities for the proposed use. No sidewalks are required along General Bruce or L Avenue which is designated as a local street. No additional right-of-way or dedication is required and no impact related to capacity is anticipated. The proposed use is consistent with the Thoroughfare Plan.

The subject property is governed by the I-35 Overlay Standards:

- Design Review
- Enhanced screening /buffering
- Exterior Building Materials
- Landscaping
- Paint Color

Since no expansion is proposed, the applicant proposes to operate the facility as developed, the I-35 standards are not triggered except the submittal of a color palette and a site plan that would show compliance to the parking regulations.

UDC Section 5.3.23, Minor Automotive Use and Standards, state that:

Vehicle servicing must be conducted within an enclosed building,

Vehicles being serviced may not exceed one and one-half tons,

All buildings must be setback a minimum of 25 feet from:

- The public street right-of-way,
- Residentially zoned or developed property; and
- Public property (such as a park or school).

No outside storage or display of any kind is permitted; and

No parking of damaged motor vehicles is permitted, except on a temporary basis not to exceed 72 hours.

Not all of these standards may apply to this tire store. These are the outlying provisions for minor auto repair within the I-35 Overlay.

Surrounding properties include existing Commercial, service and restaurant uses to the southwest zoned C, existing Commercial and service uses to the southeast zoned C, and I-35 and access frontage to the north zoned LI and C.

Eight notices were mailed out with one returned in favor and zero returned in opposition.

Staff recommends approval of the requested CUP to allow a used tire service and repair facility subject to the following reasons:

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

The request complies with the Thoroughfare Plan;

Public facilities are available to serve the property; and

The applicant has demonstrated compliance with the specific standards in Section 5.3.23 of the UDC.

Staff recommends approval of the requested CUP to allow a used tire service and repair facility subject to the following conditions:

Approval of a color palette for exterior building colors in compliance to UDC Section 6.7.9.D3;

Submittal of a site plan providing parking lot layout to accommodate the minimum required parking as required by UDC Section 7.5;

Vehicle servicing must be conducted completely within an enclosed building;

Vehicles being serviced may not exceed one and one-half tons;

All buildings must be setback a minimum of 25 feet from:

The public right of way
Residentially zoned or developed property; and
Public property such as a school or park.

No outside storage or display of any kind is permitted;

No parking of damaged motor vehicles is permitted, except on a temporary basis not to exceed 72 hours; and

The CUP is subject to further review by the Planning and Zoning Commission and City Council, as a result of expansion, as triggered by such I-35 Overlay standards and resulting review.

Commissioner Staats asked about the existing awning and if service was prohibited under the awning. Mr. Baker responded it was his understanding that and all work should be within the enclosed bays.

Vice-Chair Rhoads asked for confirmation that nothing needed to be done to the building. Mr. Baker replied that the applicant would occupy the building but would not be doing any remodeling or expansion; otherwise, an internal site plan review would be needed in order to meet any other I-35 Overlay requirements. The color palette was triggered.

Chair Sears asked if the existing gas pumps would need to be removed. Mr. Baker stated if there were demolition of the awning it would trigger certain environmental EPA requirements which would need to meet federal compliance.

Commissioner Crisp asked about outside displays and wanted clarification. Mr. Baker responded tire racks and like. Mr. Baker did not believe signage itself would be considered a display item. Mr. Baker explained if the existing sign were removed and a new sign installed, it would fall under the I-35 Overlay. Since it is an existing structure, the applicant would be able to reface it. Vice-Chair Rhoads was concerned that the existing (empty) sign would remain along I-35.

Mr. Chandler explained what would trigger the other standards such as landscape, masonry, etc. It was related to modifications of an increase or expansion. The demolition itself of the canopy would not trigger compliance with the standards but there are thresholds ranging from 25 percent to 50 percent in terms of the assessed value of the property that triggers a variety of standards.

Mr. Chandler confirmed that the applicant would not be able to perform repair services under the awning

Chair Sears opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Staats made a motion to approve Item 5, Z-FY-14-12, as presented, and Commissioner Johnson made a second.

Motion passed: (4:2)

Vice-Chair Rhoads and Chair Sears voted Nay; Commissioner Pitts absent; two vacancies

Item 6: Z-FY-14-15 - Hold a public meeting to consider and recommend action on a conditional use permit to allow a pet crematorium within a new 1500 square foot building on a portion of Lot 1, Block 1, Gosney Commercial Subdivision, Bell County, Texas, addressed as 2055 Scott Boulevard.

Mr. Baker stated this pet crematory would be located within a new 1,500 square foot building that will be on-site and part of an existing veterinary hospital located at 2055 Scott Boulevard. Dr. Gary Gosney is the applicant.

This item will go to City Council for first reading on February 6, 2014 and second reading on February 20, 2014.

The existing veterinary hospital is permitted by right within the Commercial (C) zoning district and the Conditional Use Permit (CUP) is triggered by the crematory. The crematory will be obscured from Scott Boulevard.

City of Temple Comprehensive Plan / Future Land Use Plan designate the property as Auto-Urban Commercial District which supports commercial uses.

There is an existing eight-inch water line and an eight-inch sewer line located in Scott Boulevard to serve the needs of the use. No impacts to facilities are anticipated from the proposed use.

Currently there are no standards for crematoriums provided in the UDC. Staff has processed two crematorium CUPs since 1995 with the following considerations taken into account:

The crematory shall be used for veterinary purposes only, subject to the Texas Commission on Environmental Quality (TCEQ) regulations and permitting processes;

The crematory shall be allowed as an accessory use; and

The crematory must be operated in such a manner to minimize disturbance to surrounding property owners.

Surrounding properties include existing non-residential uses zoned GR and C to the north, the State of Texas Health Services Department zoned GR and C to the south, existing residences along Scott Boulevard and undeveloped drainage area to the west and non-residential uses zoned GR and C to the east.

The site plan, floor plan and elevations are shown.

Six notices were mailed out and two were returned in favor of the request with zero notices in opposition.

Staff recommends approval of Z-FY-14-15, a conditional use permit to allow a pet crematorium within a new 1,500 square foot building as part of an existing veterinary hospital for the following reasons:

The request is compatible with the Future Land Use and Character Map;

The request complies with the Thoroughfare Plan;

Public facilities are available to serve the property; and

The use is compatible with Zoning and surrounding uses.

Staff recommends approval of the of the conditional use permit subject to the following conditions:

The crematory shall be used for veterinary purposes only and subject to the Texas Commission on Environmental Quality (TCEQ) regulations and permitting;

The crematory shall be allowed as an accessory use; and

The crematory must be operated in such a manner as to prevent excessive noise, dirt, litter and odors and in such a manner to minimize disturbance to surrounding property owners.

Commissioner Staats asked who would be the ruling entity on excessive noise and odors. Mr. Baker responded it may be complaint driven by the public and would be processed through Code Enforcement. There are City regulations regarding excessive odors.

Chair Sears opened the public hearing.

Dr. Gary Gosney, 1302 N. 11th Street, Temple, Texas, stated the unit scrubs itself twice for odors, has no emission, no smoke, and no odors whatsoever. This unit is located in a number of facilities throughout Texas. There is an excessive amount of danger with burying dead animals or having them go to a landfill. Dr. Gosney has three veterinary hospitals and they cremate a large number of animals through a public crematory in Killeen. There is an outdoor crematory located on Loop 363 but Dr. Gosney's intent is for an indoor crematory.

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

Commissioner Johnson made a motion to approve Item 6, **Z-FY-14-15**, and Commissioner Crisp made a second.

Motion passed: (6:0)

Commissioner Pitts absent; two vacancies

Item 7: Z-FY-14-16 - Hold a public hearing to discuss and recommend action for a zoning change from Heavy Industrial (HI) District to PD (HI) District in the I-35 Corridor Overlay on 2.00 +/- being a tract of land out of and a part of the George Givens Survey, Abstract No. 345, addressed as 4206 South General Bruce Drive.

Mr. Phillip Melton, Planning Intern, stated this item would go to City Council for first reading on January 16, 2014 and second reading on February 6, 2014.

The applicant is proposing a 10,051 square foot warehouse on a two acre site. It is an extension of the adjacent Tem-Tex Solvents Industrial site and would be considered an industrial use.

Industrial uses are not allowed in the Freeway Retail Commercial Subdistrict of the I-35 Overlay and a PD would be needed in order to expand the buildings associated with the non-confirming use.

The property is undeveloped to the rear (west) and directly adjacent to the north.

Site plan shown. The warehouse will be located toward the front of the property with a loading dock in the rear, and the main entrance on the south side of the building.

Landscaping standards that have been met:

Fifteen percent landscaping required; the applicant is proposing 19 percent;

The frontage will be landscaped with 12 Mountain Laurels and eight Crepe Myrtles;

The northeast side will have Dwarf Holly shrubs planted;

Directly in front of the building Crepe Myrtles and Dwarf Holly shrubs are proposed (alternating); and

Remaining area will be sodded.

Landscape plan is shown.

The following Building Materials and Architecture is proposed:

Split face block for the bottom 50 percent of the façade;

EFIS for the remaining 50 percent on the front and sides with metal on the rear;

Two loading docks will be located at the rear of the building; and

Three entries, including a 12 foot x 10 foot roll up door on the south side.

Architectural drawings are shown showing exterior and sides.

Surrounding properties include industrial use to the south zoned HI, commercial use to the east zoned GR, undeveloped property to the north zoned HI, and undeveloped property to the west zoned LI.

The Future Land Use and Character Map designate the area as Auto-Urban Commercial for high intensity uses but not as high as industrial district. The development is an extension of an industrial use and is not compatible with the Future Land Use and Character Map. However, it is compatible with the surrounding area and the current underlying High Industrial zoning.

I-35 and General Bruce Drive are designated as major arterials.

An 18-inch and 16-inch water line is available to the site along General Bruce Drive and an eight-inch sanitary sewer line is available at the northwest corner of the site.

No trails exist or are planned in the area. A six foot sidewalk is required per UDC Section 8.2; however, no sidewalks currently exist along surrounding properties and the area is not conducive to pedestrian use. Therefore, the applicant is requesting a sidewalk waiver

The development would be subject to all standards in the UDC Section 6.7 unless identified in the ordinance for this PD.

The following waivers would be granted if the PD is approved:

An articulated entrance and the minimum of three architectural elements as defined in UDC Section 6.7.9.D.2c would not be required;

No windows would be required (UDC 6.7.9.D.2f);

50 percent of the façade will be masonry instead of the required 70 percent (UDC 6.7.9.D.3g);

Include split block as an approved primary material and EFIS as an approved accent material (UDC 6.7.9.D.3g) and

A sidewalk waiver.

Three notices were mailed with one returned in favor and zero returned in opposition.

Staff recommends approval of the zoning change from HI to PD(HI) for the following reasons:

The request complies with the Thoroughfare, Plan;

Public facilities are available to serve the property; and,
The development is compatible with the surrounding area.

Vice-Chair Rhoads asked for confirmation that the building would be set back where the original building is now. Mr. Melton stated from the site plan that looks to be correct but would defer to the applicant for a response.

Chair Sears asked what was businesses were adjacent to the subject property. Mr. Melton commented there was a boat yard, Acme Brick, and a car lot.

Chair Sears opened the public hearing.

Mr. Rodney Scott, 4208 South General Bruce Drive, Temple, Texas, stated he was the property owner. Mr. Scott stated the building would start about where the current building ends, at the end of the driveway. It will sit more to the front of the property, but further back than the building next to their property.

Commissioner Jones made a motion to approve Item 7, **Z-FY-14-16**, as presented, and Commissioner Staats made a second.

Motion passed: (6:0

Commissioner Pitts absent; two vacancies

Item 8: Z-FY-14-17 - Hold a public hearing to discuss and recommend action on a Conditional Use Permit (CUP) to construct a freestanding 180 foot personal wireless cell tower and ground equipment on a tract of land situated in the John J. Simmons Survey, Abstract No.737, located at 7378 State Highway 317.

Mr. Melton stated this was a proposed free standing personal wireless cell tower. The use is allowed in the GR zoning but only for collocation. The applicant has shown inability to collocate from other structures in the area. The tower should be 150 foot high with an equipment shelter and the FAA has determined the tower would be no hazard to air navigation.

The CUP would be subject to the following standards:

Setbacks

Security Screening Fence

Landscaping and Screening

A free standing tower must be setback from a residential zoning district or use by a distance of at least three times the height of the tower. The proposed tower height is 150 feet. The minimum distance from the tower to residential zoning or use is 450 feet and the closest residential zoning or use is 452 feet away located at 9716 Cow Page Court. There is a 450 foot buffer.

To meet the requirements of the UDC for Security Screening Fencing the applicant has proposed the following:

An eight foot high wood fence that encompasses the entire 100 foot by 100 foot lease area; and

A self-latching mechanism installed on the gate. A chain going through the gate will also be attached.

To meet the requirements of the UDC for landscaping and screening the applicant has proposed the following:

Four foot deep landscaped buffer encompassing the lease area;

Red-Tipped Photinia shrubs will be planted five feet on center within the landscape buffer; and

Applicant has indicated that the landscaping will be maintained.

Landscape site is shown.

Surrounding properties include retail uses to the south zoned GR, undeveloped land to the north zoned AG, and residential uses to the east zoned AG.

Nine notices were mailed out with zero returned in favor and one returned in opposition.

Staff recommends approval of the requested Conditional Use Permit for the following reasons:

The request complies with the Future Land Use and Character Map;

The request complies with the Thoroughfare Plan;

Public facilities are available to the subject property; and

The applicant has demonstrated compliance with the design standards in Section 5.4.5 of the UDC.

Commissioner Crisp asked if the property owner to the north expressed any concerns about anything considering the 450 foot radius which will impact it. Mr. Melton responded if residential development would be allowed if it came in after installation of the tower. The tower cannot be built next to or within 450 feet of an existing residential area. There has been no response from this particular owner.

Chair Sears opened the public hearing.

Mr. Dave Kirk, 1870 Crown Drive, Dallas, Texas, stated he was the applicant. The tower was originally 180 feet tall but reduced to 150 feet in order to meet the setbacks.

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

Vice-Chair Rhoads made a motion to approve Item 7, **Z-FY-14-16**, as stated, and Commissioner Johnson made a second.

Motion passed: (6:0

Commissioner Pitts absent; two vacancies

Item 9: O-FY-14-04 - Consider adopting a resolution authorizing an Appeal of Standards in Section 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for landscaping etc., located at 3555 S. General Bruce Drive.

Mr. Chandler stated this was a set of requested appeals for the I-35 Overlay standards for a proposed mattress firm, approximately 5,000 square feet on a .789 acre pad located at the northeast intersection in the Bird Creek Crossing Shopping Center. The appeal is for architectural design, landscaping and lighting. The design is intended to match the existing Bird Creek Crossing Shopping Center which predates the I-35 Corridor standards.

Summary of standards met/exceeded:

- Parking curb and gutter provided;
- Interior parking islands (which include one three-inch caliper tree in each);
- Storage restrictions met;
- Mechanical equipment and dumpsters screened;
- Minimum landscape is 15 percent required – applicant proposes 25 percent be provided;
- Irrigation required for all new landscaped areas;
- Native landscaping;
- Three architectural elements for the entrance;
- Signage (with the exception of setback);
- Architectural material and colors; and
- Full cut-off lighting as required by code.

Requested Appeals (with corresponding reason):

1. Wheel stops (consistent with existing shopping center);
2. Six foot deep landscaped bed along 70 percent of each façade (none at front display windows nor at rear to prevent lengthening retaining wall);
3. Landscaped buffer area required is 25 feet in front and 10 foot on sides (this is a small lot: applicant proposes five foot six-inches on front and sides and 10 feet proposed at rear);
4. Two foot tall berm within at least 50 percent of buffer area (related to buffer widths; shrubs, trees in lieu of);
5. Five gallon shrubs every 30 inches along walls (see #2);
6. Maximum of 80,000 lumens/acre for lighting intensity (determined “not adequate” by lighting consultant);
7. 40 percent to 80 percent windows along each façade (60 percent on front, 20 percent on sides and none on rear);
8. 70 percent to 90 percent primary building material composition (61 percent front, 89 percent on sides and 100 percent rear stucco);

9. 10 percent to 30 percent accent building material composition (inverse of #8 with stone);
10. Sign setback of 10 feet (one foot due to narrow landscape buffer);
11. Enhanced paving of driveways into site (consistent with existing shopping center);
12. Four foot minimum offset of building entrance (articulated with architectural features);
13. Decorative lighting where appropriate (not found in existing shopping center); and
14. Tri-partite architecture form: base, mid, and top (consistent with existing shopping center).

Proposed site plan and elevations are shown.

The lighting will be free standing, full cut-off lights.

Staff recommends approval of all appeals as submitted since the applicant and development meet the intent of the Code regarding landscaping and masonry. This item is scheduled for City Council first reading on January 16, 2014.

Commissioner Jones made a motion to approve Item 7, **Z-FY-14-16**, and Commissioner Staats made a second.

Motion passed: (6:0

Commissioner Pitts absent; two vacancies

Chair Sears thanked Mr. Phillip Melton for all his help and wished him good luck with returning to school.

C. REPORTS

Item 10: Receive and discuss the **Planning Director's Report** containing items for future meetings regarding subdivision plats, zoning cases, conditional use permits, annexations, and proposed text amendments to the Unified Development Code.
(continued, if not completed in Work Session)

There being no further business, Chair Sears adjourned the meeting at 7:08 p.m.

Respectfully submitted,
Leslie Evans

**PLANNING AND ZONING COMMISSION
MONDAY, JANUARY 6, 2014
5:00 P.M.
WORK SESSION**

PLANNING AND ZONING MEMBERS PRESENT

Chair Will Sears

COMMISSIONERS:

James Staats Greg Rhoads
Patrick Johnson David Jones
Omar Crisp

PLANNING AND ZONING MEMBERS ABSENT:

Blake Pitts

STAFF PRESENT:

Brian Chandler, 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 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 assigned the Invocation and Pledge.

Chair Sears asked Mr. Brian Chandler, Director of Planning, to proceed.

Mr. Chandler stated Item 9, the I-35 Appeal, did not have the appropriate attachments included when it was published to the website.

Ms. Tammy Lyerly, Senior Planner, stated Item 2, The Ranch At Woodland Trails, was waiting on a signed easement. Mr. Jared Bryan stated an email would arrive shortly stating Mr. Evans was in agreement and would sign the easement. Ms. Lyerly stated there was a problem with an off-site easement and Mr. Evans had not signed yet. Staff was going to recommend that the case be tabled if a signed easement had not received

by the meeting time. Mr. Bryan stated Mr. Evans's intent was to sign it. Ms. Lyerly explained there was an off-site easement to the south of the Evans's property and numerous emails have been exchanged. This easement needs to be signed and cleared up before a meeting is held on the case since P&Z is the final authority. It would go directly to the County after P&Z.

Mr. Bryan explained the reason they were not putting in a county right-of-way to begin with is that the Evans's driveway was improperly installed and the culvert is not actually in the county right-of-way. They are trying to obtain the easement so they do not have to bother the Evans's driveway and the water can go right to their culvert and continue down to the county right-of-way.

Chair Sears clarified it was to the Evans's benefit to sign.

Ms. Trudi Dill, Deputy City Attorney, stated the plat was located in the ETJ and until such time it is annexed, it is not contiguous to the city limits so it cannot be annexed now. The City will not be involved in the maintenance or acceptance of the drainage easement; however, the City was involved in improving the drainage plan. Ms. Dill would like to have an email stating everything.

Mr. Chandler stated there was a proposed zoning case listed on the Director's Report (Z-FY-14-18) located at the northwest corner of 93 and South 31st Street. The applicant applied for a Planned Development (PD) district with a Mixed Use (MU) district as the base zoning. Staff met with the applicant and suggested that General Retail (GR) base zoning district would be more appropriate and complimentary for the Future Land Use Plan which shows the entire property as Suburban-Commercial. The applicant proposes retail and multi-family around the outside and single family adjacent to that and a PD with GR would allow that. Staff is waiting for confirmation from the applicant regarding how to proceed. Ms. Lyerly stated she has received confirmation from the applicant that he would amend the application.

This project would be located across from D'Antoni's development.

Mr. Chandler proposed that the next P&Z packet would be sent out on Thursday if that was agreeable with the Commission.

Mr. Chandler asked the Commission for feedback on the packets, time lines, presentations, or anything they would like to discuss in order to improve and streamline matters.

Mr. Chandler informed the Commission that Mr. Phillip Melton, Planning Intern, would be leaving Planning on January 10, 2014 and wanted to recognize all his excellent work. Mr. Melton will be returning to school.

There being no further discussion, Chair Sears adjourned the meeting at 5:15 P.M.



PLANNING AND ZONING COMMISSION AGENDA ITEM Z-FY-13-29 STAFF REPORT UPDATE

01/21/14
Item #2
Regular Agenda
Page 1 of 1

DISCUSSION: At the January 6, 2014 Planning and Zoning Commission meeting it was agreed to table the requested rezone to the January 21, 2014 meeting.

As part of the meeting discussion, the Planning and Zoning Commission had inquired about roadway and infrastructure plans for the immediate area of Poison Oak, South Pea Ridge and Old Waco Road adjacent to the proposed project site. The point was also raised that the applicant should meet with the neighbors.

Since the January 6, 2014 P&Z meeting, planning staff has met with both the applicant and internally with the Public Works Department to discuss improvements and infrastructure for the immediate area. Staff also understands that the applicant intends to reach out to concerned neighbors.

Horizontal roadway design and width, construction responsibilities and relocation of infrastructure are addressed with the subdivision plat process. While the Thoroughfare Plan shows Poison Oak Road as a proposed minor arterial and S. Pea Ridge Road as an existing collector (see attached), Staff has found that none of the roads in the immediate area are funded through 2019 on the Transportation Capital Improvements Plan (TCIP) project listing. However, portions of the Outer Loop (Old Waco Road) farther north of the site are on the list.

Current as well as alternative alignments of Poison Oak have been discussed. Any alternatives will require an amendment to the Thoroughfare Plan and would need to go before the Planning and Zoning Commission and City Council before being considered as part of any anticipated plat.

In conclusion, the applicant has worked closely with staff to identify acreage that is suitable for single-family residential development. This has resulted in the "carving-out" of a \pm 5-acre strip of this AG-zoned parcel for future non-residential rezoning consideration along Old Waco Road consistent with the FLUP. In light of concerns expressed, issues related to infrastructure and circulation are typically addressed at the platting stage.

Therefore, staff is still recommending approval of the requested rezoning from AG to SF-2, as presented on January 6th, for the following reasons:

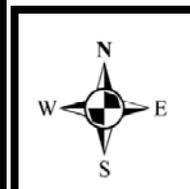
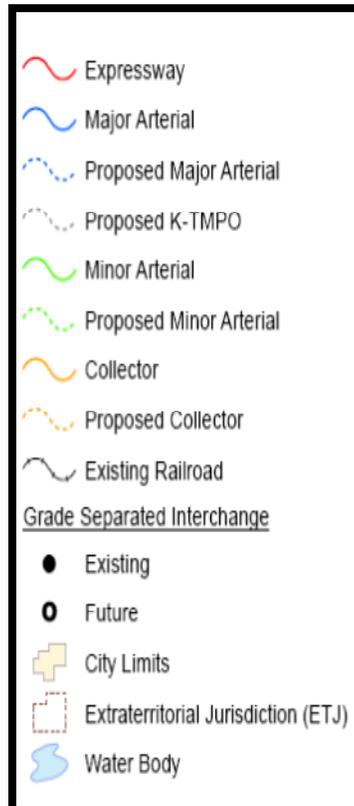
1. The proposed zoning complies with the Future Land Use Map which identifies this area as Suburban Residential;
2. The request complies with the Thoroughfare Plan;
3. The proposed zoning is compatible with the surrounding uses; and
4. Public facilities are available to serve the subject property.

ATTACHMENTS: Localized Area of Thoroughfare Plan

Localized Area of Thoroughfare Plan



Map Legend (Map not to scale)





PLANNING AND ZONING COMMISSION ITEM MEMORANDUM

01/21/14
Item #3
Regular Agenda
Page 1 of 1

APPLICANT / DEVELOPMENT: Lane Kennedy for James A. Barron/Temple First Stock Co.

CASE MANAGER: Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: PUBLIC HEARING - P-FY-14-12 Hold a public hearing and consider and take action on the Final Plat of Sweet Addition, a 1.00 acre +/-, 2-lot, 1 block, nonresidential subdivision, being a replat of Lot 2, Saunders Addition, located at 8932 West Adams Avenue, on the north side of West Adams Avenue (FM 2305) and the south side of Adams Lane.

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

ITEM SUMMARY: The Development Review Committee reviewed the Final Plat of Sweet Addition on January 8, 2014. It was deemed administratively complete on January 13, 2014. The Final Plat of Sweet Addition is a 2-lot, 1-block nonresidential subdivision. The property is a Planned Development-General Retail District (PD-GR). Future development will require Planned Development site plan approval.

This proposed plat is a replat of Lot 2, Saunders Addition. Texas Local Government Code 212.014 (replatting without vacating preceding plat) requires a public hearing for this replat.

Water services will be provided through a 6-inch water line along Adams Lane. Sewer services will be provided through an 8-inch sanitary sewer line along Adams Lane.

The applicant has requested administrative approval to waive the required 6-foot wide sidewalk required along West Adams Avenue, a major arterial.

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

FISCAL IMPACT: Not Applicable

ATTACHMENTS:
Final Plat

STATE OF TEXAS

COUNTY OF BELL

THAT, TEMPLE FIRST STOCK CO., NOMINEE FOR EXTRACO BANKS, N.A., CUSTODIAN FOR JAMES A. BARRON, IRA, BEING THE OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS SWEET ADDITION, A SUBDIVISION WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, DOES HEREBY DEDICATE THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN HEREON WITHIN THE PLAT BOUNDARIES OF THIS SUBDIVISION.

JACOBS L. HERNDON
TRUST OFFICER

STATE OF TEXAS

COUNTY OF BELL

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, JACOBS L. HERNDON, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF JANUARY, 2014.

NOTARY PUBLIC, STATE OF TEXAS

THIS FINAL PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING BOARD OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS _____ DAY OF JANUARY, 2014.

CHAIRPERSON

THIS FINAL PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING BOARD OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS _____ DAY OF _____, 2014.

DIRECTOR OF PLANNING

STATE OF TEXAS

COUNTY OF BELL

I, THE UNDERSIGNED A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT I PREPARED ALL DRAINAGE CALCULATIONS AND DESIGNED ALL DRAINS, STREETS, ROADS AND APPURTENANCES IN ACCORDANCE WITH THE CITY OF TEMPLE SUBDIVISION REGULATIONS.

MONTY CLARK, P.E.
Registration # 90894
CLARK & FULLER, LLC
Firm Registration # F-10384

STATE OF TEXAS

COUNTY OF BELL

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS PLAT IS TRUE AND CORRECT, THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY MONUMENTS ARE AS SHOWN HEREON.

TIMOTHY LANE KENNEDY, R.P.L.S.
Registration Number 6119

AFFIDAVIT:

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

Dated this the _____ day of _____, 2014

By: _____
Bell County Tax Appraisal District

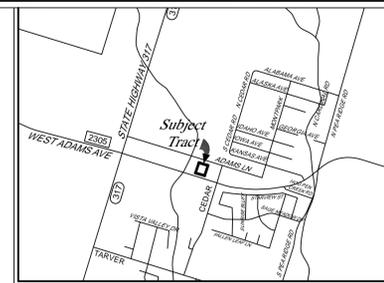
THIS PROPERTY IS IN 'ZONE X' AND IS NOT LOCATED WITHIN THE SPECIAL FLOOD HAZARD AREA AS PER FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP NO. 48027C0330E DATED SEPTEMBER 26, 2008

This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monuments Number 181. The combined correction factor is 0.999853. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Reference tie from City of Temple Monument Number 181 to the northeast boundary corner of the 1.0 Acre Tract is N 74°37'17" W, 66.44 feet. Published City coordinates for the project reference point 181 are N = 10383028.13 E = 3202665.44

PLOT DATE: JAN. 16, 2014
Copyright 2014 Advanced Surveying & Mapping, LLC

FINAL PLAT OF SWEET ADDITION

A SUBDIVISION WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS
BEING A REPLAT OF LOT 2, SAUNDERS ADDITION ACCORDING TO THE PLAT OF RECORD IN CABINET D, SLIDE 142-B, PLAT RECORDS OF BELL COUNTY, TEXAS



VICINITY MAP
Not to Scale

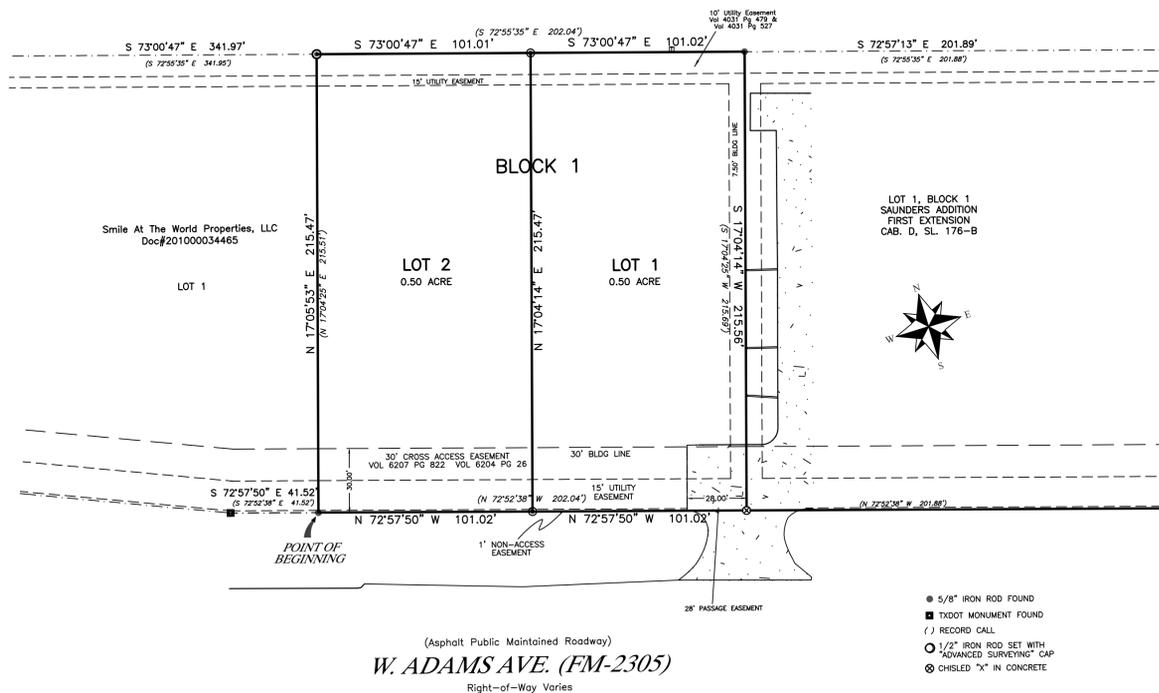
OWNER:

TEMPLE FIRST STOCK CO., NOMINEE FOR
EXTRACO BANKS, N.A., CUSTODIAN FOR
JAMES A. BARRON, IRA
POST OFFICE BOX 6101
TEMPLE, TEXAS 76503

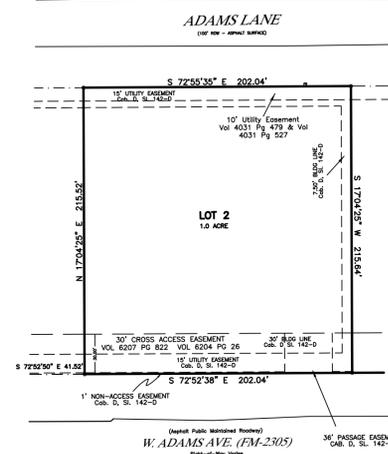
LOTS: 2
BLOCKS: 1
ACREAGE: 1.00

ADAMS LANE

(100' ROW - ASPHALT SURFACE)



Original Lot Configuration
Not to Scale



FINAL PLAT OF
SWEET ADDITION
A SUBDIVISION WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS
BEING A REPLAT OF LOT 2, SAUNDERS ADDITION ACCORDING TO THE
PLAT OF RECORD IN CABINET D, SLIDE 142-B, PLAT RECORDS OF
BELL COUNTY, TEXAS

1610 South 31st St., Ste. 102-299
Temple, Texas 76504
254-760-1894 254-760-4633
www.asm-tx.com

**Advanced Surveying
& Mapping, LLC**

Scale: 1" = 40'
Job No. 130165
Dwg No. 130165-P
Drawn by TLK
Surveyor TLK #6119

RECORDATION INFORMATION:

PLAT RECORDED PLAT # _____, 2014, PLAT RECORDS OF BELL COUNTY, TEXAS

DEDICATION RECORDED IN INSTRUMENT NUMBER _____
OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BELL COUNTY,
TEXAS FILED THIS THE _____ DAY OF _____, 2014



PLANNING AND ZONING COMMISSION AGENDA ITEM

01/21/14
Item #4
Regular Agenda
Page 1 of 5

APPLICANT/DEVELOPMENT: Kristine Andrews for Jerry Copeland/Highway 31 Properties, LLC

CASE MANAGER: Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: Hold a public hearing to consider and recommend action on a rezoning from Agricultural District (AG) to Planned Development District –General Retail (PD-GR) to allow residential and nonresidential uses on 103.07 +/- acres being part of the Redding Roberts Survey, Abstract 692, Bell County, Texas, located at the northwest corner of FM 1741 (South 31st Street) and FM 93.

STAFF RECOMMENDATION: Based on the following discussion, staff recommends approval for a rezoning from Agricultural District (AG) to Planned Development (General Retail) District with the following reasons and with the listed conditions:

1. The request complies with the Future Land Use and Character Map;
2. The request complies with the Thoroughfare Plan;
3. Public facilities are available to the subject property; and
4. Consideration of the attached Planned Development site plan exhibits

Planned Development (General Retail) District Conditions:

1. Uses and development will be according to the attached Planned Development site plan exhibits.
2. Development will be subject to the regulations of the General Retail District, the base zoning district for this Planned Development.
3. All nonresidential development will require screening with 6-foot high wooden privacy fencing and shrubs or trees to shield business activities from adjacent single family residential uses and multifamily apartments.
4. Multifamily apartments with a maximum height of three stories are only allowed in Tracts A1 and A2, as shown on the attached Planned Development site plan exhibit.
5. General retail and neighborhood services uses are limited to Tracts C1, C2, and C3, as shown on the attached Planned Development site plan exhibit.
6. A convenience store is limited to Tract B (2.94 acres), as shown on the attached Planned Development site plan exhibit.
7. Single family residential uses are limited to Tracts D1 and D2, as shown on the attached Planned Development site plan exhibit.
8. The proposed Planned Development is subject to the Temple Trails Master Plan, which reflects a proposed 12-foot wide Citywide Spine Trail along the railroad.
9. The proposed Planned Development is subject to the required 6-foot wide sidewalks required along West FM 93 and South 31st Street, both arterials (UDC Section 8.2.3-Sidewalks and Trails).

Staff would like to work with the applicant in proposing enhanced screening with masonry added to fencing and placement of trees adjacent to residential areas for enhanced buffering of business activities. Staff also encourages the use of sidewalks throughout the development for connectivity, especially for proposed park areas.

ITEM SUMMARY: This request is associated with a plat (P-FY-14-11) currently being reviewed through DRC. The applicant’s requested rezoning from Agricultural District (AG) to Planned Development (General Retail) District is to allow future development of residential and nonresidential uses.

The applicant proposes a mix of nonresidential uses along the street frontage of South 31st Street, including a convenience store at its intersection with FM 93. The applicant also proposes apartments with a maximum height of three stories along the street frontage of FM 93. **Although apartments are not allowed in the General Retail zoning district, apartments will be added to the proposed Planned Development’s conditions as allowable uses.** The applicant proposes single-family residential development within the interior portion of the Planned Development.

A Planned Development is a flexible overlay zoning district designed to respond to unique development proposals, special design considerations and land use transitions by allowing evaluation of land use relationships to surrounding areas through development plan approval (UDC Section 3.4.1).

In reviewing a Planned Development, the City Council may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas, including but not limited to, access and circulations, signs, parking, building design, location and height, light and air, orientation, building coverage, outdoor lighting, landscaping, homeowners or property owners associations, open space, topography and screening (UDC Section 3.4.2.C).

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 & Suburban Residential	AG	Undeveloped
North	Suburban Residential	AG	Undeveloped
South	Suburban Residential & Public Institutional	AG	Undeveloped
East	Suburban Commercial, Suburban Residential, & Estate Residential	SF-1, SF-3, NS, & GR	Undeveloped
West	Suburban Commercial & Suburban Residential	AG	Undeveloped

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)	The applicant’s property south of the railroad tracks is designated Suburban Commercial. Yes

		The applicant's requested Planned Development (General Retail) District complies with this designation. The applicant's property north of the railroad tracks is designated as Suburban Residential. The applicant's requested Planned Development (General Retail) District complies with this designation.	
CP	Map 5.2 - Thoroughfare Plan	The property fronts South 31 st Street and FM 93, which are both identified as major arterials. The requested Planned Development (General Retail) District is appropriate along major arterials.	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	A 12-inch water line runs along the west right-of-way of South 31 st Street. An 8-inch water line runs along the north right-of-way of West FM 93. An 8-inch and 12-inch sewer line runs along the west right-of-way of South 31 st Street.	Yes
STP	Temple Trails Master Plan Map & sidewalks	The Temple Trails Master Plan reflects a proposed 12-foot wide Citywide Spine Trail along the railroad. The plan also reflects a proposed 8-foot wide Local Connector Trail along South 31 st Street, which staff designated for the east side of South 31 st Street.	This is not shown on the PD site plan, but would be addressed during the platting process.

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

According to the City of Temple Comprehensive Plan, **the property's Suburban Residential land use classification on the north side of the railroad tracks** is characterized by mid-size single family lots, allowing for greater separation between dwellings and more emphasis on green space versus streets and driveways. **With the applicant's proposal to place single family residential uses within this area, the requested Planned Development (General Retail) District complies with this land use classification.**

The property's Suburban Commercial land use classification on the south side of the railroad tracks 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 at "gateways" and high-profile corridor locations. Therefore, it limits the floor area ratio and requires a higher landscape surface ratio than in the Auto Urban Commercial district. **The applicant's requested Planned Development (General Retail) District complies with this land use classification.**

DEVELOPMENT REGULATIONS (GR):

Here are the development regulations for the **General Retail District (GR)**, the "base zoning district" for the proposed Planned Development. Dimensional standards for **nonresidential** development in the GR District are as follows:

- Minimum lot size – N/A
- Minimum Lot Width – N/A
- Minimum Lot Depth – N/A
- Front Yard Setback – 15 feet
- Side Yard Setback – 10 feet
- Rear Yard Setback – 0 feet (10 feet adjacent to residential zoning)

Dimensional standards for **residential** development in the GR District are as follows:

- Minimum lot size – 5,000 Sq. Ft.
- Minimum Lot Width – 50 feet
- Minimum Lot Depth – 100 feet
- Front Yard Setback – 15 feet
- Side Yard Setback – 10% of lot width with 5-foot min.
- Side Yard Setback (corner) – 15 feet
- Rear Yard Setback – 10 feet

Standard development regulations require a 6-foot wide sidewalk along Major Arterials, such as South 31st Street, per UDC Section 8.2.3-Sidewalks.

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. **Since the applicant proposes Multifamily apartments along FM 93, apartment uses are listed as allowable uses within the conditions of this proposed Planned Development (General Retail) District.**

The GR zoning district is intended to serve larger service areas than neighborhoods. This 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.**

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

Residential uses

Single Family Detached
Duplex
Home for the Aged
Townhouse

Nonresidential uses

Office
Restaurant
Hotel or Motel
Food or Beverage sales store without fuel sales

Prohibited uses include HUD-Code manufactured homes and land lease communities, boat sales or storage, welding or machine shop, storage warehouse, and building material sales, among others.

If approved, the proposed Planned Development will be subject to the attached Planned Development site plan exhibits, as well as the aforementioned list of Planned Development conditions listed in the Staff Recommendations.

The Planning and Zoning Commission and the City Council shall review the Planned Development according to the following criteria:

PLANNED DEVELOPMENT REVIEW CRITERIA (UDC Section 3.4.5):

In determining whether to approve, approve with conditions or deny a Planned Development application, the review bodies must consider the following criteria.

- A. The plan complies with all provisions of the Design and Development Standards Manual, this UDC and other ordinances of the City.
- B. The environmental impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood is mitigated.
- C. The development is in harmony with the character, use and design of the surrounding area.
- D. Safe and efficient vehicular and pedestrian circulation systems are provided.

- E. Off-street parking and loading facilities are designed to ensure that all such spaces are usable and are safely and conveniently arranged.
- F. Streets are designed with sufficient width and suitable grade and location to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.
- G. Streets are coordinated so as to compose a convenient system consistent with the Thoroughfare Plan of the City.
- H. Landscaping and screening are integrated into the overall site design:
 - 1. To provide adequate buffers to shield lights, noise, movement or activities from adjacent properties when necessary; and
 - 2. To complement the design and location of buildings.
- I. Open space areas are designed to ensure that such areas are suitable for intended recreation and conservation uses.
- J. Water, drainage, wastewater facilities, garbage disposal and other utilities necessary for essential services to residents and occupants are provided.

PUBLIC NOTICE:

Twenty-two notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of Wednesday, January 15, 2014 at 8:00 am, two notices were returned in support of the proposed rezoning and no notices were returned in opposition to the proposed change.

The newspaper printed notice of the Planning and Zoning Commission public hearing on January 10, 2014, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Subject and Surrounding Property Photos
Zoning and Location Map
Future Land Use and Character Map
Buffer Notification Map
Returned Property Owner Responses
Planned Development Site Plan Exhibits

SURROUNDING PROPERTY AND USES:

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

Direction	Zoning	Current Land Use	Photo
Subject Property	AG	Agricultural / Undeveloped Land	
East	SF-1, SF-3, NS, and GR	Single Family and Undeveloped Nonresidential uses	 <p data-bbox="966 1060 1209 1092">Deerfield Estates</p> <p data-bbox="868 1239 1112 1270">South 31st Street</p>
			 <p data-bbox="1039 1606 1185 1638">D'Antoni's</p> <p data-bbox="885 1711 1128 1743">South 31st Street</p>

Direction	Zoning	Current Land Use	Photo
West	AG	Agricultural / Undeveloped Land	
South	AG	Church Uses	
			

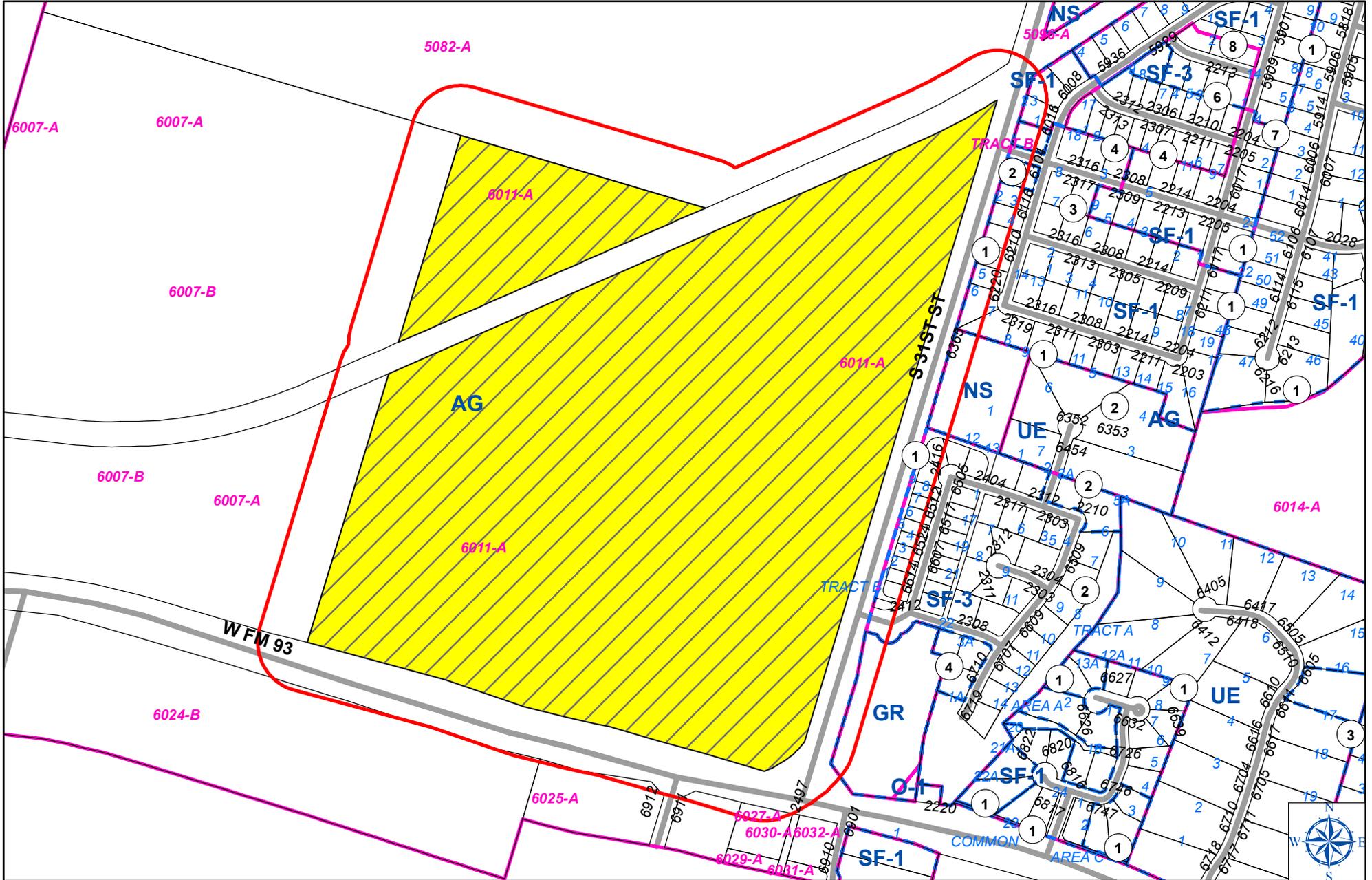
Direction	Zoning	Current Land Use	Photo
North	AG	Agricultural Land/ Undeveloped Land	



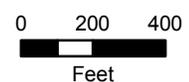
Z-FY-14-18

AG to Planned Development -GR

NW Corner W FM 93 & S 31st St.

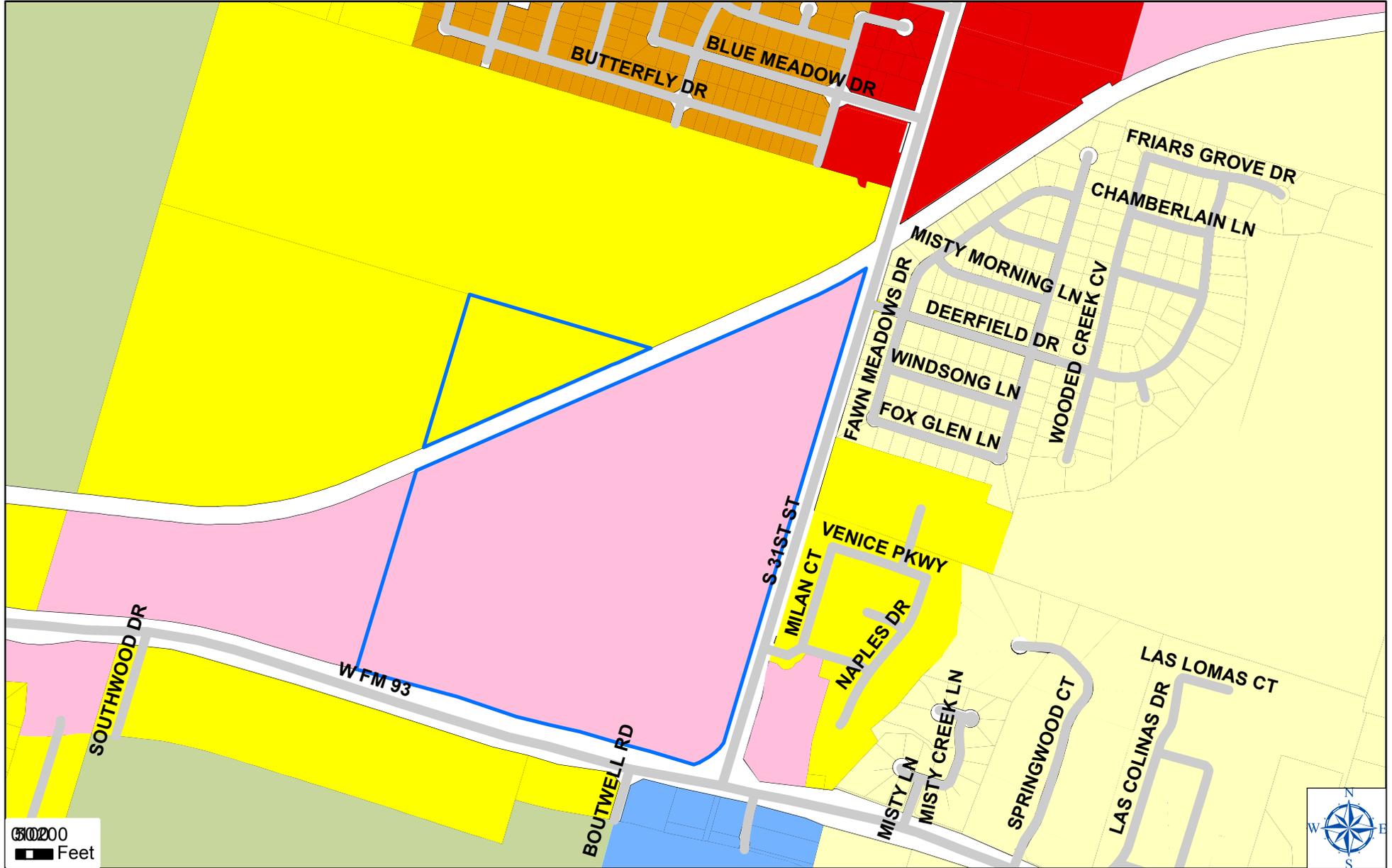


- Case
- Zoning
- 1234-A Outblock Number
- Block Number
- 200' Buffer
- Subdivision
- 1234 Address
- Lot Number



1/2/2014
 City of Temple GIS
 tlyerly

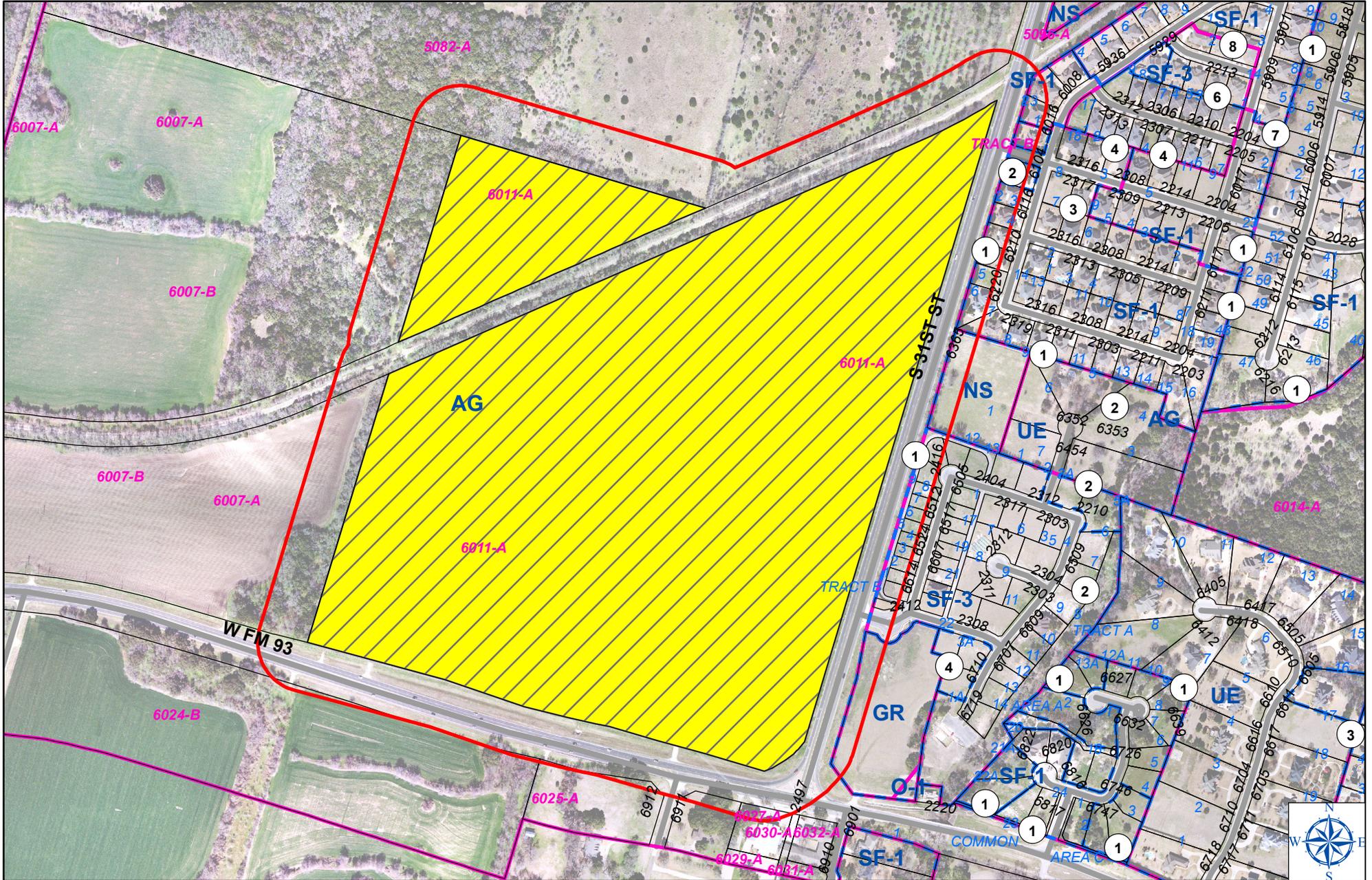
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



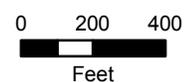
Future Land Use

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

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.



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



1/2/2014
City of Temple GIS
tlyerly

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



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

Patrick Mullins
P.O. Box 706
Temple, Texas 76503-706

Zoning Application Number: Z-FY-14-18 **Project Manager:** Tammy Lyerly

Location: At the northwest corner of FM 1741 (South 31st Street) and West FM 93

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

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 21, 2014

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

RECEIVED
JAN 14 2014
City of Temple
Planning & Development

Number of Notices Mailed: 22

Date Mailed: January 10, 2014



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

Michael & Diana Beadnell
6524 Milan Court
Temple, Texas 76502

Zoning Application Number: Z-FY-14-18 **Project Manager:** Tammy Lyerly

Location: At the northwest corner of FM 1741 (South 31st Street) and West FM 93

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:

Diana Beadnell
Signature

Diana Beadnell
Print Name

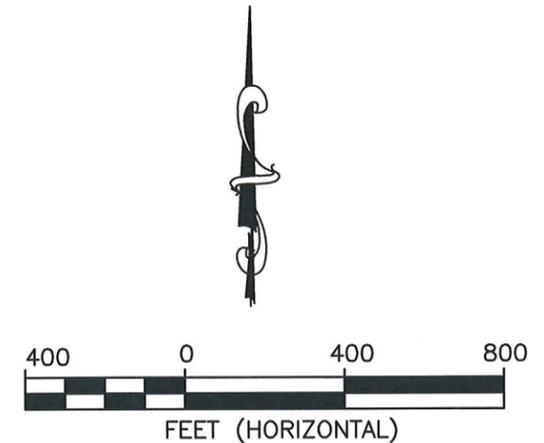
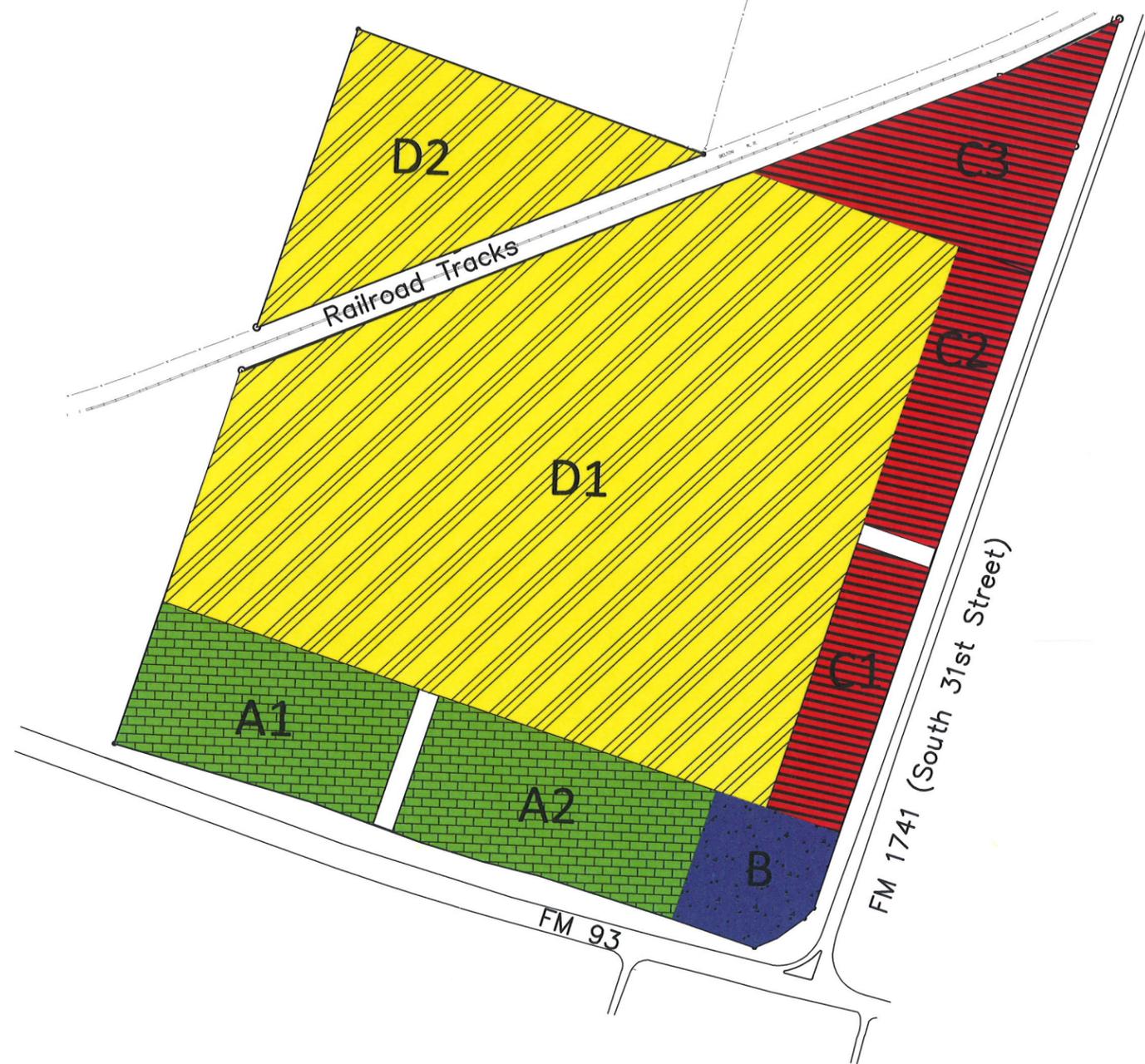
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City of Temple
Planning Department
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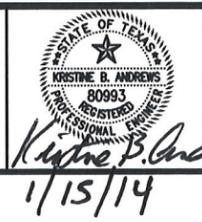
Development Schedule

- Phase 1
Estimated to begin within 1 year.
Tracts D1 and D2
- Phase 2
Estimated to begin within 1 to 3 years.
Tracts B, C1 and C2
- Phase 3
Estimated to begin within 3 to 5 years.
Tracts A1, A2 and C3

- Tract A1 and A2
Multi-family apartments
Max height is 3 stories
Will have a wooden fence between multi-family and single family tracts.
- Tract B
Convenience Store
2.94 acres
- Tract C1, C2 and C3
General retail to include neighborhood services
- Tract D1 and D2
Single family residential lots

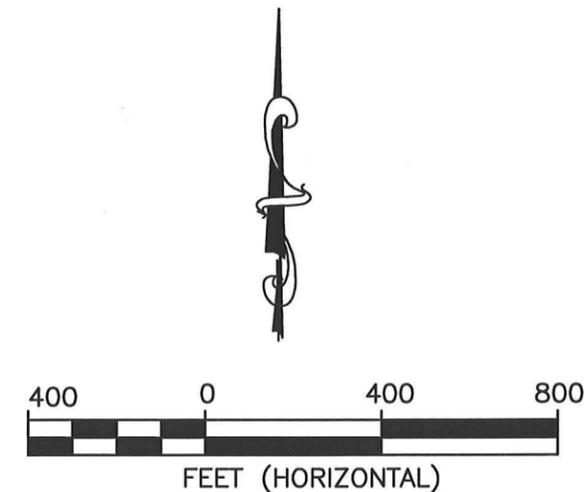
Comprehensive Engineering Solutions, Inc.
Registered Engineering Firm, State of Texas, No. 1071
319 South First St., Suite A ♦ Temple, Texas 76504
Voice: (254) 742-2050 ♦ Fax: (254) 742-2055

REVISIONS:



PLANNED DEVELOPMENT – LEGACY RANCH
CITY OF TEMPLE
Bell County, Texas

Vertical Scale: 1" = 400'
Horizontal Scale: 1" = 400'
Filename: Planned_Development.dwg
Plot Date: 1/15/14
Drawn By: KBA
Project No: 13-1003
Designed By: KBA
SHEET 1 OF 1



Notes
 In addition to improvements noted on this Conceptual Plan, development will meet landscaping requirements of the City of Temple UDC.

Comprehensive Engineering Solutions, Inc.
 Registered Engineering Firm, State of Texas, No. 1071
 319 South First St., Suite A ♦ Temple, Texas 76504
 Voice: (254) 742-2050 ♦ Fax: (254) 742-2055

REVISIONS:



Kristine B. Andrews
 1/15/14

CONCEPTUAL PLAN – LEGACY RANCH
 CITY OF TEMPLE
 Bell County, Texas

Vertical Scale: 1" = 400'
 Horizontal Scale: 1" = 400'
 Filename: PD_Conceptual Plan.dwg
 Plot Date: 1/15/14
 Drawn By: KBA
 Project No: 13-1003
 Designed By: KBA



PLANNING AND ZONING COMMISSION AGENDA ITEM

1/21/14
Item #5
Regular Agenda
Page 1 of 2

APPLICANT: Planning & Zoning Commission

CASE MANAGER: Brian Chandler, 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-13-46 - 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-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 Pending	Chuck Lucko for Arthur Brashier
P-FY-14-03 – Consider and take action on the Final Plat of The Meadows at Creekside, a 41.941 acre, 123 lot, 6 block, residential subdivision, located on the north side of Case Road.	DRC 11/06/13 DRC 12/20-13 DRC 1/22/14	Cory Herring
P-FY-14-05 - Consider and take action on the Final Plat of Fettig Subdivison, a 3.00 ± acre, 3 lot residential subdivision located at the northeast corner of West Adams Avenue and Beaver Loop. (Subject to outcome at City Council for the Fettig Rezone Z-FY-14-09)	DRC 11/20/13 PZC 2/17/14	Monty Clark for Michelle Fettig
P-FY-14-07 - Consider and recommend action on the final plat of Airport Park at Central Pointe, Phase 1, a 19.505 +/- acres, 3-lots, 1 block, non-residential subdivision.	DRC 12/4/13 Pending	The Wallace Group
P-FY-14-08 - Consider and recommend action on the Preliminary Plat of The Plains At Riverside, a 49.979 +/- acres, 200-lots, 7-blocks residential subdivision, located at the southeast corner of South Pea Ridge Road and Old Waco Road. (Requires Annexation)	DRC 12/4/13 2 nd DRC Pending	Turley Associates

<p>P-FY-14-10 - Consider and take action on the Final Plat of Cedarbrake Retreat Addition, a 43.261 +/- acres. 1-lot, 1-block nonresidential subdivision, being part of the John J. Simmons Survey, Abstract No. 737, located on the west side of State Highway 317, south of FM 2305.</p>	<p>DRC 12/20/13</p>	<p>Rev. Michael Sis - Catholic Diocese of Austin</p>
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<p>City Council Final Decisions</p>	<p>Status</p>
<p>City Council meeting on January 16, 2014 occurred after delivery of P&Z January 21, 2014 packet</p>	



**PLANNING AND ZONING COMMISSION
MEETING EVALUATION
January 21, 2014**

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

2014															
	Jan 6	Jan 21	Feb 3	Feb 18	Mar 3	Mar 17	Apr 7	Apr 21	May 5	May 19	June 2	June 16	P	A	
James Staats	P												1		
Blake Pitts	A													1	
Patrick Johnson	P												1		
Omar Crisp	P												1		
David Jones	P												1		
Greg Rhoads	P												1		
Will Sears	P												1		
Vacant															
Vacant															

	July 7	July 21	Aug 4	Aug 18	Sept 2	Sept 15	Oct 6	Oct 20	Nov 3	Nov 17	Dec 1	Dec 15	P	A
James Staats														
Blake Pitts														
Patrick Johnson														
Omar Crisp														
David Jones														
Greg Rhoads														
Will Sears														
Vacant														
Vacant														

not a Board member
 Vacant