

**NOTICE OF MEETING
PLANNING AND ZONING COMMISSION
CITY MUNICIPAL BUILDING, 2 NORTH MAIN STREET
PLANNING CONFERENCE ROOM
APRIL 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, April 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
APRIL 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 April 7, 2014.

B. ACTION ITEMS

Item 2: [P-FY-14-21](#) – Consider and take action on the Final Plat of West Adams Addition Phase II, a 3.694 acres, 2-lot, 1-block nonresidential subdivision, located at the southwest corner of West Adams Avenue (FM 2305) and South Kegley Road.

Item 3: [Z-FY-13-37](#) – Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow a transitional shelter operated by the Salvation Army to be known as the Temple McLane Center of Hope, within portions of Lot 3, Block 39, Moore's Addition and Moore's Railroad Addition and Lots 1 & 2, Block 62, Lot 2, Block 56 and Lot 1, Block 57, Original Town of Temple, County of Bell, Texas, addressed as 501, 420, 413, 411, 410, 409 W. G Ave, 708 and 709 S. 9th Street.

Item 4: [Z-FY-14-28](#) – Hold a public hearing to discuss and recommend action on a Conditional Use Permit for retail nursery/landscape facility on Lot 2, Block 1, Tranum Subdivision Phase VIII, located at 5806 South General Bruce Drive.

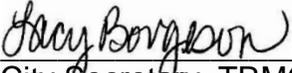
Item 5: [O-FY-14-08](#) – Consider adopting a resolution authorizing an Appeal of Standards in Section 6.7.5(j) of the Unified Development Code related to the I-35 Corridor

Overlay Zoning District for signs, located on Lot 1, Block 1, Diamond S Subdivision, 5625 South General Bruce Drive.

C. REPORTS

Item 6: Receive and discuss the [Planning Director's Report](#) containing items for future meetings regarding subdivision plats, zoning cases, conditional use permits, annexations, and proposed text amendments to the Unified Development Code. **(continued, if not completed in Work Session)**

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 4:10 PM, April 17, 2014.



City Secretary, TRMC
City of Temple

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

I certify that this Notice of Meeting Agenda was removed by me from the outside bulletin board in front of the City Municipal Building on _____ day of _____ 2014.

Title _____

Title: _____

PLANNING AND ZONING COMMISSION
APRIL 7, 2014
5:30 P.M.

PLANNING AND ZONING MEMBERS PRESENT
Chair Will Sears

COMMISSIONERS:

James Staats	Blake Pitts
Patrick Johnson	David Jones
Omar Crisp	Lester Fettig
Tanya Mikeska-Reed	Greg Rhoads

PLANNING AND ZONING MEMBERS ABSENT:

STAFF PRESENT:

Brian Chandler, Director of Planning
Trudi Dill, Deputy City Attorney
Mark Baker, Planner
Mary Maxfield, Planning Technician

The agenda for this meeting was posted on the bulletin board at the Municipal Building, April 2, 2014 at 5:00 p.m. in compliance with the Open Meetings Law.

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

Chair Sears called Meeting to Order at 5:30 P.M.

Invocation by Chair Sears; Pledge of Allegiance by Vice-Chair Rhoads

A. CONSENT ITEMS

Item 1: Approval of Minutes: Work session and the regular meeting of March 17, 2014.

Approved by general consent.

B. ACTION ITEMS

Item 2: P-FY-13-34 - Consider and take action on the preliminary plat of Lake Pointe Phase III, a 67.71 +/- acres, 321 lot, 11 block, 5 tract residential subdivision, located south of Prairie View Road and west of North Pea Ridge Road, being part of the Baldwin Robertson Survey, Abstract No. 17, City of Temple, Bell County, Texas.

Mr. Mark Baker, Planner, stated the applicant was W&B Development and the P&Z Commission is the preliminary plat authority since the applicant did not request any exceptions to the Unified Development Code (UDC).

The Preliminary Plat was reviewed by the Design Review Committee (DRC) initially on July 3, 2013 and deemed administratively complete on April 2, 2014. The current zoning on the subject property is Single Family-Two (SF-2).

As discussed in the work session, there had been a counterpart rezone application before the Commission on February 28, 2014. When the rezone item went before City Council it was withdrawn. The 1.1 ± acreage has been incorporated into the plat.

Water is available to the property by a 12-inch line along Prairie View, a two-inch line in N. Pea Ridge and an eight-inch line in Fawn Lily Drive.

The sewer will be extended from an eight-inch sewer line existing in Fawn Lily Drive.

Road improvements including sidewalk and trail for Prairie View Road are part of a Transportation Capital Improvement Project (TCIP) improvement project. There are improvements along Pea Ridge for a sidewalk and noted on the plat.

In regard to park fees an updated Letter of Credit in the sum of \$225 per lot in Phases I through III are to show good faith toward private park build out overall. Letters of Credit based on new lot counts provided prior to recordation of Phase III Final Plat and credit for this Phase would be \$71,000.

Private park construction shall begin prior to issuance of building permit for the 60th home and completed within two years of that date.

The preliminary plat proposes six new local streets and one new collector street:

1. Lake Pointe Drive (Collector),
2. Pleasant Trail Drive,
3. Iron Glen Drive,
4. Jasper Run Drive,
5. Kindred Park Drive,
6. Lilac Ledge Drive and,
7. Honey Hill Drive

Staff recommends approval of the preliminary plat of Lake Pointe, Phase III Subdivision.

Mr. Baker stated there are 321 lots on the development which includes the additional lots incorporated in.

Vice-Chair Rhoads made a motion to approve Item 2, **P-FY13-34**, as presented, and Commissioner Staats made a second.

Motion passed: (9:0)

Item 3: P-FY-14-23 - Consider and take action on the Final Plat of Crescent View Commercial Phase 3, a 29.953 +/- acre, 8-lot, 1 block, nonresidential subdivision, located at the southeast corner of West Adams Avenue and Old Waco Road, situated in the Nancy Chance Survey, Abstract No. 5, City of Temple, Bell County, Texas.

Mr. Baker stated the applicant was Kimley-Horn & Associates on behalf of Crescent View-Temple Ltd. The P&Z Commission is the final authority since the applicant did not request any exceptions to the UDC.

The final plat was reviewed by the DRC on March 25, 2014 and deemed administratively complete on April 2, 2014. The zoning on the subject property is General Retail (GR) district which was approved by City Council on November 21, 2013. The P&Z Commission approved the preliminary plat on March 17, 2014. This plat is necessary for a future Wal-Mart, fueling station, and several retail pads.

Water will be provided by a 24-inch line in Old Waco Road and a 14-inch line in West Adams Avenue. Sewer would be provided through a 10-inch line in Old Waco Road and an 18-inch line in West Adams Avenue.

Sidewalks would include a six-foot wide on West Adams Avenue and a six foot wide on Old Waco Road. The sidewalk on Old Waco will be upsized for a spine trail. The sidewalk and trail improvements on Old Waco are part of a TCIP improvement project.

Staff recommends approval of the Final Plat of Crescent View Commercial Phase 3 Subdivision.

Commissioner Mikeska-Reed made a motion to approve Item 3, **P-FY-14-23**, as presented, and Commissioner Jones made a second.

Motion passed: (9:0)

Item 4: Z-FY-14-22 – Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (AG) to Light Industrial District (LI) on 44.20 +/- acres, situated in the Mercer Phelan Survey, Abstract 659 and the J. W. Christian Survey, Abstract 1070, Bell County, Texas, located at the southwest corner of NW Loop 363 and Pegasus Drive.

Mr. Baker stated City Council first and second readings are scheduled for May 1, 2014 and May 15, 2014, respectively.

The applicant is Aldrich–Thomas Group on behalf of Ranger Excavating.

This is a rezone from Agricultural (AG) to Light Industrial (LI) on approximately 44.20 acres.

The Comprehensive Plan Future Land Use Plan identifies the subject property as Industrial District and it is surrounded by Commercial (C) and LI zoning.

The Future Land Use and Character Map designate the area as Industrial and is intended for industrial uses. The request would be in compliance.

There are no issues with the Thoroughfare Plan.

A 15-inch sewer line and a 12-Inch and 18-inch water lines would be available to the site.

Surrounding properties include undeveloped land to the north, developed industrial uses to the south, and scattered industrial and commercial uses and undeveloped land to the east and west.

Allowed and prohibited uses and development standards are cited for (LI) district.

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

The request does comply with the Future Land Use and Character Map, it is compatible with surrounding uses and zoning, and complies with the utility and Thoroughfare Plan.

Staff recommends approval of the request for a rezone from AG to LI.

Commissioner Pitts asked about setting up a rock crusher and if a Conditional Use Permit (CUP) would be required. Mr. Baker responded he would need to do further research but a batch plant would require a CUP and similar uses of that intensity may require a CUP. If that were the case, it would come before both the P&Z and City Council.

Chair Sears opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Staats made a motion to approve Item 4, **Z-FY-14-22**, as presented, and Commissioner Johnson made a second.

Motion passed: (9:0)

Item5: Z-FY-14-23 - Hold a public hearing to consider and recommend action on permanent zoning upon annexation of a tract of land consisting of a total 49.979 +/- acres, where 42.440 +/- acres are proposed for Single-Family Two (SF-2) District and 7.539 +/- acres are proposed for Office-2 (O-2) District as part of the proposed subdivision plat for The Plains at Riverside, located on the west side of the intersection of Old Waco Road and Riverside Trail.

Mr. Baker stated the applicant was Turley Associates on behalf of Cory Herring and City Council first and second readings are scheduled for May 1, 2014 and May 15, 2014, respectively.

The Comprehensive Plan Future Land Use Plan identifies the property as Agriculture and Suburban Commercial Districts.

The zoning request is also concurrent with a voluntary annexation that will go before City Council on May 1st and May 15th. The property does not currently have a zoning assigned to it other than AG which is a holding designation.

The property to the north of the subject property recently went through a rezoning from AG to SF-2. There had been numerous neighborhood concerns which identified traffic issues onto Poison Oak Road and South Pea Ridge, and none of the area roads were shown or funded through the City's 2019 Transportation Capital Improvements Plan (TCIP) project list.

The subject property is located within the ETJ. The portion along Old Waco Road is proposed for O2 and the remainder would be proposed SF-2.

The Future Land Use and Character Map designate the area as Agricultural-Rural district and the Suburban-Commercial district. The AG district is intended for those areas within the City without adequate public services while the Suburban-Commercial district is for office, retail, and service uses. The requested rezone for SF-2 and O2 is in partial compliance only with the Future Land Use and Character Map. Specifically, the SF-2 portion is not in compliance since it has the AG designation; however, the O2 is in compliance.

The alignment and compliance with the Thoroughfare Plan would be addressed during the platting stage. Old Waco Road is proposed as a major arterial and South Pea Ridge is currently a collector.

Right-of-way dedication that would be triggered through the future platting process, Poison Oak would be a proposed arterial, minimum of 70 foot right-of-way with 49 foot pavement. South Pea Ridge as a collector with a 55 foot right-of-way and Old Waco Road as a major arterial with 163 foot right-of-way from W. Adams through its ultimate termination

Water would be available through eight-inch and 24-inch lines in South Pea Ridge and a 15-inch line along Old Waco Road. Sewer would be provided on the northern border through a 15-inch line. This is one consideration that Staff is looking at for the potential alignment of Poison Oak Road.

Surrounding properties include scattered single family uses on acreage to the south, undeveloped property (recently rezoned to SF-2) to the north, scattered single family uses on acreage (ETJ) to the east, and undeveloped property to the west.

SF-2 and Office Two (O2) allowed and prohibited uses and development standards are cited for both districts.

Eleven notices were mailed out with zero returned in favor or in opposition.

The request partially complies with the Future Land Use and Character Map, it is compatible with surrounding uses and zoning, complies with the utility plan, and partially complies with the Thoroughfare Plan.

Staff recommends approval of the request for a rezone from AG to SF-2 and O2.

Mr. Baker shows what the Thoroughfare Plan currently shows as the alignment. The Plains at Riverside plat that first came through did not show the alignment going through the

subdivision. Now that the annexation process and rezoning are moving forward simultaneously, Staff and applicants are looking at potential alignments for Poison Oak. Currently the alignment does go through the property. An amendment to the Thoroughfare Plan would be required for the alignment.

Mr. Brian Chandler, Director of Planning, reiterated that Staff is in negotiations with the applicant and engineers (Public Works) for this alignment. The City Code requires a dedication for Poison Oak and it is just a question of the actual alignment location that makes the most sense. This would be addressed at the platting stage.

Chair Sears opened the public hearing.

Mr. Victor Turley, 301 N. 3rd Street, Temple, Texas, stated both the Cummings tract and this tract basically marry together because it reflects the zoning. Mr. Turley is working with Staff on the alignment and hope to address the Thoroughfare Plan from 317 to Old Waco Road to come up with a solution that will be compatible with the zoning.

Mr. Turley stated the O2 designation portion would be directly abutting a major arterial and is a piece of property the City prefers to have zoned somewhere between Commercial, GR and SF. There is currently no plan for the O2 property.

Mr. Chandler stated that the City has identified that particular corridor as Commercial for the Future Land Use and Character Map. Mr. Baker added that in compliance with the Suburban-Commercial designation, the range would include Office One (O1), Office Two (O2) and Neighborhood Service (NS).

Mr. Emilio Perales, 137 Spring Meadow Lane, Belton, Texas stated they had no plans to do any type of multi-family, triplexes, duplexes, or apartment buildings. They would hold it to the general office use (O2). Mr. Perales would like to wait until the widening of Old Waco Road is complete and then come back.

Commissioner Staats asked Mr. Perales if he had any opposition to adding a Planned Development (PD) which would restrict it from duplexes and triplexes and Mr. Perales stated no, he had no objection.

Chair Sears asked if NS would suffice instead of putting a PD on it. Mr. Chandler responded that after discussing changing the O2 to NS, Ms. Trudi Dill, Deputy City Attorney, advised that reposting would be the best option due to the various uses allowed within the different zoning designations. A PD would be the only option at present.

There being no further speakers, the public hearing was closed.

Commissioner Johnson made a motion to approve Item 5, **Z-FY-14-23**, with SF2 on the back tract and a PD-O2 to not allow residential uses and Commissioner Staats made a second.

Motion passed: (9:0)

Item 6: Z-FY-14-24 - Hold a public hearing to discuss and recommend action for a site plan review, amending Ordinance No. 2001-2748, originally approved March 1, 2001 Planned Development (Neighborhood Service) District, and further amended by

Ordinance No. 2012-4519, March 15, 2012, on Lot 2, Block 1, Johnson Lone Star Properties Addition, located at 7950 North State Highway 317.

Commissioner Staats had a previous commitment and needed to leave the meeting.

Mr. Chandler stated this item was scheduled to go to City Council for first reading on May 1, 2014 May 15, 2014 for the second reading to amend the Ordinance.

The property consists of Lots 1 and 2 which were both zoned Planned Development Neighborhood Services (PD-NS) in 2001. PD's require a site plan to be approved and this site plan was amended in 2012 to allow for RV storage. This is for the proposed Phase II of the development which would require an amendment to the site plan since this use was not included in the original site plan.

Surrounding properties include NS and Commercial to the north, State Highway 317 is zoned AG, and SF-2 lies to the west (Windmill Farms Subdivision).

The site plan and landscape plans are shown. The applicant proposes to match the landscaping, sidewalk and masonry, include an eight-foot tall privacy fence adjacent to single family residences, and preserved by a 15 foot landscape buffer with trees.

Forty-five notices were mailed out with three notices returned in favor and two in opposition.

Staff recommends approval of the site plan amendment to include:

An eight-foot fence is proposed adjacent to single-family residences; and

A natural 15 foot landscape buffer with trees will be preserved providing additional screening between the adjacent single-family residences, in addition to replicating the existing masonry and landscaping features on the site.

Chair Sears opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Mikeska-Reed made a motion to approve Item 6, **Z-FY-14-24**, as presented, and Vice-Chair Rhoads made a second.

Motion passed: (8:0)

Commissioner Staats absent

Item 7: Z-FY-14-26 - Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (AG) to Commercial District (C) on 11.579 +/- acres, being part of Lot 1, Block 1, D.R.S. Addition, located at 111 Hart Road.

Mr. Chandler stated this item would go to City Council for first reading on May 1, 2014 and second reading on May 15, 2014.

The Future Land Use and Character Map within the Comprehensive Plan designate the area as Suburban-Commercial and the request complies.

The rezoning would accommodate a potential billboard relocation created by the TxDOT I-35 expansion. The current use is an RV park which has a 2001 CUP to allow the park and may remain until future redevelopment. The area is zoned AG.

Commercial zones are located on the north, south and across I-35, with AG to the west.

There are existing six-inch and 12-inch water lines and an eight-inch sewer line available to the property.

Hart Road is to the north of the subject property and along with Berger Road are both part of the proposed Outer Loop Alignment. Both roads are major arterials and located at the intersection of an existing expressway/major arterial.

Surrounding properties include Commercial to the north, undeveloped land (AG) to the south and west, and Commercial and undeveloped land (AG) to the east.

Commercial allowed, prohibited, and conditional uses are cited along with development standards.

Three notices were mailed out with zero returned in favor or in opposition.

Staff recommends approval of the request since it complies with the Future Land Use and Character Map, is compatible with surrounding uses and zoning, public facilities are available for the property, and it complies with the Thoroughfare Plan.

Vice-Chair Rhoads asked for the record if the landowner was in agreement with the change and Mr. Chandler stated yes, Ms. Lange is authorized by the property owner to represent this case.

Chair Sears opened the public hearing.

There being no speakers, the public hearing was closed.

Vice-Chair Rhoads made a motion to approve Item 7, **Z-FY-14-26**, as presented, and Commissioner Crisp made a second.

Motion passed: (8:0)

Commissioner Staats absent

Item 8: Z-FY-14-25 - Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow an off-premise sign (billboard) on a portion of Lot 1, Block 1, D.R.S. Addition, located at 111 Hart Road, Temple, Texas.

Mr. Chandler stated this was a follow up to the previous case to allow for a Conditional Use Permit (CUP) for the billboard. This item is scheduled to go before City Council for first reading on May 1, 2014 and second reading on May 15, 2014.

According to the UDC, Section 7.6.11, Off-Premise Signs (a/k/a billboards), 1,500 feet of spacing is required between billboards along I-35. This relocation request is less than 1,500 feet and therefore requires a CUP.

All other requirements have been met.

Surrounding properties include I-35 to the east and Pegasus Drive to the west.

The proposed distance is 750 feet from the nearest billboard to the north and 1,300 feet to the south.

Three notices were mailed out with zero returned in favor or in opposition.

Staff recommends approval of the CUP because the billboard would meet all of our standards, with the exception of distance from the nearest off-premise sign, it is located along the intersection of (IH-35), and it is a relocation of an existing sign due to TXDOT expansion project.

Chair Sears opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Johnson made a motion to approve Item 8, **Z-FY-14-25**, and Commissioner Mikeska-Reed made a second.

Motion passed: (8:0)

Commissioner Staats absent

C. REPORTS

Item 9: 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, the meeting was adjourned at 6:33 p.m.

Respectfully submitted,
Leslie Evans

**PLANNING AND ZONING COMMISSION
MONDAY, APRIL 7, 2014
5:00 P.M.
WORK SESSION**

PLANNING AND ZONING MEMBERS PRESENT

Chair Will Sears

COMMISSIONERS:

James Staats	Blake Pitts
Patrick Johnson	David Jones
Omar Crisp	Lester Fettig
Tanya Mikeska-Reed	Greg Rhoads

PLANNING AND ZONING MEMBERS ABSENT:

STAFF PRESENT:

Brian Chandler, Director of Planning
Trudi Dill, Deputy City Attorney
Mark Baker, Planner
Mary Maxfield, Planning Technician

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 5:00 p.m. and asked Mr. Brian Chandler, Director of Planning, to proceed.

Mr. Chandler thanked Chair Sears for presenting Planning's Annual Report to City Council on April 3, 2014.

Item 2, Lake Pointe Phase III, the one acre Commercial (auto related use) zoning request at Prairie View and Pea Ridge previously presented and then withdrawn, was incorporated into the subdivision as single family. The building is considered a non-conforming use and the burden is on the applicant to show that the use was 'legal' when it was annexed.

Item 5, Plains at Riverside, is a concurrent zoning request and a voluntary annexation. The public hearings held for the annexation proved no issues from neighbors and the City Council readings will include both the annexation and the zoning request.

There is a billboard request for zoning and a CUP at an existing RV park for relocation of a billboard due to the TxDOT I-35 expansion. The RV park would continue as is until redeveloped.

The highlights of the Director's Report were given:

Lakewood Ranch (expansion) has requested voluntary annexation and the preliminary plat will be submitted at a later time.

A CUP for a retail nursery for a potentially new tenant along I-35 (south of Trantum) called The Landscape Guys. In order to locate along I-35 overlay as a nursery it requires a CUP.

Salvation Army is ready to go to P&Z on April 21, 2014.

Chair Sears asked about the City Council vacancy and if a special election would be called and if so, when would that happen. Ms. Trudi Dill, Deputy City Attorney, responded they have to wait until date when the election would have been and the declination of office would happen then.

Mr. Chandler asked for any suggested topics for upcoming workshops.

Chair Sears assigned the invocation and pledge.

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



PLANNING AND ZONING COMMISSION ITEM MEMORANDUM

04/21/14
Item #2
Regular Agenda
Page 1 of 1

APPLICANT / DEVELOPMENT: All County Surveying

CASE MANAGER: Mark Baker, Planner

ITEM DESCRIPTION: P-FY-14-21 Consider and take action on the Final Plat of West Adams Addition Phase II, a 3.694 acres, 2-lot, 1-block nonresidential subdivision, located at the southwest corner of West Adams Avenue (FM 2305) and South Kegley Road.

STAFF RECOMMENDATION: Staff recommends approval of the Final Plat of West Adams Addition, Phase II subdivision.

ITEM SUMMARY: The Development Review Committee reviewed the Final Plat of West Adams Addition, Phase II subdivision on March 26, 2014. It was deemed administratively complete on April 14, 2014.

Water services will be available through the extension of a 12-inch water line in W. Adams Ave. Since a utility extension is necessary, the plat requires the review by the Planning & Zoning Commission. Sewer services will be available from an existing 15-inch sewer line in W. Adams and a 6-inch sewer line in Kegley Road.

West Adams Ave is identified as a major arterial (70' ROW and 49' pavement) which requires a 6-foot sidewalks. Kegley Road is identified as a collector street 55' ROW and 36' pavement) which requires a minimum 4-foot sidewalk. However, since Kegley Road has been identified for a community-wide collector trail, the sidewalk will need to be a minimum 8' to 10'. The City may participate in the upsizing of the required sidewalk.

The Planning and Zoning Commission is the final plat authority since there are no exceptions to the UDC being requested.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Final Plat
Topo / Utility Plan

FINAL PLAT of WEST ADAMS ADDITION PHASE II

WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS

Being part of the NANCY CHANCE SURVEY, ABSTRACT 5, Bell County, Texas, being a portion of a called 29.548 Acre tract conveyed to TEMPLE REAL ESTATE INVESTMENTS, INC. in Document No. 2011-00025476, Official Public Records of Real Property, Bell County, Texas.

Based upon what can be scaled from the graphics shown on Federal Insurance Rate Map (FIRM), Community Panel No. 48021G0335E, dated September 26, 2008, the above shown property DOES NOT appear within the "Special Flood Hazard Area", and appears to be situated in Zone X. This flood statement does not imply that this tract will never flood, nor does it create any liability in such event on the part of this surveyor or company.

This project is referenced to the City of Temple Coordinate System, NAD 83, Texas Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 188. The theta angle at City Monument No. 188 is $01^{\circ}30'23"$. The combined correction factor (CCF) is 0.000056. Grid distance = Surface distance \times CCF. Geodetic north is grid north + theta angle. Published City coordinates for City Monument No. 188 are N = 10380.459422 E = 3211.709353. Reference tie from City Monument No. 188 to the northwest corner of said 3.644 Acre tract is S $71^{\circ}57'25"$ E 2125.34 feet.

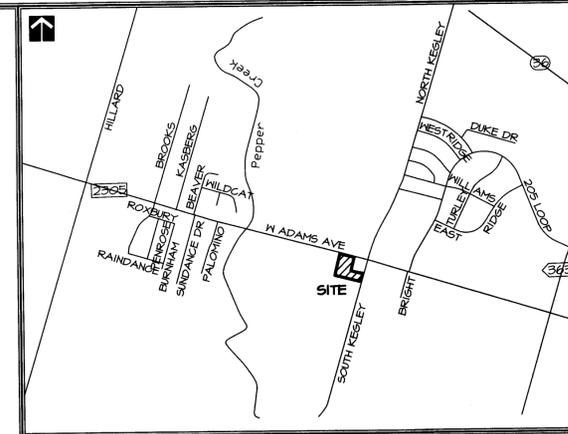
RECORDATION INFORMATION:

FILED FOR RECORD THIS _____ DAY OF _____, 2014.
IN YEAR _____ PLAT # _____ PLAT RECORDS OF BELL COUNTY, TEXAS.
DEDICATION INSTRUMENT # _____ OFFICIAL RECORDS OF BELL COUNTY, TEXAS.

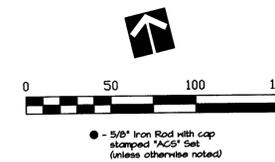
LOTS - 2
BLOCKS - 1
AREA - 3.644 ACRES

OWNER:
TEMPLE REAL ESTATE INVESTMENTS, INC.
1111 MILL CREEK DRIVE
SALADO, TEXAS 76571

Per UDC Section 8.2.3, a minimum 6' wide sidewalk is required along West Adams Avenue and a minimum 8' wide sidewalk is required along South Kegley Road.



VICINITY MAP - N.T.S.



STATE OF TEXAS
COUNTY OF BELL

TEMPLE REAL ESTATE INVESTMENTS, INC., a Texas corporation, OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS WEST ADAMS ADDITION, PHASE II, WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, 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.

BY: _____ DATE _____
WILLIAM GRADY ROSIER, PRESIDENT
TEMPLE REAL ESTATE INVESTMENTS, INC.

STATE OF TEXAS
COUNTY OF BELL

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED WILLIAM GRADY ROSIER, 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 THE _____ DAY OF _____, 2014.

NOTARY PUBLIC, STATE OF TEXAS

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 _____, 2014.

CHAIRPERSON _____ SECRETARY, PLANNING & ZONING _____

AFFIDAVIT:

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

Dated this the _____ day of _____, 2014.

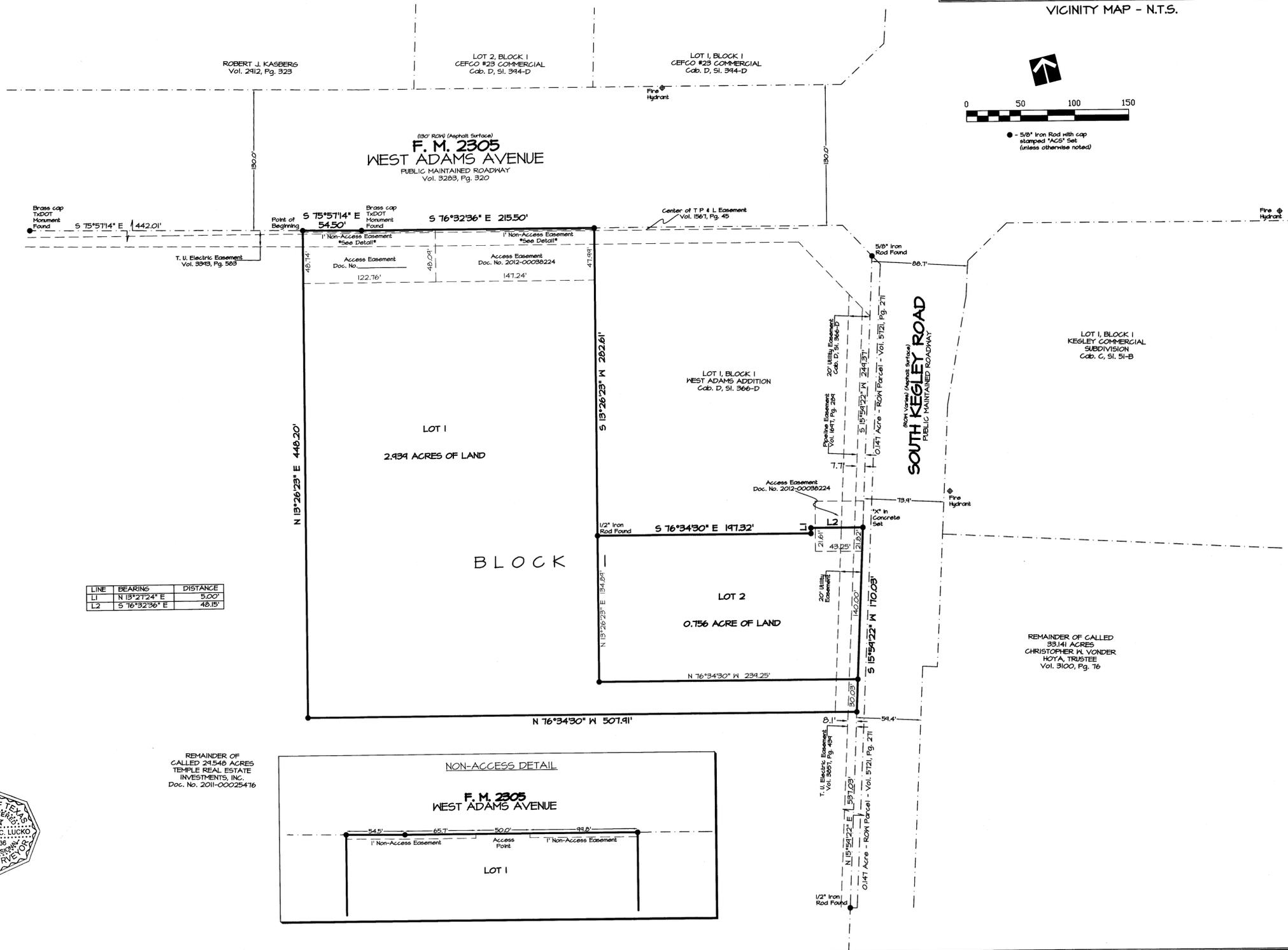
By: _____
Bell County Tax Appraisal District

STATE OF TEXAS
COUNTY OF BELL

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

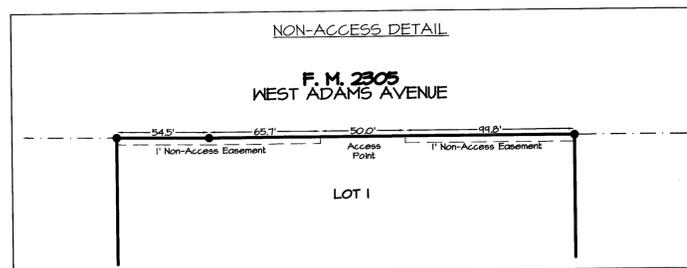
Charles C. Lucko

CHARLES C. LUCKO DATE SURVEYED: FEBRUARY 27, 2014
REGISTRATION NO. 4636



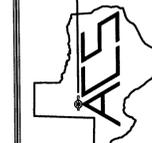
LINE	BEARING	DISTANCE
L1	N $13^{\circ}27'24"$ E	5.00'
L2	S $76^{\circ}32'36"$ E	48.15'

REMAINDER OF CALLED 29.548 ACRES TEMPLE REAL ESTATE INVESTMENTS, INC. Doc. No. 2011-00025476



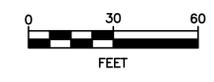
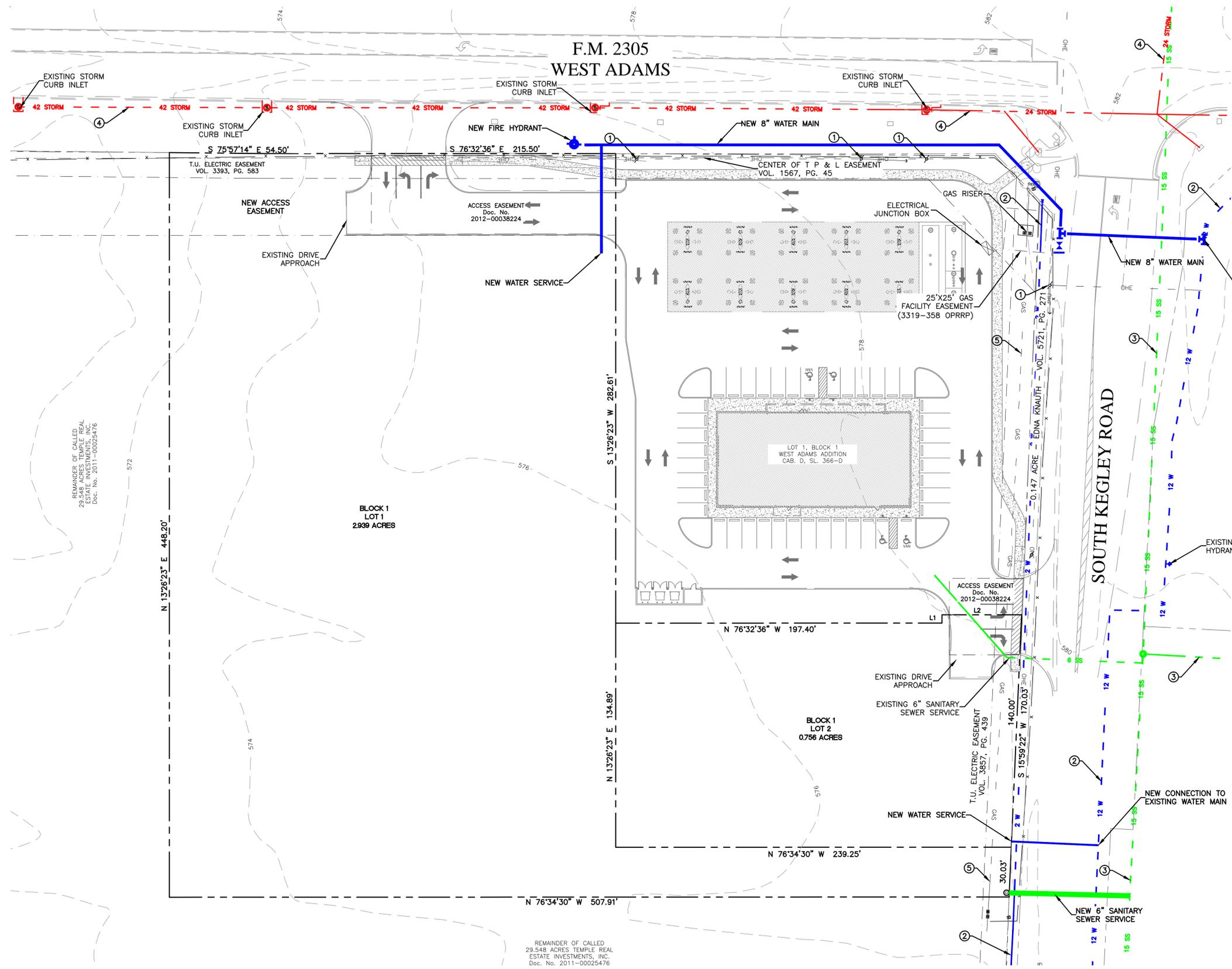
FINAL PLAT OF
WEST ADAMS ADDITION
PHASE II
WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS

ALL COUNTY SURVEYING, INC.
1303 South 21st Street, Temple, Texas 76504
(254) 718-2272 FAX (254) 714-7608



Plot date: 04-08-2014
Job No: 140126
Date: 02-27-2014
Scale: 1" = 50'
Drawing No: 140126P
Drawn By: SLW
Checked By: CCL

Copyright 2014 All County Surveying, Inc.



LINE TABLE

LINE	BEARING	DISTANCE
L1	N 13°27'24\"	5.00'
L2	S 76°32'36\"	48.15'

- KEYED NOTES**
- CAUTION!!! EXISTING POWER POLE/LIGHT POLE
 - EXISTING WATER MAIN
 - EXISTING SANITARY SEWER
 - EXISTING STORM SEWER
 - EXISTING GAS MAIN

Date: _____ Revisions
Remarks:

DRAWING STATUS

THESE DRAWINGS WERE PREPARED UNDER THE AUTHORITY OF
 ENGINEER P.E. 100165, CLARK & FULLER, PLLC, FIRM
 NO. F-10384.

THIS DOCUMENT IS RELEASED FOR THE PURPOSES OF PERMIT
 REVIEW ONLY AS PER DATE ON DRAWING. IT IS NOT TO BE USED
 FOR BIDDING OR CONSTRUCTION PURPOSES. ONLY DRAWINGS
 ISSUED FOR CONSTRUCTION CAN BE CONSIDERED COMPLETE.

FOR CONSTRUCTION
 FINAL DRAWINGS

**WEST ADAMS ADDITION
 PHASE II**
 TEMPLE, TEXAS



CLARK & FULLER
 CIVIL ENGINEERING • DESIGN • PLANNING
 215 North Main Street, Temple, TX 76781
 254-899-0899 www.clarkfuller.com F-10384

TOPOGRAPHICAL AND UTILITY MAP

Plot Date: 4-8-14
 Project No: 141443.00
 Drawn By: ECB
 Designed By: JBF



PLANNING AND ZONING COMMISSION ITEM MEMORANDUM

04/21/14
Item #3
Regular Agenda
Page 1 of 8

APPLICANT / DEVELOPMENT: Captain Bill Shafer (on behalf of the Salvation Army)

CASE MANAGER: Mark Baker, Planner

ITEM DESCRIPTION: Z-FY-13-37 Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow a transitional shelter operated by the Salvation Army to be known as the Temple McLane Center of Hope, within portions of Lot 3, Block 39, Lots 1 & 2, Block 62, Lot 2, Block 56 and Lot 1, Block 57, Original Town of Temple, County of Bell, Texas, addressed as 501, 420, 413, 411, 410, 409 W. G Ave, 708 and 709 S. 9th Street.

STAFF RECOMMENDATION: Staff recommends approval of Z-FY-13-37, a Conditional Use Permit to allow a transitional shelter for the following reasons:

1. The request is compatible with the Future Land Use and Character Map;
2. Public facilities are available to serve the property;
3. The use is compatible with Zoning and surrounding uses; and,
4. The applicant has demonstrated compliance with the specific standards in Section 5.3.12 of the UDC; and,

Staff recommends Approval of the conditional use permit for a transitional shelter subject to the following conditions:

1. Space must be provided inside the transitional shelter so that prospective and current residents are not required to wait on sidewalks or any other public right-of-way;
2. The transitional shelter must be equipped with a functioning central heating, ventilation and air conditioning system;
3. The occupancy load and construction of the building must meet the most recent version of the International Fire Code and Building Code adopted by the City, including fire Safety requirements;
4. A minimum of one shelter staff member must be present per 25 clients on-premise of the transitional shelter. A minimum of one shelter staff member must be present at the shelter at all times;

5. The transitional shelter shall be designed and operated in a manner that clients are provided temporary housing for period of up to one year;
6. Occasional, unplanned short term stays that exceed the thirty days or one year normal stay by clients of emergency and transitional shelters shall not constitute a violation of this ordinance;
7. That a Street Use License be submitted for review for the use of the on-street parking, if determined necessary;
8. Substantial compliance to the submitted and attached site plan and building elevations shall be confirmed through review of Construction Documents;
9. That no more than 7 employees shall be on-shift at any one time;
10. Facility resources shall be scheduled and made available to clients in a manner that limits simultaneous occupancy.
11. That off-street parking to accommodate a maximum employee shift shall be provided;
12. That the Director of Planning may be authorized to approve minor modifications to the site plan including the provision of on-site parking; and,

ITEM SUMMARY:

The properties as described further in the Item Description are proposed for the development of a transitional shelter within the Commercial (C) zoning district. UDC Section 5.3.12 provides for a conditional use permit process for a transitional, emergency or social service shelter in the Commercial zoning district.

The requested conditional use permit would allow approximately 22,017 square feet of floor area for the new Temple McLane Center of Hope transitional shelter. The development area would be within portions of property that was previously occupied by the Martha's Kitchen food pantry as well as adjacent property owned by the Salvation Army. The overall facility will include accommodations for up to one-year occupancy for woman and families along with a dining hall facility, classrooms, administrative offices, and a chapel within two separate buildings. The Center also includes a separate 2100 square foot men's shelter located at the NE corner of South 9th Street and West. G. Ave. The proposed development will include 33 on-street parking spaces.

Per UDC Sections 5.3.12A, a transitional shelter may be permitted subject to the following considerations:

1. A transitional shelter must be a minimum of * 1,000 feet from the following uses:
 - a. Alcoholic beverage sales (on-premise or off-premise consumption).
 - b. All residential uses or zoning districts as specified in Section 4.1.1 and in the use table in Section 5.1.3;
 - c. Child care use;
 - d. elementary or secondary schools, public or private); and,
 - e. Other transitional, emergency or social service shelters.

* The distance required above must be measured as a straight, direct line from the property line of a use listed above to the property line of the transitional, emergency or social service shelter, and in a direct line across intersections.

While the above distance requirements are not mandated, the City Council may consider these distances when reviewing the request. Staff has identified that with the exception of Item 1b, none of the above uses were found to be within the 1,000 foot distance. Specific to Item 1b, there is multi-family zoning (MF-1) less than 1,000 feet and residential uses that immediately border the development area. Screening and buffering will be required per UDC Section 7.7 where residential uses immediately border with the development.

In addition, per UDC Section 5.3.12B, a transitional, emergency or social service shelter may be permitted in accordance with the use table in Section 5.1 subject to the following standards:

1. Space must be provided inside the transitional so that prospective and current residents are not required to wait on sidewalks or any other public right-of-way;
2. The transitional, emergency, or social service shelter must be equipped with a functioning central heating, ventilation and air conditioning system;
3. The occupancy load and construction of the building must meet the most recent version of the International Fire Code and Building Code adopted by the City, including all Fire Safety requirements;
4. A minimum of one shelter staff member must be present per 25 clients on-premise of the transitional shelter. A minimum of one shelter staff member must be present at the shelter at all times;
5. Emergency shelters are facilities designed and operated in a manner that clients are provided temporary housing for stays of up to thirty (30) consecutive days;
6. Transitional shelters are facilities designed and operated in a manner that clients are provided temporary housing for periods up to one year; and,
7. Occasional, unplanned short term stays that exceed the thirty day or one year normal stay by clients of emergency and transitional shelters shall not constitute a violation of this ordinance.

As part of the overall conditional use permit process, a site plan is required for City Council review. The attached site plan allowed staff to make an evaluation and provide the following:

Parking: Under the previous use as Martha's Kitchen Food Pantry, parking was provided by limited on-site parking for staff and clientele utilizing the facility. While the parking requirement for the previous use has not been determined, based on the attached 2009 aerial photo comparison, it appears that there were as much as 25 on-site parking spaces. In contrast, the proposed Center of Hope is providing 33 parking spaces accommodated by only on-street parking. Per UDC Section 7.5, new development is required to provide off-street parking. Parking for the Center of Hope is provided with stalls along West G Avenue, South 9th Street and behind the center within ROW but adjacent to the abandoned portion of South 9th Street.

The provided parking is based on the occupancy of the chapel which requires 25 spaces for up to 75 people, based on 1 space per 3 seats (UDC Section 7.5). The center is expected to employ 13 people with no more than 7 people on shift at any one time. Therefore, a total of 32 spaces with one additional space have been provided.

In this case, it is noteworthy to clarify that in the strictest interpretation of the UDC, the chapel with a seating capacity of 75 people, a dining facility with a seating capacity of 100 people, housing for up to

85 people, 6 classrooms and employee administrative offices would generate a parking requirement far exceeding the 33 parking spaces being provided. Based on staff conversations, with the applicant, the program format for occupancy of the individual uses offered by the Salvation Army would be at different times and not at the same time. In other words, clients would arrive, occupy the chapel and then move to the dining facility and then onto the classroom room for instruction and then qualifying clients would be housed. The chapel, dining facility, classroom and housing facilities would not be occupied at the same time.

Further, while the center may have upwards of 75 people at any one time, according to the applicant, less than 5 would actually have personal vehicles.

The main employee parking is anticipated to be in the area behind the main building adjacent to the abandoned portion of South 9th Street. This area is proposed to accommodate 6 parking spaces and room for a required turnaround. There is a shortage of 1 parking space in this area if a full shift of 7 were to occur during any particular shift. However, additional parking is available along West G Ave and South 9th Street on the northern side of West G. Ave.

There are housing accommodations for upwards of 85 people. Based on the strict interpretation of the UDC, 85 spaces would be triggered at one space per bed. As discussed earlier, clients that would be utilizing the resources of housing would also occupy the dining facility, chapel and classroom. Occupancy would not occur at the same time. Again, according to the applicant, fewer than 5 clients have a personal vehicle on site.

A Street Use License can be used to validate the on-street parking to meet the off-street requirement but does not address the overall lack of off-street parking. At this time, the necessity for the license is still being evaluated. A condition of approval has been added to address the Street Use License requirement

In conclusion, while the proposed parking does not provide any on-site parking and on-street parking falls far short of the minimum, the uniqueness of the clientele using the facility and restrictions placed on simultaneous occupancies could be considered ample, if not a surplus. To summarize, 7 parking spaces are required with a full employee shift and based on applicant experience, if 5 client vehicles required parking, a total of 12 parking spaces would be needed at any one time. It is reasonable to say that additional parking could be expected for clients with personal vehicles, based on the above, there is a surplus of 21 parking spaces that could be available.

While the parking ratios can be justified, the total absence of off-street parking is problematic. Martha's Kitchen, while less intensive, provided off-street parking. It is suggested at minimum that accommodations for employee parking for a maximum shift of 7 be provided off-street to meet the intent and spirit of the code. Condition #12 is suggested to help meet that intent. The applicant is aware of this condition and is evaluating opportunity to provide on-site employee parking.

Landscaping: Conceptual landscape information has been provided on the attached site plan. This identifies proposed landscape areas within the overall development. Compliance with landscape requirements will be determined with the submittal and review of Construction Documents.

Exterior Building Materials: A conceptual building elevation has been provided (attached) for review. The architect has indicated to staff that 85% masonry and stone is proposed along with EIFS (Exterior Insulation and Finish System) for the exteriors around the dining facility and chapel. Compliance to required exterior building materials will be determined with the review of Construction Documents.

Buffering and Screening: While there is some applicant proposed screening of roof mounted mechanical units that will be provided, additional screening is required per the UDC 7.7. This additional screening will be along the northern and southern development areas adjacent to the residential uses. The screening and buffering would be in the form of a solid fence and/or landscaping.

DRC Review: The DRC reviewed the site plan during their October 7, 2013 meeting which was found acceptable after minor revisions. As of early April 2014, the site plan was revised again and was forwarded to Public Works and Fire for any further comments. Delays bringing the Conditional Use Permit forward are a result of the relocation of a City waterline within the ROW. No new concerns have been identified from the recent circulation. The attached site plan and building elevations will be included in the Ordinance, if the conditional use permit is approved by City Council.

South 9th Street Abandonment: The first reading for the abandonment of a 95' x 80' section of the South 9th Street ROW was scheduled for consideration by the City Council at their April 17, 2014 meeting. Staff will provide an update during the Planning and Zoning Commission meeting. A Replat will be required in order to combine the abandoned ROW with the adjacent lot. It is anticipated that the Replat will follow after the conditional use permit and site plan.

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	Neighborhood Conservation & Auto Urban Mixed Use	C	Vacant
North	neighborhood Conservation	C & MF-1	SF Residences
South	Auto-Urban Commercial	GR & O-2	SF Residences
East	Auto-Urban Commercial	C	SF Res / Non-Res
West	Auto-Urban Mixed Use	C	SF Residences

COMPREHENSIVE PLAN COMPLIANCE:

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

CP	Map 3.1 - Future Land Use and Character (FLUP)	Partially
----	--	-----------

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 the project area as within both the Auto-Urban Mixed Use district and the Neighborhood Conservation district. The Auto-Urban Mixed Use district is a hybrid district proposed for areas along and in the vicinity of the central portion of Avenue H, south of downtown. Given the mixing of residential uses that has occurred in this area to date, this designation would allow such mixing to continue subject to appropriate buffering and screening standards. On the other hand, Neighborhood Conservation is intended for the protection of existing residential neighborhoods. While the proposed project is consistent with the Auto-Urban Mixed Use district, it is not consistent with the Neighborhood Conservation district. Therefore, the request is in partial compliance.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan identifies South 9th Street and West G Ave as local streets. No issues related to capacity are expected from the anticipated use of the property.

Availability of Public Facilities (CP Goal 4.1)

A 6" water line is available in West G Ave. A 6" sewer line is available in the alley between the blocks of South 9th Street and South 7th Street to serve the property's proposed use. A waterline was relocated as part of the S. 9th Street abandonment. No further impacts to City facilities are anticipated.

Temple Trails Master Plan Map and Sidewalks Ordinance

There are no trails identified by the Trails Master Plan map within or adjacent to the development area. Both South 9th Street and West G Ave identified as existing local streets and no sidewalks are required along local streets.

DEVELOPMENT REGULATIONS: Per UDC Section 4.4.4, in the Commercial zone where a non-residential use abuts a residential zoning district, a minimum 10' side yard setback is required. An additional setback is required if the non-residential building exceeds 40' in height.

Refuse containers must be in the rear or side service area. (UDC Section 7.7.6).

Buffer and screening is required per UDC Section 7.7. The buffering would include a combination of a minimum 6' high solid fence and/or landscaping along property boundaries shared with residential uses or zoning.

REVIEW CRITERIA (UDC Section 3.5.4): In determining whether to approve, approve with conditions or deny a CUP application, the review bodies in Sec. 3.5.2 above must consider the following criteria.

- A. The conditional use is compatible with and not injurious to the use and enjoyment of the property, and does not significantly diminish or impair property values within the immediate vicinity.
- B. The establishment of the conditional use does not impede the normal and orderly development and improvement of surrounding vacant property.
- C. Adequate utilities, access roads, drainage, and other necessary support facilities have been or will be provided.
- D. The design, location and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development.
- E. Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise and vibration.
- F. Directional lighting is provided so as not to disturb or adversely affect neighboring properties.
- G. There is sufficient landscaping and screening to insure harmony and compatibility with adjacent property.

ADDITIONAL CONDITIONS (UDC Section 3.5.5): In authorizing a CUP, the Planning and Zoning Commission may recommend and the City Council may impose additional reasonable conditions necessary to protect the public interest and welfare of the community, including a time period for which a CUP is valid. The Planning and Zoning Commission and the City Council, in considering and determining the additional conditions, may impose such developmental standards and safeguards as conditions and locations indicate to be important to the welfare and protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glares, offensive view or other undesirable or hazardous conditions.

REVOCAION & MODIFICATION (UDC Section 3.5.6): A CUP may be revoked or modified, after notice to the property owner and a hearing before the City Council, for any of the following reasons:

- A. The CUP was obtained or extended by fraud or deception;
- B. One or more of the conditions imposed by the permit has not been met or has been violated;
or,
- C. The CUP previously authorized is determined to be detrimental to the public health, safety and welfare.

PUBLIC NOTICE: Twenty Seven notices of the public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of Thursday April 17, 2014 at 12:00 pm, 3 notices had been returned in favor and no notices in opposition to the proposed conditional use permit. Staff will provide an update to the Planning and Zoning Commission at the meeting if necessary.

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

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Site and Surrounding Properties Photos
Zoning and Location Map
Future Land Use Map
Site Plan
Building Elevations
Aerial Photo Comparison
Notification Map
Returned Property Owner Notices

Site & Surrounding Property Photos



Site: Existing Woman's Dorm – From South 9th Street - **Looking North** (C)



Site: Undeveloped – From South 9th Street **Looking South** (C)



East: Scattered Service & Commercial Uses (C)



West: Scattered Service & Commercial Uses (C)



North: Existing SF Residences (MF-1 & C)



South: Existing SF Residences (GR & O-2)



Case



Zoning

Address

0

200

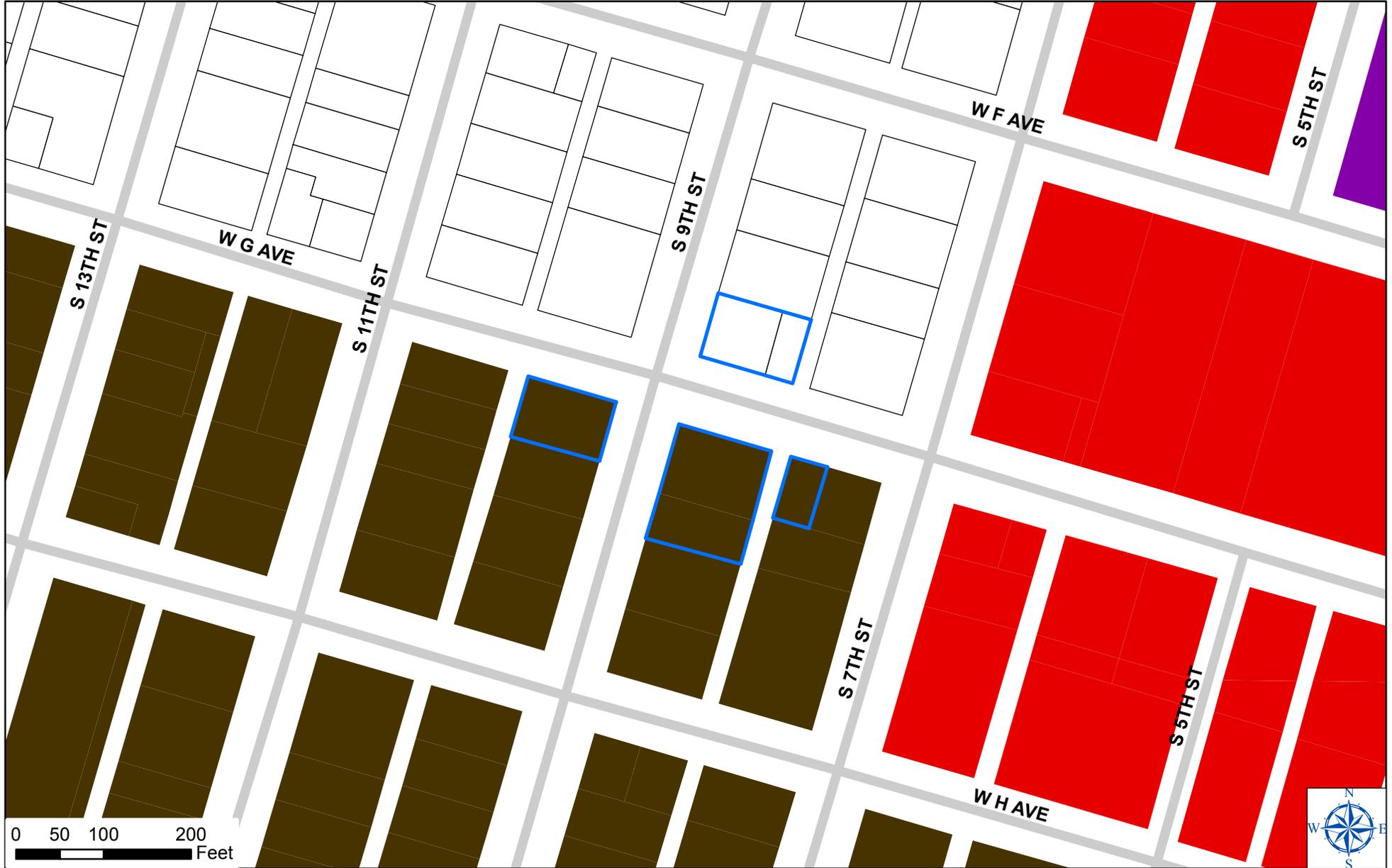
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Feet

4/11/2014
City of Temple GIS
mbaker

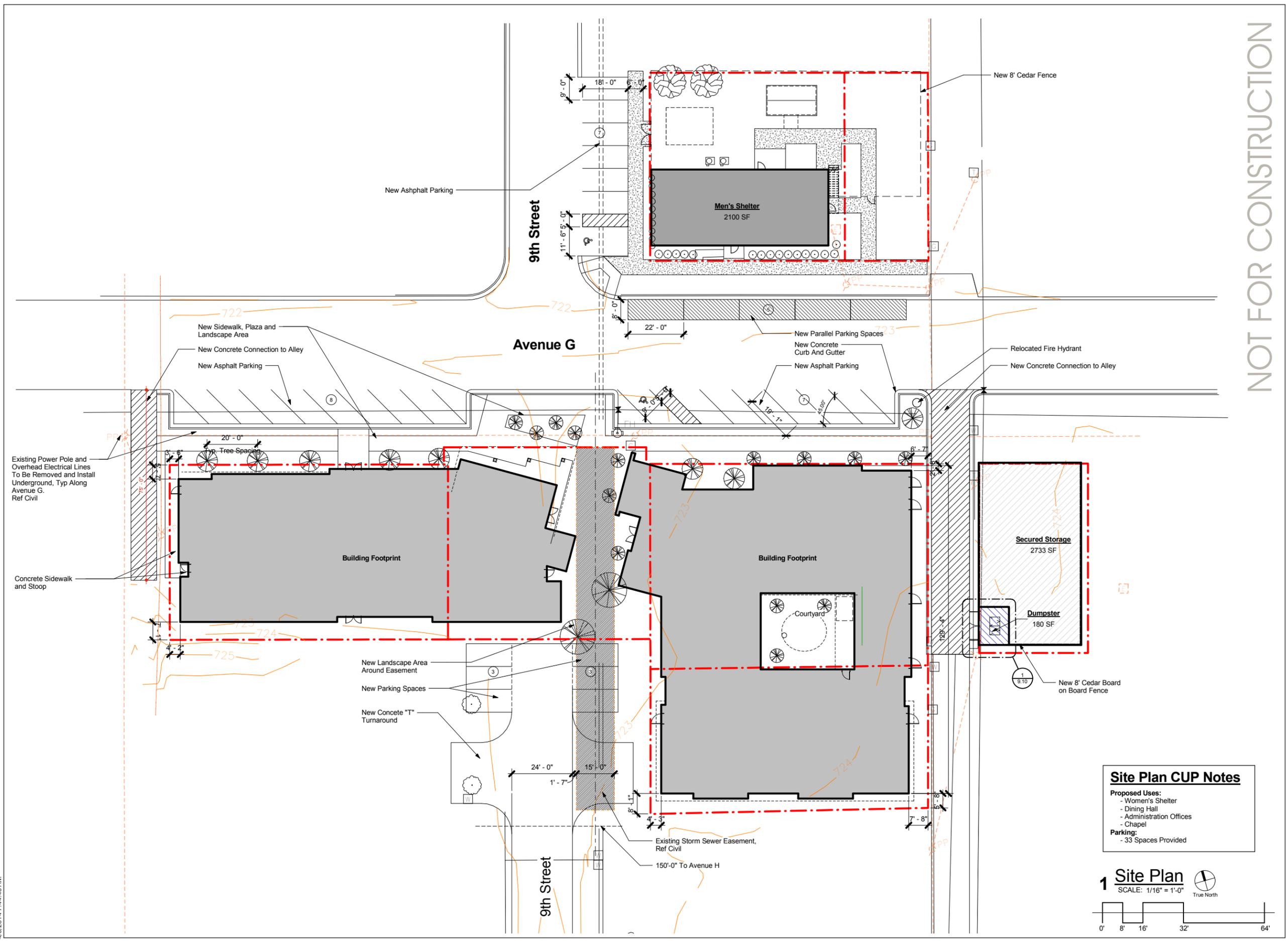
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



Future Land Use

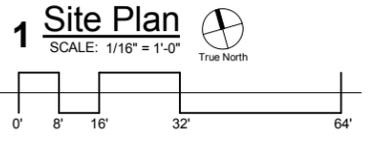
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|---------------------------|-------------------------|-----------------------|-----------------------------------|----------------------|
| Neighborhood Conservation | Auto-Urban Residential | Auto-Urban Commercial | Temple Medical Education District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

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NOT FOR CONSTRUCTION

Site Plan CUP Notes
Proposed Uses:
 - Women's Shelter
 - Dining Hall
 - Administration Offices
 - Chapel
Parking:
 - 33 Spaces Provided



Revision Schedule



HH Architects, Inc.
 5910 North Central Expressway Suite 1200
 Dallas, Texas 75206
 972-404-1034
 fax 972-404-1036
 Bruce E. Woody #14419

McClane Center of Hope
 420 West Avenue G | Temple, TX 76504

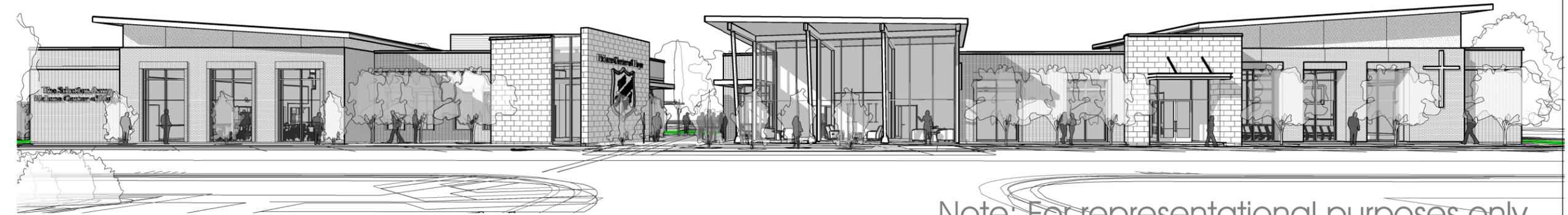


1212 04.08.2014

Schematic Design

Site Plan

2.10



NOT FOR CONSTRUCTION

Revision Schedule

JH Architects
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HH Architects, Inc.
5910 North Central Expressway Suite 1200
Dallas, Texas 75206
972-404-1034
fax 972-404-1036

Buce E. Woody #14419

McLane Center of Hope
420 West Avenue G | Temple, TX 76504



1212 04.08.2014

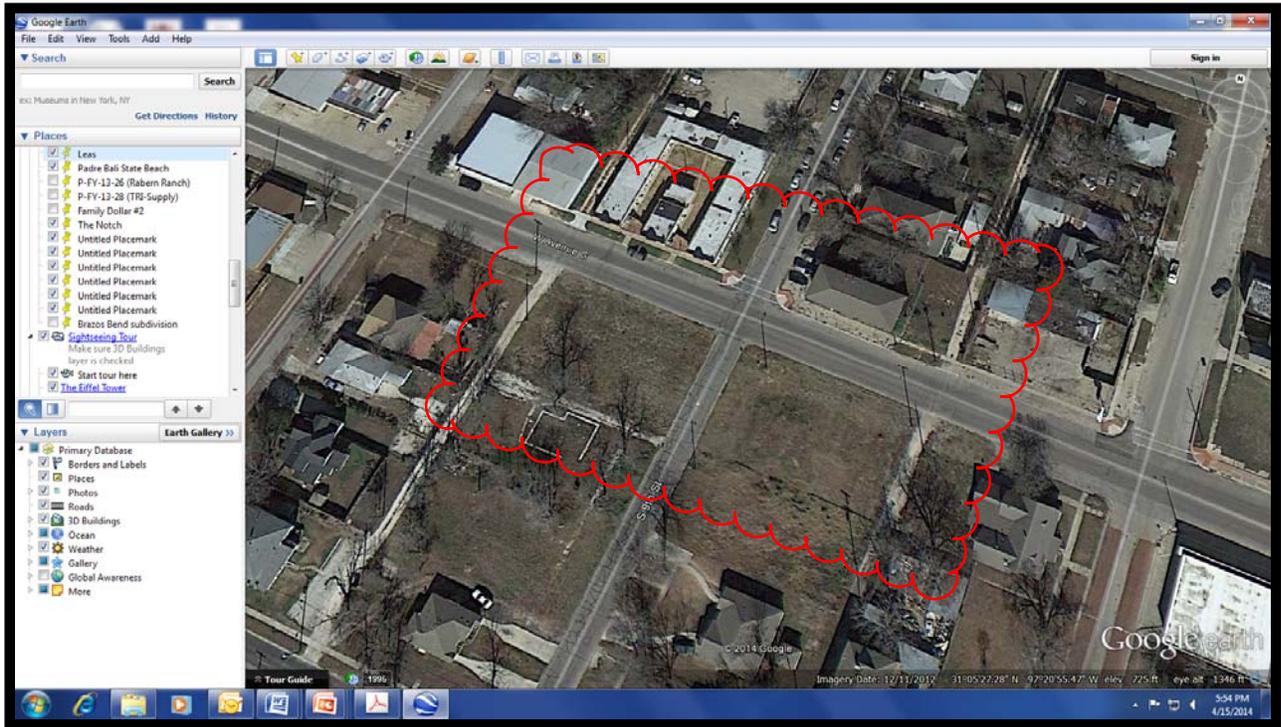
Schematic Design

Perspective Views

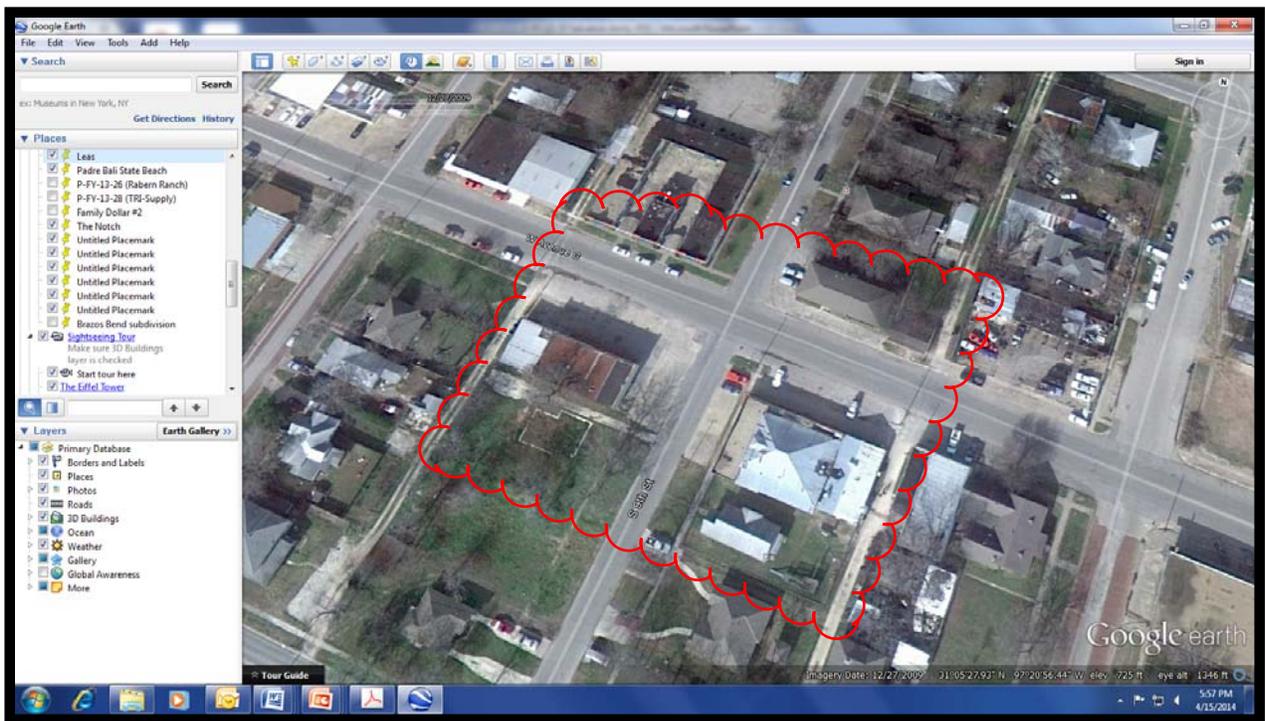
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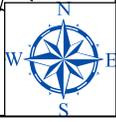
Aerial Photo Comparison – 2012 & 2009



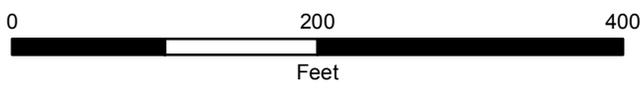
Site Development (Aerial Photo – circa 12/2012)



Site Development with Martha's Kitchen (Aerial Photo circa 12/2009)



-  Case
-  200' Buffer
- 1234 Address



4/14/2014
City of Temple GIS
mbaker

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



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

Our Lady of The Angels Maternity Home
613 South 9th Street
Temple, Texas 76504

Zoning Application Number: Z-FY-13-37

Project Manager: Mark Baker

Location: Southwest, Southeast, and Northeast corners of South 9th Street and West Avenue G, addressed as 409, 410, 411, 413, 420 and 501 West Avenue G and 709 South 9th Street

A request for a Conditional Use Permit has been submitted to the City of Temple. The area proposed for a Conditional Use Permit is shown in hatched marking on the attached map. The Conditional Use Permit will allow for the Salvation Army's McLane Center of Hope Transitional Shelter. 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 proposed Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have.

I recommend approval () denial of this request.

Comments:

We believe this new Shelter is needed due to the large number of homeless individuals & families in our city. Our only comment would be that we would appreciate you keeping the property on the corner of Ave G & 9th noted that homeless pregnant women & children are living the house next door. We are Our Lady of Angels Maternity Shelter? 613 South 9th Street.

Jaheta Tidmore
Signature

Jaheta Tidmore
Print Name

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

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

RECEIVED
APR 15 2014
City of Temple
Planning & Development



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

Santos Etux Maria Silva
612 South 7th Street
Temple, Texas 76504

Zoning Application Number: Z-FY-13-37 **Project Manager:** Mark Baker

Location: Southwest, Southeast, and Northeast corners of South 9th Street and West Avenue G, addressed as 409, 410, 411, 413, 420 and 501 West Avenue G and 709 South 9th Street

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I recommend approval () denial of this request.

Comments:
AS LONG AS IT IS WELL MAINTAINED, CONTROLLED
ENVIRONMENT.

Santos Silva
Signature

Santos, Silva.
Print Name

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

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

RECEIVED
APR 15 2014
City of Temple
Planning & Development



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

Santos Silva
612 South 7th Street
Temple, Texas 76504

Zoning Application Number: Z-FY-13-37 **Project Manager:** Mark Baker

Location: Southwest, Southeast, and Northeast corners of South 9th Street and West Avenue G, addressed as 409, 410, 411, 413, 420 and 501 West Avenue G and 709 South 9th Street

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

Comments:
AS LONG AS IT IS WELL MAINTAINED AND IS A CONTROLLED ENVIRONMENT.

Santos Silva
Signature

Santos Silva
Print Name

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

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

RECEIVED
APR 15 2014

Number of Notices Mailed: 27

Date Mailed: April 10, 2014
City of Temple
Planning & Development



PLANNING AND ZONING COMMISSION ITEM MEMORANDUM

04/21/14
Item #4
Regular Agenda
Page 1 of 3

APPLICANT / DEVELOPMENT: Butch Mogavero (Landscape Guys business owner)

CASE MANAGER: Brian Chandler, Director

ITEM DESCRIPTION: Z-FY-14-28 Hold a public hearing to discuss and recommend action on a Conditional Use Permit for retail nursery/landscape facility on Lot 2, Block 1, Tranum Subdivision Phase VIII, located at 5806 South General Bruce Drive.

STAFF RECOMMENDATION: Staff recommends approval of Z-FY-14-28, a Conditional Use Permit to allow a Greenhouse/Nursery (Retail) use within the I-35 Corridor Overlay with the following conditions:

1. Landscaping is planted to screen parking and the existing chain-link fence
2. No portable buildings or other items considered to be non-landscaping related or accessories that are stored outdoors are sold

ITEM SUMMARY:

5806 S. General Bruce Drive currently has a base zoning of C (Commercial District), which allows a Greenhouse/Nursery (Retail) use by right. In fact, the use is allowed in GR (General Retail) and NS (Neighborhood Services) Districts by right, as well. However, the I-35 Corridor Overlay requires approval of a CUP (Conditional Use Permit) for a Greenhouse/Nursery (Retail) use.

According to Mr. Mogavero's (business owner) letter, the proposed landscaping company site:

- Does not propose any modifications at this time
- Would include trees, shrubs, mulch pavers and ornamental landscaping accessories
- The facility was previously used by a roofing company
- No portable buildings are proposed to be sold at the site

Considering that the applicant does not propose any additional improvements to the site, the I-35 Corridor Overlay standards would not be triggered at this time. The standards could be triggered by any improvements proposed in the future. However, the applicant is working on providing a site plan, which will be forwarded to P&Z members as soon as it is ready, which would show the proposed locations of their retail inventory. Considering that the office is approximately 800 sf, all of their inventory is proposed to be located outside behind an existing chain link fence

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	Auto-Urban Commercial	C	Roofing co. (most recently)
North	Auto-Urban Commercial	C	Commercial
South	Auto-Urban Commercial	C	Commercial
East	Auto-Urban Commercial	LI and GR	Commercial
West	Auto-Urban Commercial	C	Vacant

COMPREHENSIVE PLAN COMPLIANCE:

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

CP	Map	Compliance
CP	Map 3.1 - Future Land Use and Character (FLUP)	Yes
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

CP = Comprehensive Plan

Future Land Use Map (CP Map 3.1)

The entire area is shown as Auto-Urban Commercial. According to the Comprehensive Plan, "Auto-Urban Commercial is for the majority of the areas identified for commercial use, generally concentrated at intersections versus strip development along the major roads."

Thoroughfare Plan (CP Map 5.2)

The site is located along a Major Arterial (IH-35).

Availability of Public Facilities (CP Goal 4.1)

An 8" water line and a 6" sewer line is available to the rear. A 6" water line and an 8" sewer line are available to the front of the property.

REVIEW CRITERIA (UDC Section 3.5.4): In determining whether to approve, approve with conditions or deny a CUP application, the review bodies in Sec. 3.5.2 above must consider the following criteria.

- A. The conditional use is compatible with and not injurious to the use and enjoyment of the property, and does not significantly diminish or impair property values within the immediate vicinity.
- B. The establishment of the conditional use does not impede the normal and orderly development and improvement of surrounding vacant property.
- C. Adequate utilities, access roads, drainage, and other necessary support facilities have been or will be provided.

- D. The design, location and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development.
- E. Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise and vibration.
- F. Directional lighting is provided so as not to disturb or adversely affect neighboring properties.
- G. There is sufficient landscaping and screening to insure harmony and compatibility with adjacent property.

ADDITIONAL CONDITIONS (UDC Section 3.5.5): In authorizing a CUP, the Planning and Zoning Commission may recommend and the City Council may impose additional reasonable conditions necessary to protect the public interest and welfare of the community, including a time period for which a CUP is valid. The Planning and Zoning Commission and the City Council, in considering and determining the additional conditions, may impose such developmental standards and safeguards as conditions and locations indicate to be important to the welfare and protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glares, offensive view or other undesirable or hazardous conditions.

PUBLIC NOTICE: Nine notices of the public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of Thursday April 17, 2014 at 12:00 pm, 1 notice had been returned in favor and no notices in opposition to the proposed conditional use permit. Staff will provide an update to the Planning and Zoning Commission at the meeting if necessary.

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

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

- Application (including letter and testimonials)
- Site, Surrounding Properties and Killeen Location Photos
- Location Map
- Zoning Map
- Future Land Use Map
- Site Plan
- Notification Map
- Returned Property Owner Notices

City of Temple Universal Application

(Incomplete applications will not be accepted)

- | | | |
|---|--|---|
| <input type="checkbox"/> Sketch Plan | <input type="checkbox"/> Zone Change | <input type="checkbox"/> Appeal of Administrative Decision |
| <input type="checkbox"/> Plat Vacation | <input checked="" type="checkbox"/> Conditional Use Permit (CUP) | <input type="checkbox"/> Residential Masonry Exception |
| <input type="checkbox"/> Minor or Amending Plat | <input type="checkbox"/> Planned Development (PD) | <input type="checkbox"/> Nonresidential Masonry Exception |
| <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> PD Site Plan | <input type="checkbox"/> Park, Facility or Street Renaming |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> I-35 Appeal | <input type="checkbox"/> Cost Sharing Offsite Participation |
| <input type="checkbox"/> Variance (Board of Adjustment) | <input type="checkbox"/> I-35 Site Plan Review | <input type="checkbox"/> Exception |
| <input type="checkbox"/> Abandonment | <input type="checkbox"/> TMED Site Plan Review | <input type="checkbox"/> Street Use License (SUL) |
| | <input type="checkbox"/> TMED Variances/Warrants | |

PROJECT INFORMATION:

- Residential
 Commercial
 Property Platted
 Property Not Platted
 ETJ

Project Name: The Landscape Guys Parcel(s) Tax ID# (Required): _____

Project Address (Location): 5806 S. Gen. Bruce Dr. Total Acres: 1/2

Lot: 2 Block: 1 Subdivision: Tranum Subdivision Phase VIII

Cabinet #: _____ Slide #: _____

Outblock (if not platted): _____

Brief Description of Project: Retail Nursery/Landscape Facility - see attached

Current Zoning Retail # of Existing Lots 1 # of Existing Units _____

Proposed Zoning Retail # of Proposed Lots _____ # of Proposed Units _____

APPLICANT / CONTACT INFORMATION: (This will be the primary contact; please ensure email address is legible)

Name: Butch Mogavero Company Name: 1408 S. Robinson Dr. 76706

Address: 1408 S Robinson Dr. City: Waco State: TX Zip: 76706

Phone: 254-214-5955 Cell #: same Fax #: _____

Email Address: 254-214-5955

PROPERTY OWNER INFORMATION:

Name: Chris McGregor Company Name: _____

Address: 2806 Wickersham Dr. City: Temple State: TX Zip: 76502

Phone: 254-770-7762 Cell #: same Fax #: _____

Email Address: mchecker05@aol.com

DEVELOPER ENGINEER SURVEYOR INFORMATION: (Please ensure email address is legible)

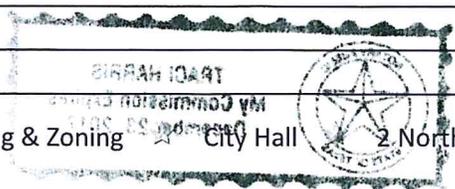
Name: _____ Company Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Cell #: _____ Fax #: _____

Email Address: _____

VARIANCE / EXCEPTION / APPEAL DESCRIPTION: (Attach additional page if additional space is required)



City of Temple Universal Application

(Incomplete applications will not be accepted)

CHECKLIST

Submittal Requirements <i>All Checklists are available on Planning Applications webpage</i>	All Plats	CUP & PD	Zone Change	Sketch Plan	I-35	I-35 Appeal	TMED	TMED Variance/Variance	ZBA Variance	Masonry Exception	Appeal of Administrative Decision	Abandonment	Street Use License
Complete Universal Application	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Electronic copy (PDF) of all required materials submitted as hard copies (must be legible)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Hard Copies for all submittals	9	2	1	9	2	2	2	2	1	1	1	1	1
Field Notes or Lot and Block Description	✓	✓	✓		✓	✓	✓	✓	✓			✓	✓
Site Plan Checklist		✓			✓	✓	✓	✓	*				
Plat Checklist	✓			✓									
I-35 Checklist					✓	✓							
TMED Checklist							✓	✓					
Abandonment Checklist												✓	
SUL Checklist													✓
Site Plan		✓			✓	✓	✓	✓	✓	✓	*	✓	✓
Elevations		✓			✓	*	✓	*		✓			
Landscape Plan					*	*	*	*					
Lighting Plan					*	*	*	*					
Fee	✓	✓	✓	NA	NA	NA	NA	NA	✓	NA	NA	✓	✓
Survey												✓	✓

*May be required depending on nature of Appeal/Variance

Total valuation of proposed improvements for project in 1st & 3rd/TMED/I-35: \$ _____

FEE SCHEDULE

Abandonment	\$100.00
Board of Adjustment (Variance)	\$ 75.00
*Preliminary/Final Plat	\$150.00 + \$3.00/lot (residential) or \$10.00/acre (nonresidential)
Street Use License (SUL) (renewed every 15 years)	\$150.00
*Zone Change/CUP/PD/Site Plan	\$150.00 + \$3.00/acre unplatted

*The filing fee for a piece of property that is 3.125 acres in size would be a total of \$159.36 (\$150 + [\$3 x 3.12]). City staff uses the second decimal place when calculating a filing fee and does not round up or down.

By signing this application, staff is granted access to your property to perform work related to your case. Each signature must be notarized.

SIGNATURE: _____
(Letter of authorization required if signature is other than property owner)

Print or Type Name: Frank Mogavero

For Plats Only: This waiver must be completed for all Plat applications; failure to do so will result in the rejection of your application.

I waive the statutory time limits in accordance with Section 212 of the Texas Local Government code.

SIGNATURE: _____
(Letter of authorization required if signature is other than property owner)

Print or Type Name: _____

Known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration expressed and in the capacity there instated.

Given under my hand and seal of office on this 24th day of March, 2014

[Signature]
Notary Public Signature



For Department Use Only

Project #: R-FY-14-27

Project Manager: Brian Chandler

Total Fee(s): \$ 150.00

Fee Credit: _____

Payment Method: Check

Submittal Date: 26 March 14

Accepted By: M. Maffei

Accepted Date: 26 March 14

Untitled

March 20, 2014

RE: 5806 South General Bruce Dr Temple 76502

Propose to open a retail nursery/landscape facility using the existing office and fenced area (approx one-half acre). No modifications shall be made to the existing facility, drainage etc. Fenced area shall be used to display and sell trees, bushes, landscaping items (stone, wood, pavers, mulch) & ornamental accessories. Everything shall be arranged/ displayed in an orderly fashion. This facility was previously used by Russell Pajestka Roofing. There will be no portable buildings on the site. I have attached photos of the facility in Killeen which is located on heavily travelled Ft Hood Road. There is a need for this type of business in Temple as it is difficult to find a professional nursery/ landscape facility. We are professional landscape designers and are looking forward to bringing revenue in and beautifying Temple.

The Landscape Guys
Butch Mogavero

THELANDSCAPEGUYSTX.com

Description for The Landscape Guys

The Landscape Guys is a complete landscaping business serving Waco, Temple, Killeen, and Central TX. We have been in the business of creating beautiful decorative curving and landscaping since 1999!

Landscape curbing is a concrete border system that is intended to replace more costly and less durable traditional lawn edging like brick and wood. It separates and enhances your existing exterior design and has become the perfect choice for home improvement projects for the following reasons:

- Less costly and more durable than traditional lawn edging
- Acts as a great root barrier
- Design flexibility including flowing curves, straight lines, and custom designs
- Reduces edging and trimming time for lawns
- Adds value to your property
- Looks great!

Please contact us at (254) 773-2872 for more information or set up an appointment today!

Testimonials

"Butch and the team at The Landscape Guys,

Thanks for all you did for us; the trees make a world of difference.

I consider myself to be very thrifty. If I buy something or hire someone to perform a service; I do my homework and compare pricing and value. I work hard for my money and want the most for it.

When I decided to plant trees at our new home, I did my homework. I'd planned to buy trees and plant them myself; that is, until I met you and your team at The Landscape Guys. Not only did you offer large, 45-65 gallon, quality, Red Oaks, Live Oaks, and Crape Myrtle at a very competitive price, you planted them within 24 hours!!

I am so pleased with the outstanding value, extra care, and professionalism of you and your team I have recommended The Landscape Guys to anyone willing to listen. If someone is on the fence about buying trees or landscaping; send them my way. I'll tell them how pleased I am and let them know; I couldn't find better value than The Landscape Guys!"

Thanks Again
Brian Jones

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER

WARRANTY DEED

Date: June 21, 2013

Grantor: JAMES E. TRANUM and EVA MARIE TRANUM
P. O. Box 1150
Temple, Bell County, Texas 76503-1150

Grantee: CHRIS A. MCGREGOR and wife, KAREN L. MCGREGOR
2806 Wickersham Drive
Temple, Bell County, Texas 76502

Consideration:

- (a) The sum of TEN AND NO/100 (\$10.00) DOLLARS and other good and valuable consideration to GRANTOR paid by GRANTEE, the receipt of which is hereby acknowledged; and
- (b) the assumption by GRANTEE of all ad valorem taxes on The Property for 2013 and subsequent years, including subsequent assessments for years prior to 2013 due to a change in land usage or ownership.

Property (including any improvements):

Lots Two (2) and Three (3), in Block One (1), of Trantum Subdivision, Phase VIII, in the City of Temple, Bell County, Texas, according to the plat of record in Cabinet D, Slide 395-B, Plat Records of Bell County, Texas; being a replat of all of Lot One (1), Block Two (2), Trantum Subdivision, Phase II, in



Existing Building (to be used as office)



Existing Site



Property to North



Property to East



Property to North



Killeen Landscape Guys Location



Killeen Landscape Guys Location



Killeen Landscape Guys Location



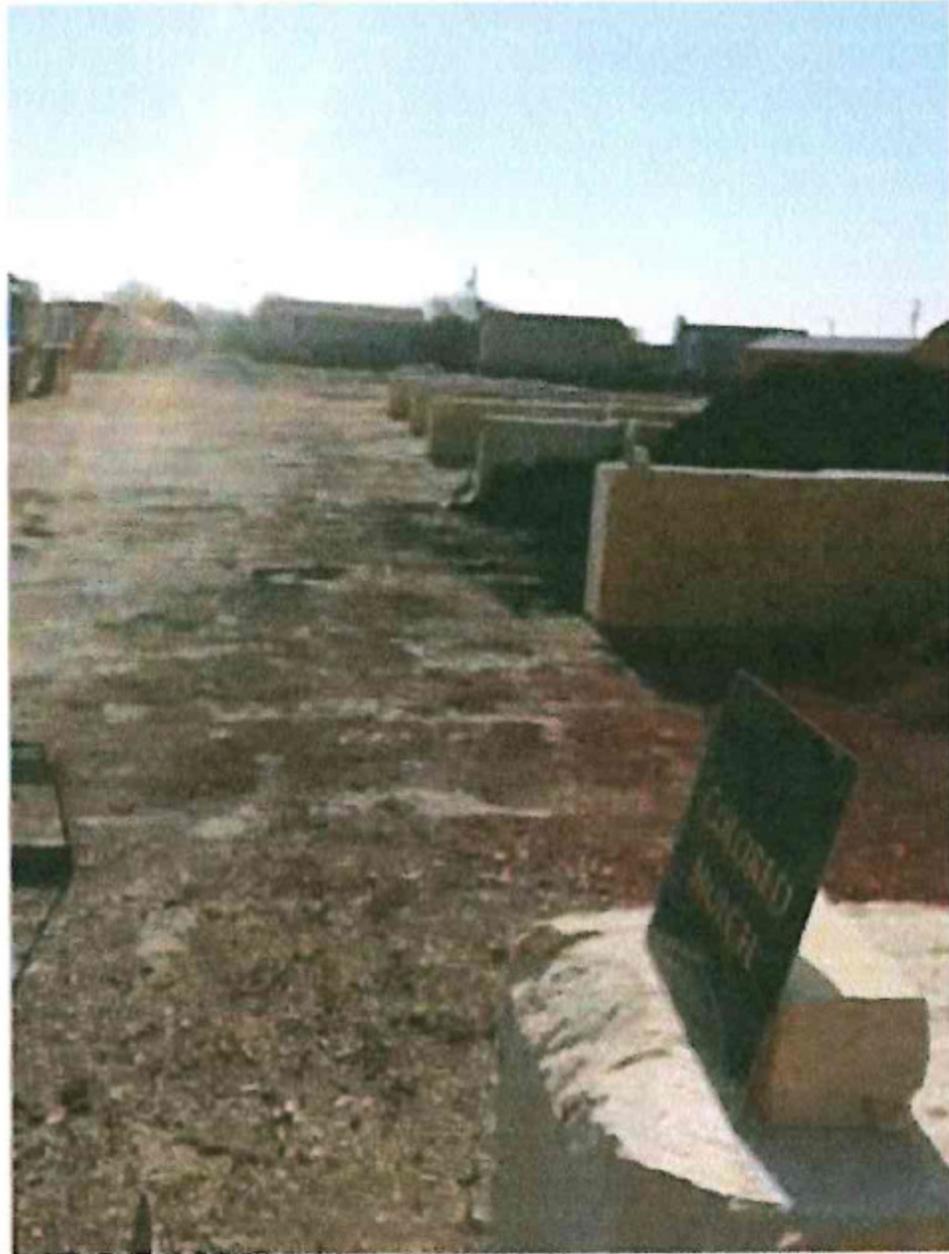
Killeen Landscape Guys Location



Killeen Landscape Guys Location



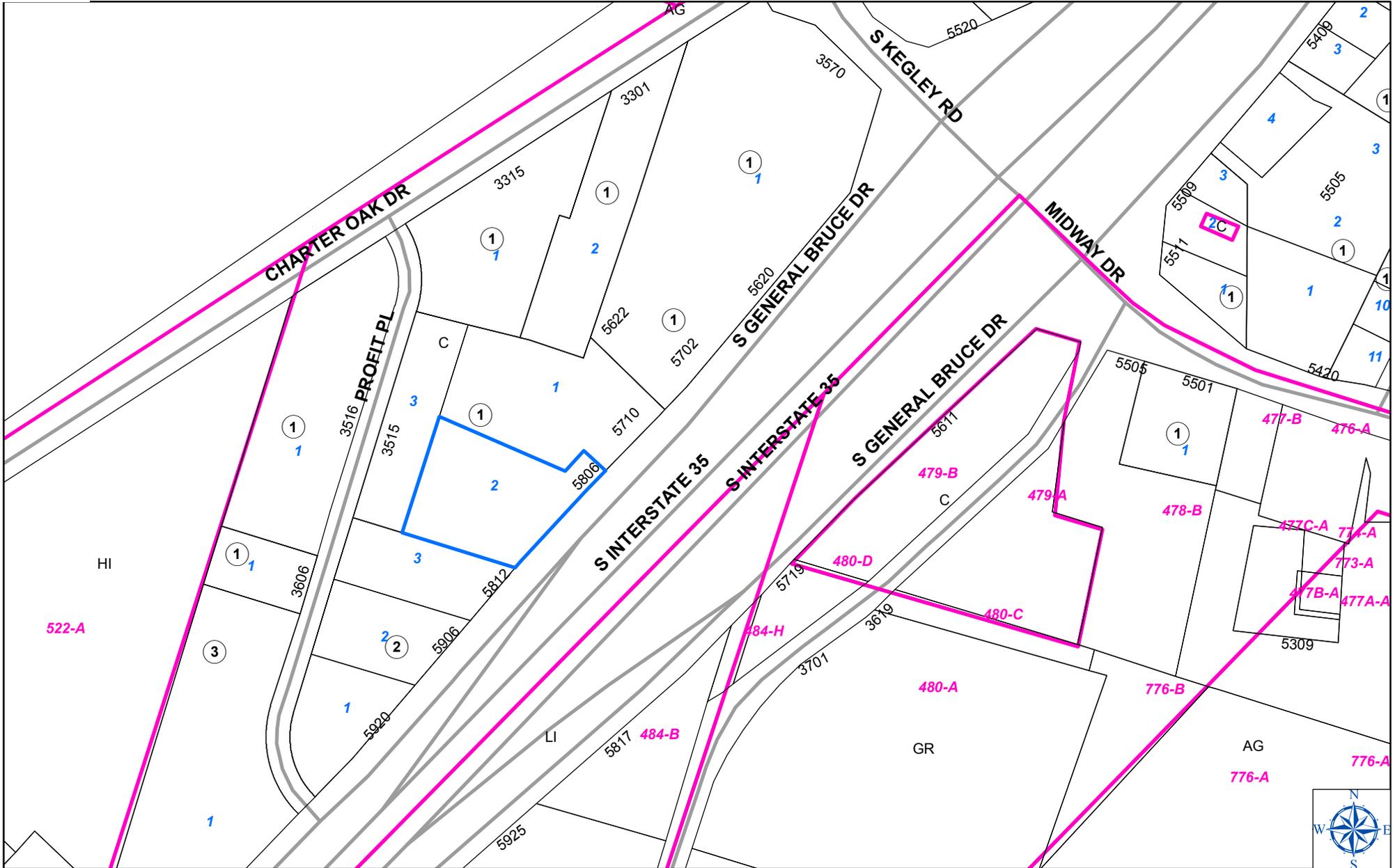
Killeen Landscape Guys Location



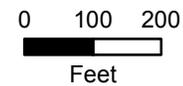
Killeen Location: Mulch in rock bins



Killeen Location: Stacked flagstone

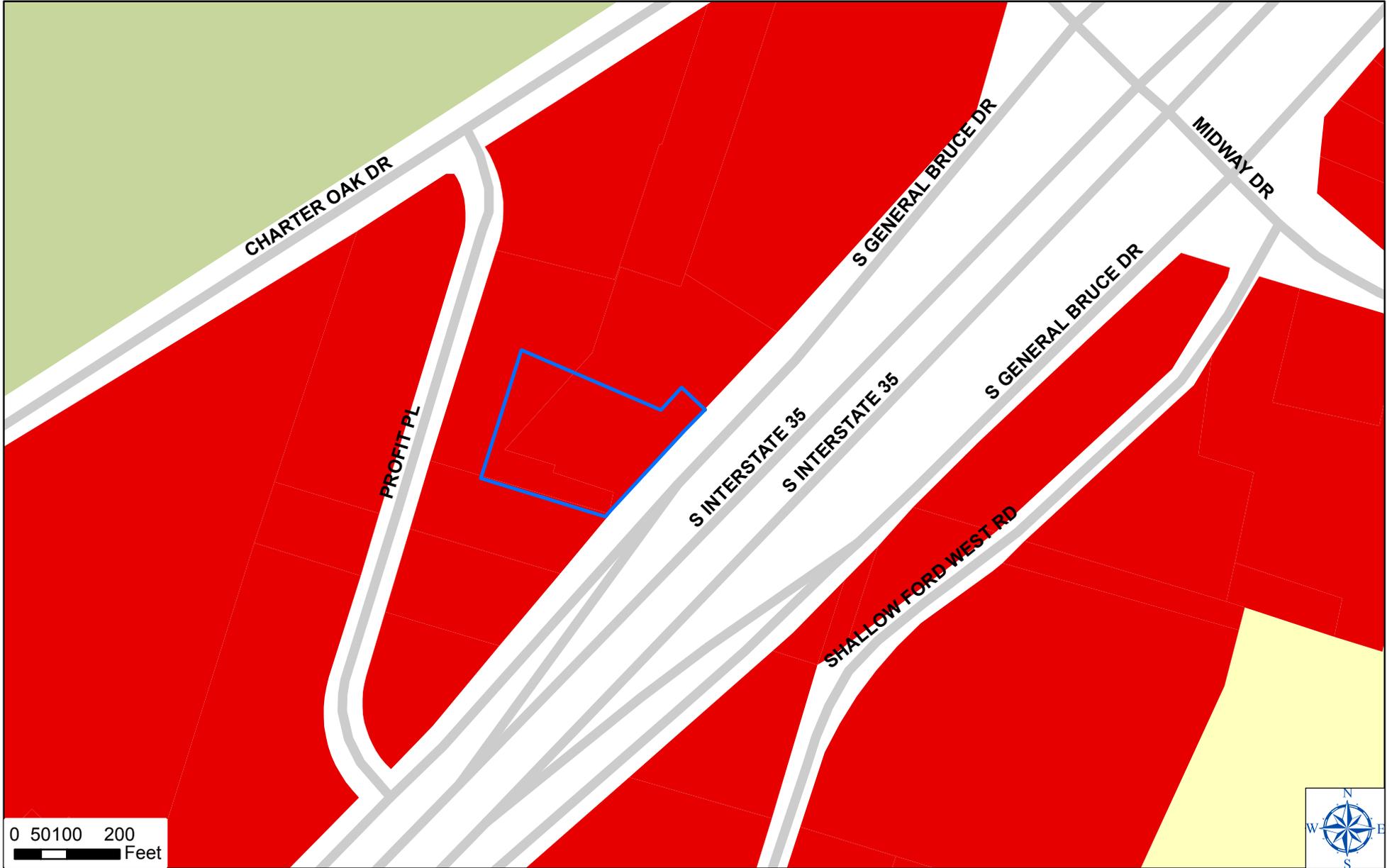


- Case
- Parcel
- Subdivisions
- Zoning



4/17/2014
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.



Future Land Use

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

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REMAINDER
OF BLOCK 1
PLACE ADDITION
D. B. S. 46-A

Asphalt Public Maintained Roadway
Cob. B. S. 46-A

PROFIT PLACE

N 17° 07' 13" E 451.30'
(Record Call "Profit Place" N 19° 19' 36" E 875.93')

LOT 3
1.151 Acre

201.91'

N 17° 35' 21" E 451.29'

255.32'

The landscape Guys

Bins for
Storage of Mulch
& Stone



LOT 2

1.705 Acre

Colored Stone & Mulch

Display Area



parking

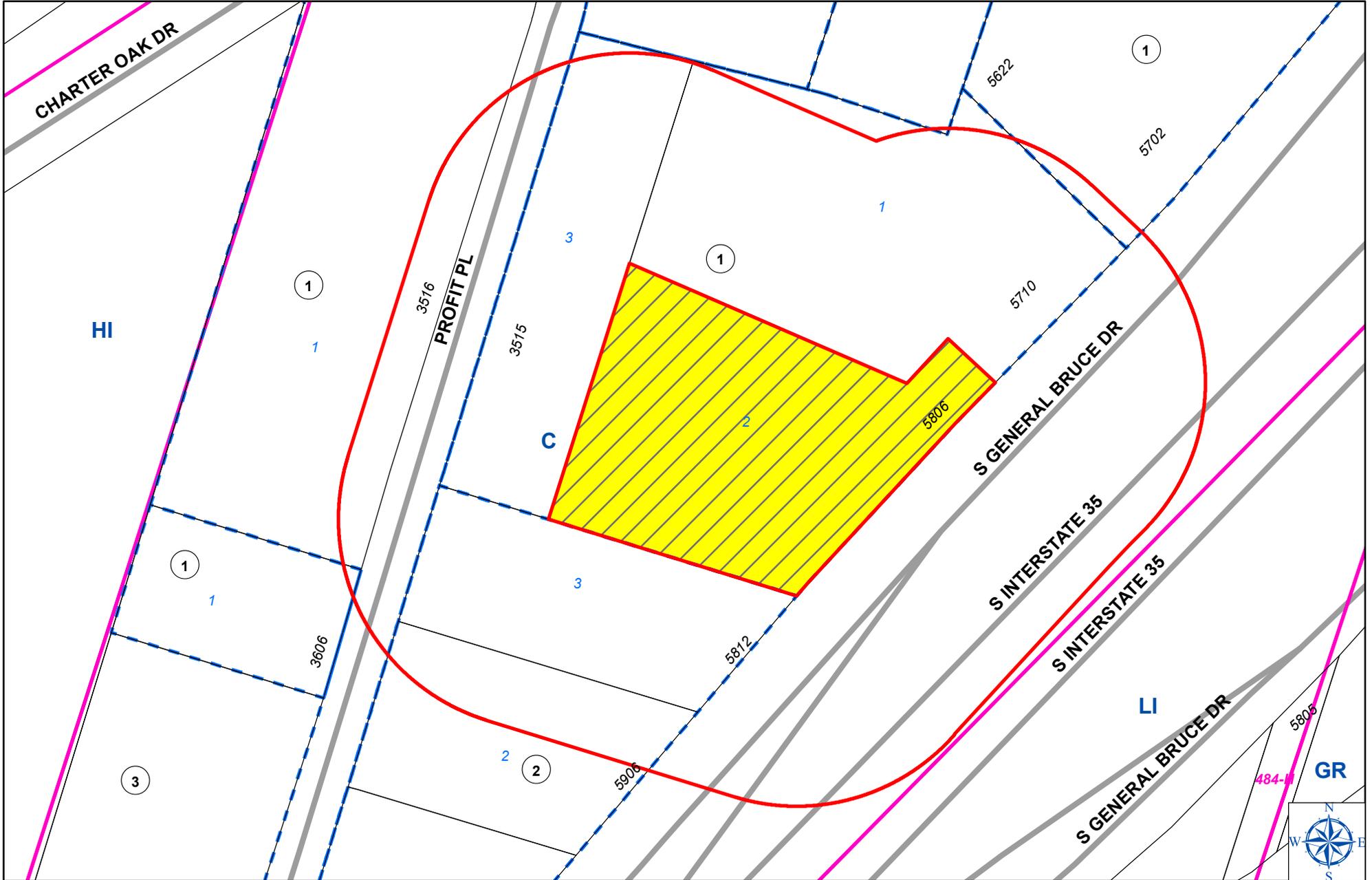
BLOCK 1

S 66° 13' 44" E 281.65'

LOT 1



5806 S. Gen. Bruce



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



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

C. Aubrey Smith Jr.
P.O. Box 162326
Austin, Texas 78716

F
PROFIT PLACE
TEMPLE

Zoning Application Number: Z-FY-14-28 **Project Manager:** Brian Chandler

Location: 5806 South General Bruce Drive

A request for a Conditional Use Permit has been submitted to the City of Temple. The area proposed for a Conditional Use Permit is shown in hatched marking on the attached map. The Conditional Use Permit will allow a retail nursery /landscape facility. 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 proposed Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have.

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

Comments:


(Signature)

C. AUBREY SMITH JR
(Print Name)

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

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

RECEIVED
APR 15 2014
City of Temple
Planning & Development



PLANNING AND ZONING COMMISSION AGENDA ITEM

4/21/14
Item 5
Regular Agenda
Page 1 of 2

APPLICANT: Larry Neal, Architect

CASE MANAGER: Brian Chandler, Director of Planning

ITEM DESCRIPTION: **O-FY-14-08** – Consider adopting a resolution authorizing an Appeal of Standards in Section 6.7.5(j) of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for signs, located on Lot 1, Block 1, Diamond S Subdivision, 5625 South General Bruce Drive.

The applicant has requested an appeal to the following Overlay signage standards to allow for 3 freestanding signs ranging from 23' to 47' in height:

1. Sec. 6.7.5.J.1 – Pylon Max. Sign Area (non-travel-related uses): 200 sf per face---Requesting 225 sf per face of proposed 47-foot tall sign
2. Sec. 6.7.5.J.1 – Pylon Sign Height: 25 feet---Requesting 47 feet
3. Sec. 6.7.5.J.2 – Maximum Signs Per Site: 1 freestanding sign per site---Requesting 3 freestanding signs (47-foot new sign, as well as a 28-foot and a 23-foot in height relocated signs)
4. Sec. 6.7.5.J.6 – Minimum height to width ratio of 1 to 0.15 for the support structure or base---Requesting a 3 foot tall stone wall around bases of 3 proposed signs with landscaping

STAFF RECOMMENDATION: Staff recommends approval of the 47-foot signs as submitted:

- Pylon Sign Area (225 sf per face proposed vs. 200 sf allowed)
- Pylon Sign Height (47 feet proposed vs. 25 feet allowed)
- Pylon Sign Base (3 feet stone wall around perimeter proposed vs. 1 to 0.15 height-to-width ratio)

Staff recommends allowing the 28-foot “Certified Used Vehicles” sign to be located along the Midway Drive entrance with the potential to add sign faces advertising “Certified Service” onto the same sign on a lower portion of the frame.

ITEM SUMMARY: The project is located in the Freeway Retail/Commercial Sub-District of the I-35 Corridor Overlay District.

In accordance with Article 6 of the Unified Development Code relating to Interstate 35 Corridor Overlay, all new signage must conform to the standards of the I-35 Overlay District.

City Council granted approval of a previous appeal to I-35 Overlay District standards in February 2013 related to landscaping, architecture and parking for this same Garlyn Shelton site. Five signs were also proposed at that time. However, due to concerns about the number requested, this item was withdrawn with the understanding that a revised signage proposal would be submitted and considered by P&Z at a later date.

I. Permitted Sign Types

The table below establishes the sign types and standards that are permitted.

Use	Sign Type	Max. Number of Sign Faces	Max. Height	Max. Area (per sign face)	Min. Setback (from property line)	Min. Spacing Between Signs
All Permitted Uses	Wall Sign	1 per public façade (max. 2)	NA (no projection above building)	10% of façade face or 300 sq ft max (whichever is greater)	NA	NA
All Permitted Uses	Window Sign	NA	NA	20% of window area	NA	NA
All Permitted Uses	Monument Sign	2	8'	50 sq ft	0'	25'
All Permitted Uses	Pylon Sign	2	25'	200 sq ft	10'	50'
Travel Related Uses (Fuel Sales, Overnight Accommodations, and Restaurant Uses)	Pylon Sign	2	40'	300 sq ft	15'	100'
Multi-Tenant Site	Monument Sign	2	10'	65 sq ft	0'	25'
Multi-Tenant Site	Pylon Sign	2	40'	400 sq ft	15'	300'

Height

A similar request was granted for the Johnson Brothers Ford car dealership in August 2012 by City Council for a 47-foot freestanding sign. Considering that Garlyn Shelton is located near the Midway Drive and IH-35 overpass, the need for the 47-foot sign seems justified to ensure visibility. In comparison, Sec. 7.6.9 of the UDC for freestanding signs in other parts of the city allow for a height of 50 feet if setback at least 15 feet from the property line.

Square Footage

The 225 feet requested appears to be proportional to the 47-foot height.

Sign Base

The applicant, Larry Neal, AIA, indicated in his application letter that the large masonry base required by Code (at a 1 to 0.15 height-to-width ratio) would create structural and wind load issues for the sign. At its proposed location along the IH-35 front road access, a base designed to meet code would also likely obstruct the view of oncoming traffic, as well.

Number of Signs

The other two freestanding signs requested by the applicant already exist from the previous Garlyn Shelton Buick/GMC/Cadillac business location and, if approved, would be moved to the new location. A shorter second sign at Midway Drive seems justified for identification purposes to ensure visibility by westbound traffic.

FISCAL IMPACT: N/A

ATTACHMENTS:

Application
Applicant Letter
Location Map
Site Plan
Sign Photos
Site Photo (looking west)
“Buick GMC Cadillac Sign Family” Exhibit

City of Temple Universal Application

(Incomplete applications will not be accepted)

- | | | |
|---|---|---|
| <input type="checkbox"/> Sketch Plan | <input type="checkbox"/> Zone Change | <input type="checkbox"/> Appeal of Administrative Decision |
| <input type="checkbox"/> Plat Vacation | <input type="checkbox"/> Conditional Use Permit (CUP) | <input type="checkbox"/> Residential Masonry Exception |
| <input type="checkbox"/> Minor or Amending Plat | <input type="checkbox"/> Planned Development (PD) | <input type="checkbox"/> Nonresidential Masonry Exception |
| <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> PD Site Plan | <input type="checkbox"/> Park, Facility or Street Renaming |
| <input type="checkbox"/> Final Plat | <input checked="" type="checkbox"/> I-35 Appeal | <input type="checkbox"/> Cost Sharing Offsite Participation |
| <input type="checkbox"/> Variance (Board of Adjustment) | <input type="checkbox"/> I-35 Site Plan Review | <input type="checkbox"/> Exception |
| <input type="checkbox"/> Abandonment | <input type="checkbox"/> TMED Site Plan Review | <input type="checkbox"/> Street Use License (SUL) |
| | <input type="checkbox"/> TMED Variances/Warrants | |

PROJECT INFORMATION:

Residential Commercial Property Platted Property Not Platted ETJ

Project Name: Garlyn Shelton GMC Buick Cadillac Parcel(s) Tax ID# (Required): _____

Project Address (Location): 5625 S. Gen. Bruce Drive Total Acres: 10.39

Lot: 1 Block: 1 Subdivision: Diamond s

Cabinet #: _____ Slide #: _____

Outblock (if not platted): _____

Brief Description of Project: Automobile Dealership

Current Zoning _____ # of Existing Lots _____ # of Existing Units _____

Proposed Zoning _____ # of Proposed Lots _____ # of Proposed Units _____

APPLICANT / CONTACT INFORMATION: *(This will be the primary contact; please ensure email address is legible)*

Name: Larry Neal Company Name: Larry Neal Architects

Address: 1023 Canyon Creek Drive #125 City: Temple State: Texas Zip: 76502

Phone: 254 778-1466 Cell #: 254 913-8498 Fax #: 254 778-5077

Email Address: arcneal@hotmail.com

PROPERTY OWNER INFORMATION:

Name: Garlyn Shelton Company Name: G.S. Diamond S Holdings,lp

Address: 5700 SW H. K. Dodgen Loop City: Temple State: Texas Zip: 76504

Phone: 254 771-0128 Cell #: 254 760-3472 Fax #: _____

Email Address: ewhittle@garlynshelton.com

DEVELOPER ENGINEER SURVEYOR INFORMATION: *(Please ensure email address is legible)*

Name: Justin Fuller Company Name: Clark and Fuller Engineers

Address: 215 N. Main City: Temple State: Texas Zip: 76501

Phone: 254 899-0899 Cell #: _____ Fax #: 254 899-0901

Email Address: j-fuller@clark-fuller.com

VARIANCE / EXCEPTION / APPEAL DESCRIPTION: *(Attach additional page if additional space is required)*

Sign Variance: New sign to be 47' tall with reduced base size - SEE ATTACHED

RECEIVED

APR 04 2014

City of Temple
Planning & Development

City of Temple Universal Application

(Incomplete applications will not be accepted)

CHECKLIST

Submittal Requirements <i>All Checklists are available on Planning Applications webpage</i>	All Plat	CUP & PD	Zone Change	Sketch Plat	I-35	I-35 Appeal	TMED	TMED Variance/Waiver	ZBA Variance	Masonry Exception	Appetitor Administrative Decision	Abandonment	Street Use License
Complete Universal Application	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Electronic copy (PDF) of all required materials submitted as hard copies (must be legible)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Hard Copies for all submittals	9	2	1	9	2	2	2	2	1	1	1	1	1
Field Notes or Lot and Block Description	✓	✓	✓		✓	✓	✓	✓	✓			✓	✓
Site Plan Checklist		✓			✓	✓	✓	✓	*				
Plat Checklist	✓			✓									
I-35 Checklist					✓	✓							
TMED Checklist							✓	✓					
Abandonment Checklist												✓	
SUL Checklist													✓
Site Plan		✓			✓	✓	✓	✓	✓	✓	*	✓	✓
Elevations		✓			✓	*	✓	*		✓			
Landscape Plan					*	*	*	*					
Lighting Plan					*	*	*	*					
Fee	✓	✓	✓	NA	NA	NA	NA	NA	✓	NA	NA	✓	✓
Survey												✓	✓

*May be required depending on nature of Appeal/Variance

Total valuation of proposed improvements for project in 1st & 3rd/TMED/I-35: \$ _____

FEE SCHEDULE

Abandonment	\$100.00
Board of Adjustment (Variance)	\$ 75.00
*Preliminary/Final Plat	\$150.00 + \$3.00/lot (residential) or \$10.00/acre (nonresidential)
Street Use License (SUL) (renewed every 15 years)	\$150.00
*Zone Change/CUP/PD/Site Plan	\$150.00 + \$3.00/acre unplatted

RECEIVED

APR 04 2014

City of Temple
Planning & Development

*The filing fee for a piece of property that is 3.125 acres in size would be a total of \$159.36 (\$150 + [\$3 x 3.12]). City staff uses the second decimal place when calculating a filing fee and **does not round up or down**.

By signing this application, staff is granted access to your property to perform work related to your case. Each signature must be notarized.

SIGNATURE: *Garlyn O. Shelton*
 (Letter of authorization required if signature is other than property owner)
 Print or Type Name: GARLYN O. SHELTON

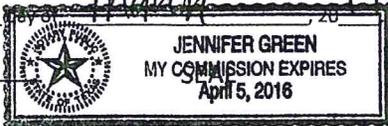
For Plats Only: This waiver must be completed for all Plat applications; failure to do so will result in the rejection of your application.

I waive the statutory time limits in accordance with Section 212 of the Texas Local Government code.

SIGNATURE: _____
 (Letter of authorization required if signature is other than property owner)
 Print or Type Name: _____

Known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration expressed and in the capacity there instated.

Given under my hand and seal of office on this 18th March, 2014
Jennifer Green
 Notary Public Signature



For Department Use Only

Project #: 0-FY-14-8

Project Manager: Brian Chandler

Total Fee(s): —

Fee Credit: —

Payment Method: —

Submittal Date: 4 Apr 14

Accepted By: M. Mayfield

Accepted Date: 4 Apr 14



Larry Neal / ARCHITECTS

1023 Canyon Creek Drive, Suite 125 Office (254) 778-1466 Fax (254) 778-5077 Temple, Texas 76502

April 3, 2014

City of Temple
Planning and Zoning
2 N Main Street Ste 102
Temple, Texas

Re: I-35 Sign Appeal

Project: Garlyn Shelton GMC Buick Cadillac
5625 S. General Bruce Drive (I-35)
Temple, Texas 76504

Variance request:

Garlyn Shelton GMC Buick Cadillac is relocating from 5700 SW H.K Dodgen Loop to 5625 S. General Bruce drive.

We are requesting a waiver of the I-35 Overlay sign requirements as follows:

- 1 Add a new DEALERSHIP sign: 47' tall, 225 SF each sign face.
REASON: The new dealership is located at the intersection of I-35 and Midway drive. The taller sign would improve the sight line obscured by the I-35 overpass (particularly the south bound traffic) . Many of the other Automobile dealers have signs this size.
- 2 Relocate the existing CERTIFIED USED VEHICLE sign to the new location:
28' tall, 75 sf each face of sign.
Reason: Owner will not have to purchase a new sign.
- 3 Relocate the existing CERTIFIED SERVICE sign to the new location:
21' tall, 75 sf each sign face.

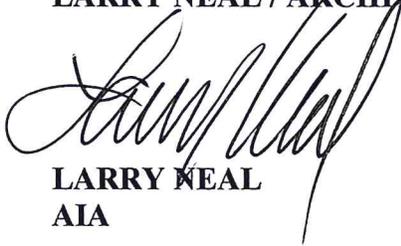


4 Sign Bases: Due to the structural integrity and the wind loading of the signs, we plan to have a 3' stone, matching the building, base around the base of each sign in lieu of the taller solid pilaster base. There will also be landscape Around each sign.

After reviewing other Dealerships in this area and the proximity of the I-35 overpass, We feel that this is a fair request.

Let me know if any additional information is required.

SINCERELY,
LARRY NEAL / ARCHITECTS



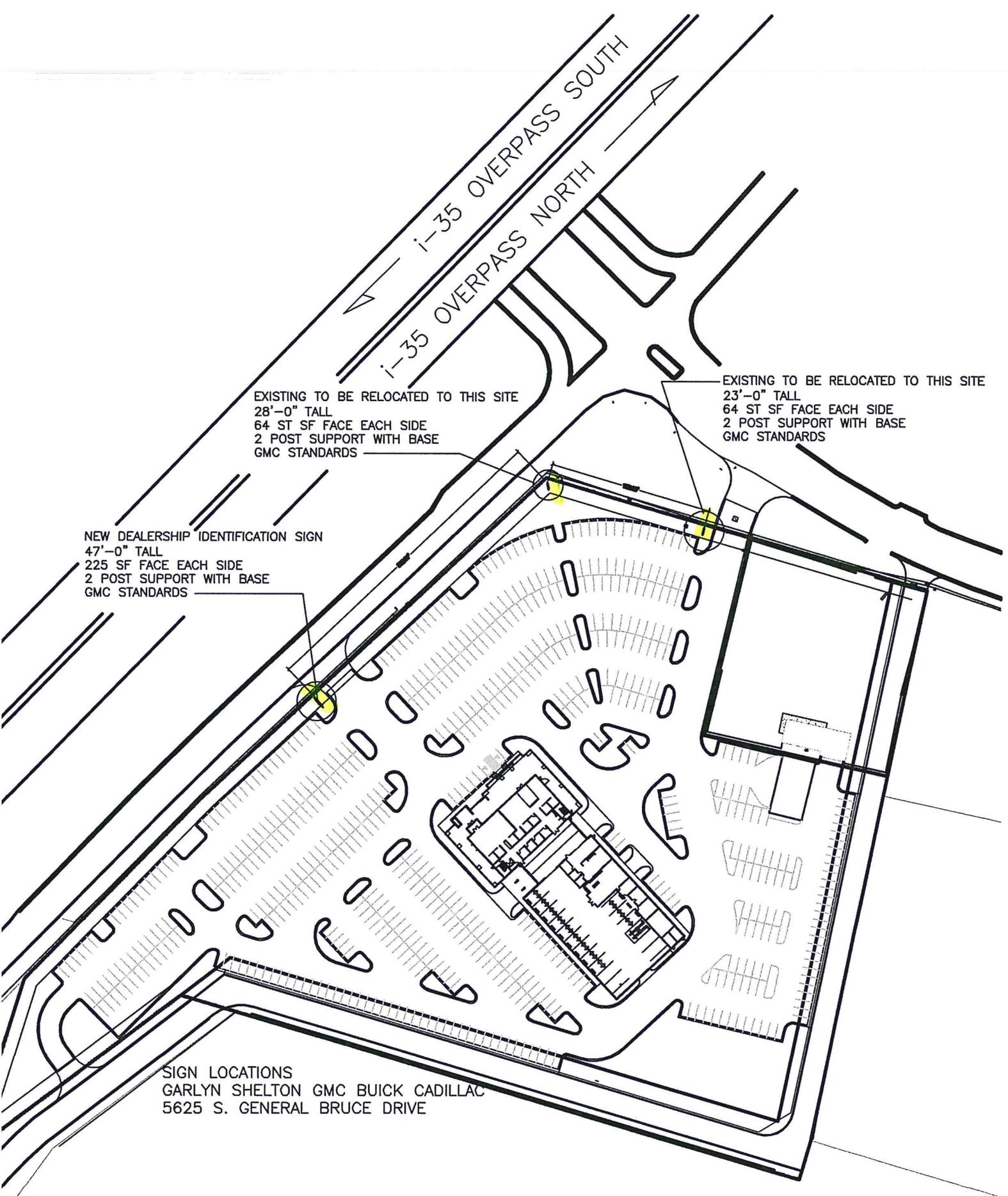
LARRY NEAL
AIA

Encl: pictures / plan

RECEIVED
APR 04 2014
City of Temple
Planning & Development

2 of 2
Larry Neal / Tim Rafferty

MEMBER: AMERICAN INSTITUTE OF ARCHITECTS



EXISTING TO BE RELOCATED TO THIS SITE
 28'-0" TALL
 64 ST SF FACE EACH SIDE
 2 POST SUPPORT WITH BASE
 GMC STANDARDS

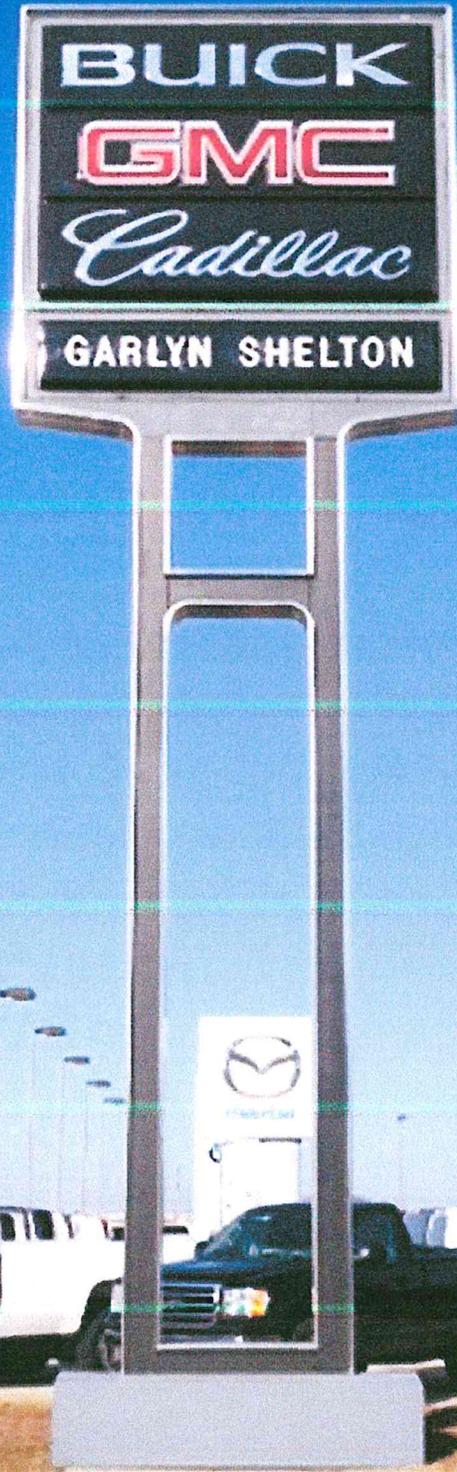
EXISTING TO BE RELOCATED TO THIS SITE
 23'-0" TALL
 64 ST SF FACE EACH SIDE
 2 POST SUPPORT WITH BASE
 GMC STANDARDS

NEW DEALERSHIP IDENTIFICATION SIGN
 47'-0" TALL
 225 SF FACE EACH SIDE
 2 POST SUPPORT WITH BASE
 GMC STANDARDS

SIGN LOCATIONS
 GARLYN SHELTON GMC BUICK CADILLAC
 5625 S. GENERAL BRUCE DRIVE

① NEW SIGN

47' TALL; 225 SF FACE



② EXIST. TO be RELOCATED 28' TALL; 75 SF FACE



3) EXISTING to be RELOCATED 21' TALL; 75 SF FACE



Buick GMC Cadillac Sign Family

NEW 47' 1

CERTIFIED
USED VEHICLES

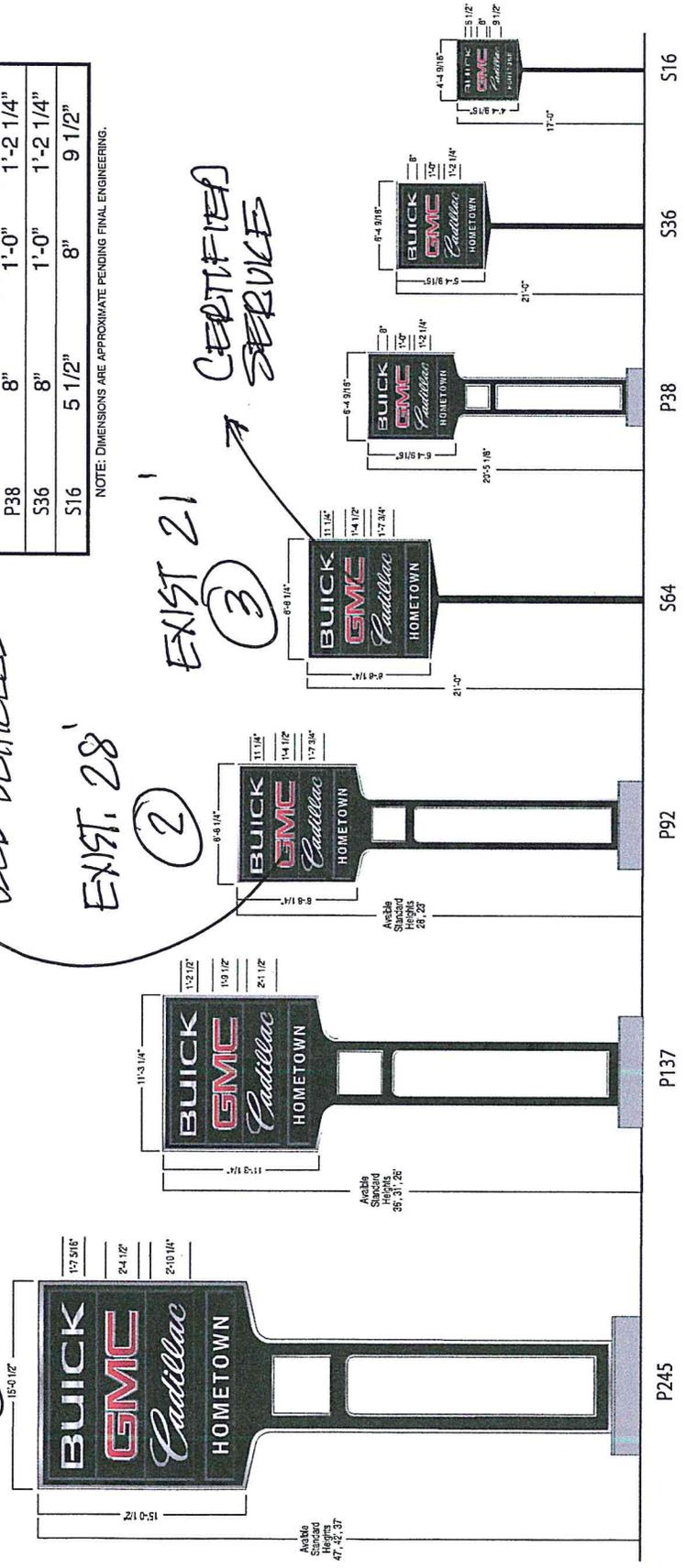
EXIST. 28' 2

EXIST 21' 3

CERTIFIED
SERVICES

COPY SIZE BY SIGN			
SIGN	BUICK	GMC	Cadillac
P245	1'-7 5/16"	2'-4 1/2"	2'-10 1/4"
P137	1'-2 1/2"	1'-9 1/2"	2'-1 1/2"
P92	11 1/4"	1'-4 1/2"	1'-7 3/4"
S64	11 1/4"	1'-4 1/2"	1'-7 3/4"
P38	8"	1'-0"	1'-2 1/4"
S36	8"	1'-0"	1'-2 1/4"
S16	5 1/2"	8"	9 1/2"

NOTE: DIMENSIONS ARE APPROXIMATE PENDING FINAL ENGINEERING.



Job No. _____

Version #: 2-NOV-09
 Date: 09-14-09
 Design #: 1/8"=1'-0"
 Scale: A, Hollyoak
 Designer: J. Foster

Rev. #: R2
 Date: 22-DEC-09

- Vector Artwork Required
- High Resolution Image Required
- Final Colours Required

Conceptual artwork only

Electrical Requirements
 120V 347V
 Other _____

Voltage needs to be specified prior to customer approval.
 Customer Approval
 Date _____



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Pattison Sign Group signs illuminated by fluorescent, neon and/or HID lamps contain Mercury (Hg). Dispose of these lamps according to Local, State, Provincial or Federal Laws.

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 Toronto, Ontario, Canada M1R 4E8
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 Tel: (416) 759-1111
 Fax: (416) 759-9865
 Toll Free: 1-800-268-6536





Larry Neal / ARCHITECTS

1023 Canyon Creek Drive, Suite 125 Office (254) 778-1466 Fax (254) 778-5077 Temple, Texas 76502

April 3, 2014

**City of Temple
Planning and Zoning
2 N Main Street Ste 102
Temple, Texas**

Re: I-35 Sign Appeal

**Project: Garlyn Shelton GMC Buick Cadillac
 5625 S. General Bruce Drive (I-35)
 Temple, Texas 76504**

Variance request:

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 REASON: The new dealership is located at the intersection of I-35 and
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 I-35 overpass (particularly the south bound traffic) . Many of the other
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 28' tall, 75 sf each face of sign.
 Reason: Owner will not have to purchase a new sign.**

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After reviewing other Dealerships in this area and the proximity of the I-35 overpass, We feel that this is a fair request.

Let me know if any additional information is required.

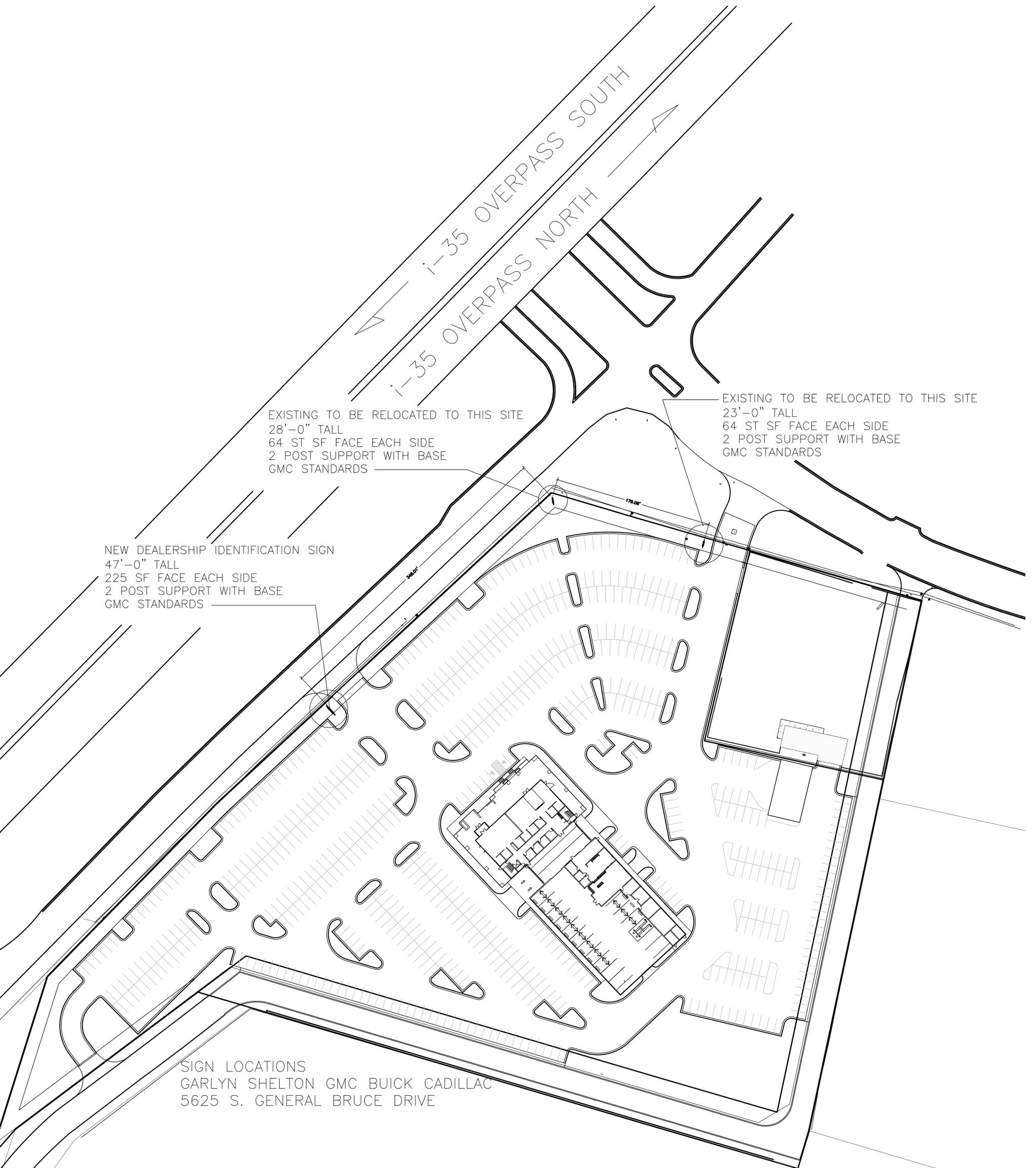
**SINCERELY,
LARRY NEAL / ARCHITECTS**

**LARRY NEAL
AIA**

Encl: pictures / plan

**2 of 2
Larry Neal / Tim Rafferty**

MEMBER: AMERICAN INSTITUTE OF ARCHITECTS



i-35 OVERPASS SOUTH
i-35 OVERPASS NORTH

EXISTING TO BE RELOCATED TO THIS SITE
28'-0" TALL
64 ST SF FACE EACH SIDE
2 POST SUPPORT WITH BASE
GMC STANDARDS

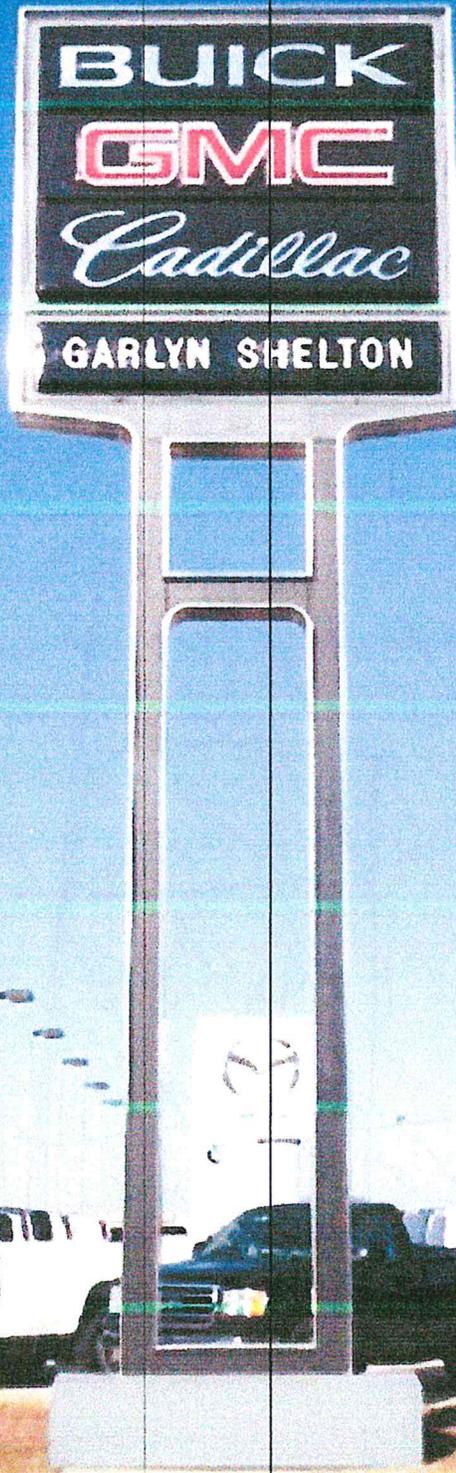
EXISTING TO BE RELOCATED TO THIS SITE
23'-0" TALL
64 ST SF FACE EACH SIDE
2 POST SUPPORT WITH BASE
GMC STANDARDS

NEW DEALERSHIP IDENTIFICATION SIGN
47'-0" TALL
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2 POST SUPPORT WITH BASE
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SIGN LOCATIONS
GARLYN SHELTON GMC BUICK CADILLAC
5625 S. GENERAL BRUCE DRIVE

① NEW SIGN

47' TALL; 225 SF FACE

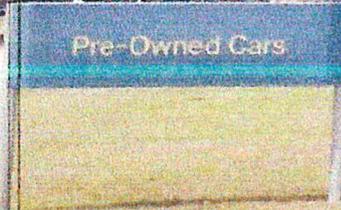


② EXIST. TO be RELOCATED 28' TALL; 75 SF FACE


Certified
USED VEHICLES
GARLYN SHELTON



3) EXISTING to be RELOCATED 21' TALL; 75 SF FACE





Buick GMC Cadillac Sign Family

NEW 47'

①

CAPTURED
USED VEHICLES

EXIST. 28'

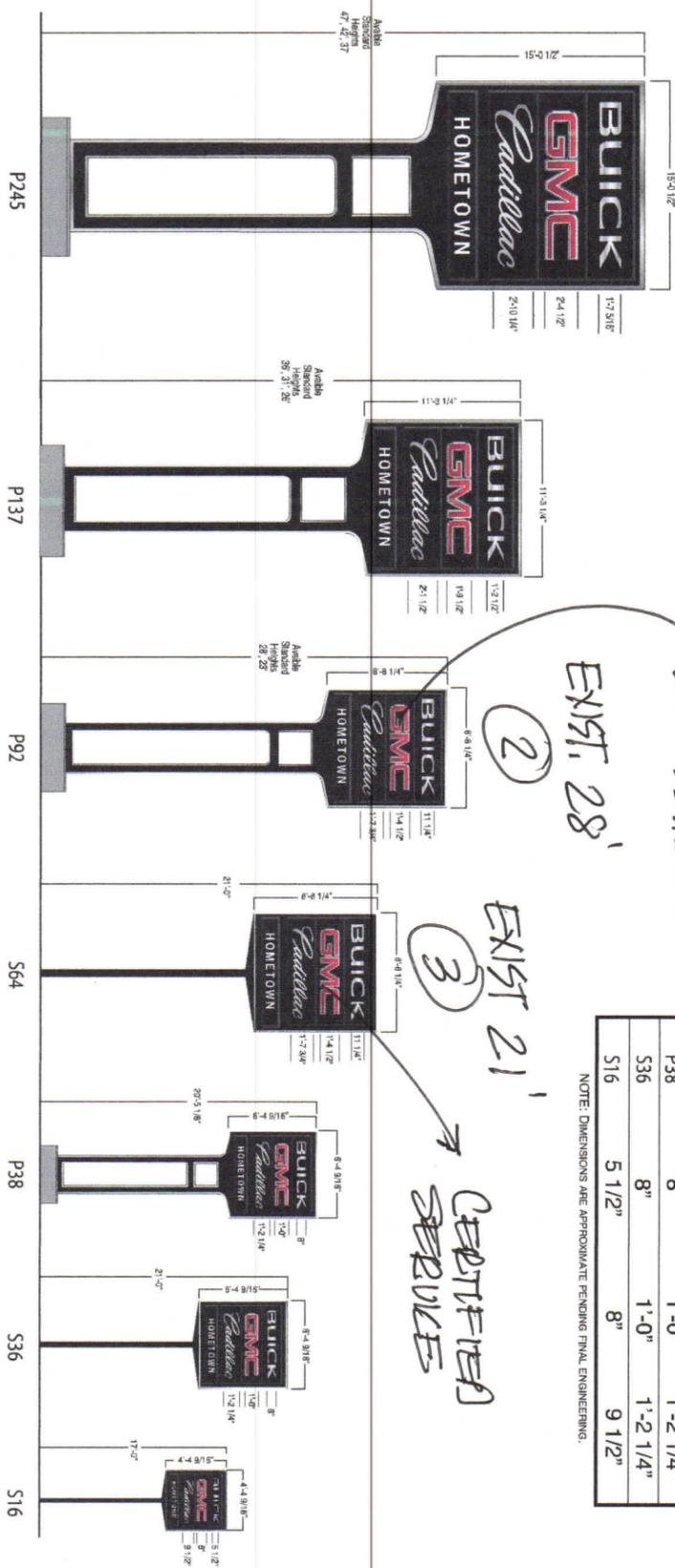
②

EXIST. 21'

CAPTURED
SERVICES

COPY SIZE BY SIGN			
SIGN	BUICK	GMC	Cadillac
P245	1'-7 5/16"	2'-4 1/2"	2'-10 1/4"
P137	1'-2 1/2"	1'-9 1/2"	2'-1 1/2"
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S36	8"	1'-0"	1'-2 1/4"
S16	5 1/2"	8"	9 1/2"

NOTE: DIMENSIONS ARE APPROXIMATE PENDING FINAL ENGINEERING.



Job No. _____

Version #: 2-NOV-09
 Date: 09-14-09
 Design #: 09-1469
 Scale: 1/8"=1'-0"
 Sales: A. Halliway
 Designer: J. Foster

Rev #: RZ
 Date: 22-DEC-09

- Vector Artwork Required
- High Resolution Image Required
- Final Colours Required

Conceptual artwork only

Electrical Requirements
 120V 347V
 Other _____

Notes: Please refer to the specifications for the customer approval.
 Customer Approval
 Date _____



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PLANNING AND ZONING COMMISSION AGENDA ITEM

4/21/14
Item #6
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>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.</p>	<p>DRC 10/22/13 Pending</p>	<p>Chuck Lucko for Arthur Brashier</p>
<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>
<p>P-FY-14-19 - Consider and take action on the Final Plat of RWYC ADDITION, a 7.867 acre, 2-lot, 1-block, non-residential subdivision, located on the west side of South 22nd Street, adjacent to and south of Travis Science Academy.</p>	<p>DRC 3/05/14 PZC 5/05/14?</p>	<p>All County Surveying</p>
<p>P-FY-14-20 - Consider and take action on the Final Plat of CEFECO Airport Addition, a 11.18 +/- acre non-residential subdivision located at the southeast corner of Airport Road (SH 36) and Hilliard Road (Research Parkway).</p>	<p>DRC 3/26/14</p>	<p>City of Temple</p>
<p>P-FY-14-22 - Consider and take action on the Master Preliminary Plat of GROVES AT LAKEWOOD RANCH, a 193.875 +/- acre, 583-lot, 29-block, residential subdivision in Temple's Northern ETJ an area surrounding The Campus at Lake wood Ranch Phase VIII.</p>	<p>DRC 4/23/14</p>	<p>Kiella Development</p>

<p>P-FY-14-24 - Consider and take action on the Final Plat of ADAMS ISLAND COMMERCIAL, a 3.967+/- acre, 8-lot, 1-block nonresidential subdivision located on the north side of West Adams Avenue, south of Adams Lane and east of State Highway 317.</p>	<p>DRC 4/07/2014</p>	<p>H & S Holdings, Inc.</p>
<p>P-FY-14-27 - Consider and take action on the Final Plat of TLC Properties Addition, a 5.941 +/- acres, 3-lot, 1-block non-residential subdivision, located on the east side of Pegasus Drive, north of Granite Drive.</p>	<p>DRC 4/21/14</p>	<p>Advanced Surveying</p>
<p>Z-FY-14-29 - Hold a public hearing to consider and recommend action on permanent zoning upon annexation of a tract of land consisting of 136.576 +/- acres proposed for Single-Family Two (SF2) District as part of the proposed subdivision plat for the Groves at Lakewood Ranch, located east of The Campus at Lakewood Ranch Phase VIII and west of Windmill Farms Phases I and II.</p>	<p>PZC 5/05/14</p>	<p>Turley Associates</p>
<p>Z-FY-14-31 - Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (AG) to Single-Family Two District (SF-2) on 30.408 +/- acres and from Single-Family One District (SF-1) to Single-Family Two District (SF-2) on 26.890 +/- acres for a total of 57.298 acres, situated in the John J. Simmons Survey, Abstract No. 737, Bell County Texas, and the George W. Lindsey Survey, Abstract No. 513, Bell County, Texas, generally located east of The Campus at Lakewood Ranch Phase VIII extending to the west side of Windmill Farms Phases I and II.</p>	<p>PZC 5/05/14</p>	<p>Turley Associates</p>

<p>City Council Final Decisions</p>	<p>Status</p>
<p>Due to Good Friday Holiday, City Council results from April 17, 2014 are not available until the next P&Z meeting.</p>	

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	P	P	P	P	P	P						7	
Blake Pitts	A	P	P	P	P	P	P						6	1
Patrick Johnson	P	P	P	P	P	P	P						7	
Omar Crisp	P	P	P	A	P	A	P						5	2
David Jones	P	P	P	P	P	A	P						6	1
Greg Rhoads	P	A	P	P	P	P	P						6	1
Will Sears	P	P	P	A	P	P	P						6	1
Lester Fettig				P	P	A	P						3	1
Tanya Mikeska-Reed				P	P	P	P						4	

	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														
Lester Fettig														
Tanya Mikeska-Reed														

not a Board member
 Vacant