

**NOTICE OF MEETING  
PLANNING AND ZONING COMMISSION  
CITY MUNICIPAL BUILDING, 2 NORTH MAIN STREET  
PLANNING CONFERENCE ROOM  
APRIL 6, 2015, 4:30 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 6, 2015.
2. Discuss March 6, 2015 American Planning Association (APA) Workshop held at the Central Texas Council of Governments (CTCOG) building.
3. Receive and discuss the Planning Director's Report containing items for future meetings regarding subdivision plats, zoning cases, conditional use permits, annexations, and proposed text amendments to the Unified Development Code (UDC).

**NOTICE OF MEETING  
PLANNING AND ZONING COMMISSION  
CITY MUNICIPAL BUILDING, 2 NORTH MAIN STREET  
CITY COUNCIL CHAMBERS, 2<sup>ND</sup> FLOOR  
APRIL 6, 2015, 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 March 16, 2015.

**B. ACTION ITEMS**

**Item 2:** [Z-FY-15-14](#) - Hold a public hearing to discuss and recommend action on a Conditional Use Permit for a Paint Shop/General Contractor facility on Lot 2, Block 1, Tranum Subdivision Phase VIII, located at 5806 South General Bruce Drive.

**Item 3:** [Z-FY-15-15](#) - Hold a public hearing to consider and recommend action on a rezoning from Agricultural District (AG) to General Retail District (GR) on 4.707 +/- acres situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 119 Hilliard Road.

**Item 4:** [Z-FY-15-16](#) – Hold a public hearing to consider and take action on a rezoning from Agricultural District (AG) to General Retail District (GR) on 4.880 +/- acres of land situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 215 Hilliard Road.

**Item 5:** [I-FY-15-03](#) – Consider adopting a Resolution authorizing an Appeal of Standards to Sec. 6.7 of the Unified Development Code related to I-35 Corridor Overlay Zoning District for landscaping, lighting, architecture, parking and signage, for a proposed car dealership (Automax Hyundai) at 7565 S. General Bruce Drive.

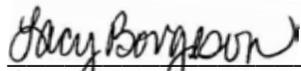
**Item 6:** [P-FY-15-17](#) – Consider and take action on the Final Plat of Canyon Ridge , Phase III, a 29.639 +/- acres, 129-lot residential subdivision, situated in the Maximo Moreno Survey, Abstract 14, Bell County, Texas, located south of Canyon Creek Drive, between Lowe's Drive and South 5th Street.

**C. REPORTS**

**Item 7:** 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)***

SPECIAL ACCOMMODATIONS: Persons with disabilities who have special communication or accommodation needs and desire to attend the Planning Commission Meeting should notify the City Secretary's Office by mail or telephone 48 hours prior to the meeting date. Agendas are posted on Internet Website <http://www.ci.temple.tx.us>. Please contact the City Secretary's Office at 254-298-5700 for further information.

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 8:00 AM, April 2, 2015.



\_\_\_\_\_  
City Secretary, TRMC  
City of Temple

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 \_\_\_\_\_ 2015.

\_\_\_\_\_  
Title\_\_\_\_\_

**PLANNING AND ZONING COMMISSION  
MARCH 16, 2015  
5:30 P.M.**

**PLANNING AND ZONING MEMBERS PRESENT**  
Vice-Chair David Jones

**COMMISSIONERS:**

Tanya Mikeska-Reed                      James Staats  
Blake Pitts                                      Patrick Johnson

**PLANNING AND ZONING MEMBERS ABSENT:**

Will Sears                                      Omar Crisp  
Greg Rhoads                                      Lester Fettig

**STAFF PRESENT:**

Brian Chandler, Director of Planning  
Trudi Dill, Deputy City Attorney  
Beverly Zendt, Assistant Director of Planning  
Mark Baker, Planner  
Mary Maxfield, Planning Technician  
Leslie Evans, Planning Technician

**The agenda for this meeting was posted on the bulletin board at the Municipal Building, March 12, 2015 at 2:50 p.m. in compliance with the Open Meetings Law.**

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

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

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

**A. CONSENT ITEMS**

**Item 1: Approval of Minutes:** Work session and the regular meeting of March 16, 2015.

Approved by general consent.

**B. ACTION ITEMS**

**Item 2: Z-FY-15-07** – Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (AG) to Two Family (2F) on 1.00 +/- acre, A0345BC G Givens, OB 771, located at 4831 Midway Drive.

Mr. Brian Chandler, Director of Planning, stated the request was for a rezoning from AG to Two Family (2F) and the applicant was James Ledger.

This item is scheduled to go to City Council for first reading on April 16, 2015 and second reading on May 7, 2015.

The subject property has an existing house and a two-story garage which is proposed to be converted to a dwelling unit which are not allowed in the AG district. Accessory dwelling units are not allowed in any residential districts. The two residential units are allowed in a 2F district.

It was Staff's understanding that the footprint for the garage structure was not proposed to be enlarged; just to convert the second story to a garage apartment.

The property is approximately an acre in size and adjacent to a private road.

Surrounding properties include single family residential to the north, multi-family land lease community to the east, single family residential to the south, and AG land to the west.

Two Family allowed and prohibited uses are cited, along with Development Standards.

The Future Land Use and Character Map designate the area as Auto-Urban Multi-Family which complies with the request.

The Thoroughfare Plan designate Midway Drive (to the north) as a minor arterial.

Public utilities are available nearby; however, the subject property is on a septic. If approved; another septic permit would be pulled for a second unit.

Five notices were mailed out with zero returned in agreement or opposition.

This request complies with the Future Land Use and Character Map and the surrounding uses and zoning, public utilities are available, and the Thoroughfare Plan for Midway complies.

Staff would like to modify their recommendation on their approval for the straight request for rezoning from AG to 2F. The request for 2F would allow for future duplexes in an area adjacent to a private road. For future development opportunities, the subject site with the current infrastructure would not be appropriate with the request. Staff would recommend that the Commission consider adding a Planned Development (PD) district to the zoning since it would be more restrictive. The PD would allow for limitation of just adding an accessory dwelling unit for the current AG designation. Staff understood the applicant was in agreement with this recommendation but is available for comments and questions.

PDs do require a site plan; however, in this instance it is an existing condition and the applicant has submitted a survey which would suffice as the site plan.

Commissioner Mikeska-Reed asked for clarification on whether it should be AG PD or 2F PD and Mr. Chandler recommended AG PD to make it an accessory dwelling unit

Acting Chair Jones asked the applicant to come up and speak.

Mr. James Ledger, 5412 State Highway 317, Belton, Texas, stated he applied for a permit to finish out the second story when he discovered he needed to talk with Planning. When asked if the applicant planned on leasing the renovated area out, he did not want to rule out that possibility. Currently, he just wants to complete the finish out.

Mr. Chandler added that from a land use perspective, it would not regulate whether it was used privately or rented out. The accessory dwelling unit can be either and would not be addressed with the zoning specifically. A PD does allow for a condition and it would be up to P&Z to make that condition if desired.

Commissioner Staats asked the applicant if he planned on putting in a covered front porch, deck, or anything similar on the building. Mr. Ledger stated a drive approach would be installed.

The applicant agreed he would be willing to do a PD in AG to conform with the request.

Acting Chair Jones opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Mikeska-Reed made a motion to approve Item 2, **Z-FY-15-07**, as a PD-AG, with no stipulations, and Commissioner Johnson made a second.

*Motion passed: (5:0)*

Chair Rhoads and Commissioners Fettig, Crisp, and Sears absent

**Item 3: Z-FY-15-09** – Hold a public hearing to discuss and recommend action on a rezoning from Multiple-Family One District (MF-1) to Multiple-Family Two District (MF-2) on Lot 1, Block 3, United Lely Commercial Subdivision Phase IV, located at 3009 Ira Young Drive.

Ms. Beverly Zendt, Assistant Director of Planning, stated this was a 200 unit complex on 10 acres. The current zoning is MF-1 which allows a density of 15 units per acre so this particular development is considered legal non-conforming. When it was built it was in conformance with the Zoning Ordinance; however, now the density is slighter higher than what is allowed for that zoning district. This has created problems for the applicant in terms of refinancing and insurance. Should the development burn down, be destroyed by natural causes or other elements, they would have to be built in accordance with the current zoning which would limit the density.

The applicant has requested the rezoning to eliminate the legal non-conforming status and bring the complex into full compliance with the City code, which requires a MF-2 zoning, and which would allow 20 units per acre which is appropriate for the development pattern already existing.

No new development is proposed; this is only a request to bring the structures into compliance.

The subject property is surrounded by Commercial and multi-family uses.

The Future Land Use and Character Map designate the area as Auto-Urban Multi-Family. Auto-Urban Multi-family is intended for multi-family and would be within the range of acceptable uses.

There is an existing local connector trail. The Parks Department has confirmed that this is still a very long-range and part of the Bird Creek Sewer Interceptor Trail Project. Parks does not anticipate this project going any time soon but when it does, Parks will require easements as needed and where appropriate. The trail does go through the subject site.

The property is served by an existing 30-inch sewer main and a four-inch water line on the east side.

Surrounding properties include commercial uses to the north zoned Light Industrial (LI), residential to the south zoned Neighborhood Conservation, retail and commercial to the west zoned LI, and multi-family to the east zoned PD-MF.

The only difference between MF-2 and MF-1 is that a boarding house or rooming house is not permitted in MF-1 and a Home for the Aged requires a Conditional Use Permit (CUP) in MF-1. More institutional uses are allowed in MF-2 but essentially, all other uses remain the same.

Prohibited uses are given along with Dimensional Standards for MF-2.

The rezoning request complies with the Future Land Use and Character Map, the surrounding uses and zoning, there is availability of public utilities, and complies with the Thoroughfare Plan and Trails Master Plan.

Seventeen notices were mailed with one returned in agreement and zero in opposition.

Staff recommends approval for the rezoning request from MF-1 to MF-2 to bring the site into full compliance with the current Code.

Acting Chair Jones opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Staats made a motion to approve Item 3, **Z-FY-15-09**, as presented, and Commissioner Pitts made a second.

*Motion passed: (5:0)*

Chair Rhoads and Commissioners Fetting, Crisp, and Sears absent

**Item 4: Z-FY-15-11** – Hold a public hearing to consider and recommend action on a rezoning from Two Family Dwelling District (2F) to Planned Development-Multiple Family One District (PD-MF-1) on Lots 1-12, Block 10, and Lots 1-12, Block 11, Canyon Ridge Phase II, located at the northeast corner of Hartrick Bluff Road and Kendra Drive

Ms. Zendt stated this subdivision was platted in 2010 and the applicant is submitting this request in tandem with a replat to consolidate all of the lots on Blocks 10 and 11. The applicant indicated they would follow the same development pattern as the existing lots providing duplexes in the same manner. The applicant has indicated that this will help with the

management of the leased properties being easier and makes the tax responsibility less complicated. The development pattern will remain the same as if they were separate lots with the duplexes proposed.

Although the applicant is requesting MF-1, which would be needed to have multiple units on a single lot, they do not intend to build anything but duplexes in accordance with what was originally approved. There is a site plan to support this as well.

Existing and proposed development concept is shown.

The administratively approved Final Plat of Villas at Canyon Ridge is shown and Ms. Zendt explains the plat has not been executed or filed but shows the Commission what the proposed layout will be should it be approved.

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

Auto-Urban Residential is for smaller single family lots similar to the range of lot sizes available in the city's current Single Family (SF) – Single Family Attached (SFA) zoning districts; and

Additional density (garden/patio, two family dwellings, and townhouses) would require corresponding increases in open space, but to a lesser standard than what is required in the suburban residential district

As part of a Planned Development, PD- MF-1 is compatible with this land use character area.

There is an existing Citywide Spine Trail, Friar's Creek Hike and Bike Trail, located just east of the property.

The lots are already served by an existing eight-inch water line and eight-inch sewer line.

Surrounding properties include commercial zoned Office-2, to the north, residential/duplexes zoned 2F to the south, undeveloped land zoned SF-2 to the west, and recreation (Friar's Creek Hike and Bike Trail)/undeveloped properties zoned General Retail (GR) and Parks and Open Space to the east.

The Unified Development Code (UDC) has specific criteria for a Planned Development:

Conformance to the Design and Development Standards Manual;

The environmental impact of the development to the site and surrounding neighborhood;

**The compatibility with the use, character and design of the surrounding neighborhood;**

The provision of safe and effective vehicular and pedestrian circulation;

The safety and convenience of off street parking and loading facilities;

**Compliance of streets with city codes and the Thoroughfare Plan;**

**The provision of landscaping that provides adequate buffers and complements the design and location of buildings;**

**The design of open space ensuring that such design is suitable for recreation and conservation uses; and**

The provision of adequate utilities, drainage, and refuse disposal.

The bolded areas are items Staff needs to consider when reviewing a PD.

The applicant can go ahead and construct duplexes under the current zoning. Staff has taken the opportunity since it is a PD to look at some of the other considerations.

The site plan is shown. The applicant has proposed additional canopy trees. Currently, the duplexes have medium trees. The trees will be placed so that each duplex will have a canopy tree. The applicant has agreed to provide additional new canopy trees at the perimeter of the existing block that is also under consideration.

Staff asked if the applicant would be willing to provide an accessible sidewalk connection to the Friar's Creek Trail and the applicant has agreed to a five-foot accessible sidewalk connection in addition to the enhanced landscaping on the undeveloped and existing sites.

Any modification to the development plan requires that it come back to P&Z. If the applicant wanted to do multi-family, they would have to come back for the more intensive use which would have to be reviewed by P&Z.

The standards proposed in the development plan would have to be met before a Certificate of Occupancy could be issued.

UDC Section 3.4.6A

### **Modification of Approved Development Plan**

Consideration of modification to an approved Development Plan must take into consideration the effect of the proposed modification on the remainder of the property. Amendments to the approved Development Plan or any Planned Development conditions which are substantive require public hearings in the routine manner required for a Zoning District Map Amendment.

A Development Plan of the entire property within the Planned Development must be submitted concurrently with a Planned Development application.

A Development Plan may be approved for a portion of a Planned Development district where the district is divided by a major thoroughfare and the Development Plan includes all the property located on one side of the street.

In approving a Planned Development district, a standard may not be modified unless this UDC expressly permits such modification, and in no case may a standard be modified if this UDC prohibits such modifications.

Approval of a Development Plan will determine the design elements listed in 3.4.2C above.

UDC Section 3.4.4

### **Binding Nature of Approved Development Plan**

Development Plan conditions must be complied with before a Certificate of Occupancy is issued for the Planned Development.

Dimensional standards for MF-1 are shown.

The applicant is not considering any change to building configurations, or any other development patterns on the site.

This request complies with the Future Land Use and Character Map, is compatible with surrounding uses and zoning; existing utilities are available, streets are already dedicated and accepted, and providing the additional connection to the Friar's Creek Trail promotes the Trails Master Plan.

Seven notices were mailed but those property owners owned multiple properties. Only one notice was returned in agreement (but that property owner owned 15 properties) and zero returned in opposition.

Staff recommends approval of a rezoning from Two Family Dwelling District (2F) to Planned Development Multiple Family-One District (PD-MF-1) with the following additional conditions:

Canopy trees to enhance landscaping for new proposed duplex units – one per each unit per the attached site plan;

Four additional canopy trees at the perimeter of the existing development (Block 11) per the attached site plan; and

An accessible five-foot pedestrian path between the proposed new units and the existing Friar's Creek Hike and Bike Trail.

Ms. Zendt clarified that the applicant cannot construct anything different than what is shown on the site plan. If the applicant decided to do apartments or four-plexes, they would need to come back for a rezoning.

Mr. Justin Fuller, Clark & Fuller Engineering, 215 N. Main Street, Temple, Texas, stated he represents the applicant and the main reason for the request is the applicant would like to consolidate his tax bill. The applicant will continue to own, lease, and maintain the duplexes and grounds.

Commissioner Johnson asked if the applicant's tax base would be lowered. Mr. Fuller was not certain but assumed it would. Commissioner Johnson expressed an opinion that once this happens, every other duplex builder will come back and rezone to 2F as well.

Commissioner Johnson asked why the applicant did not zone it MF-2 in the beginning. Mr. Fuller responded the applicant developed the subdivision and was not sure which ones were to be kept or sold.

Acting Chair Jones opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Johnson wanted to be on record and the issue he is struggling with is this would set a precedence for later cases. Ms. Zendt explained that the subject property is zoned 2F right now and the applicant is proposing MF-1 which would normally open it up to more intensive uses. The site plan and PD locks it in.

Commissioner Mikeska-Reed made a motion to approve Item 4, **Z-FY15-11**, as presented with the site plan and three Staff conditions, and Commissioner Staats made a second.

*Motion passed: (5:0)*

Chair Rhoads and Commissioners Fettig, Crisp, and Sears absent

**Item 5: Z-FY-15-12** - Hold a public hearing to consider and recommend action on a rezoning from Urban Estate District (UE) to Planned Development-Urban Estate District (PD-UE), with a Development Plan proposing 138 single-family lots on 61.137 +/- acres, being two tracts of land, within the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 5105 Charter Oak Drive.

Mr. Mark Baker, Planner, stated this item was scheduled to go to City Council for first reading on April 16, 2015 and for second reading on May 7, 2015.

The area was part of an area included in a 1999 rezone from GR to UE, including SF-1. This request went before City Council on November 6, 2014 and was denied for the rezoning request of SF-1 for 184 Lots.

Mr. Baker gives a project comparison between the 184 lots and the new 138 lots.

The minimum lot size would be at 12,500 square feet and the maximum building height would be three stories as opposed to the SF-1 which is two stories.

With the underlying UE zoning district, by right approximately 90 to 95 lots would be allowed on the property.

According to the UDC, Section 3.4, Planned Developments are subject to certain criteria

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

It does include a development plan (submitted with rezoning) approval process.

Along with the Planned Development Review Criteria, (UDC Sec. 3.4.5), Enhancements are expected which are listed below:

- Center left-turn lane and/or acceleration / deceleration lanes within Charter Oak Drive. This is subject to review and final approval by TxDOT.
- A front entry feature which includes a six foot high solid cedar fence and lighted-entry signage. The fence would follow the frontage of Charter Oak as well as a residence that fronts along Charter Oak Drive.
- A private park for approximately three-acres which would be built in the first phase with the following amenities:
  - Playscape
  - Park Benches
  - Trail
  - Landscaping
  - Exceeds Valuation of Public Parkland Dedication
- Within Tract B, a sound attenuation berm located adjacent to the railroad tracks measuring approximately 20 feet high and 70 feet at the base.
- A six-foot wide sidewalk is proposed along Charter Oak frontage which would be upsized in the future to accommodate an eight-foot or ten-foot trail (required and addressed with the future plat).
- A proposed four-foot wide interior perimeter sidewalk fronting lots to allow connectivity between the park and other tracts of land.
- Underground Utilities (along Charter Oak frontage) which would be subject to TxDOT and Oncor approval.
- A sewer extension is being proposed for the proposed development and would also allow access for the neighboring properties.
- Exterior building materials of masonry, brick, and stone on three of four sides is proposed.
- Residential rear yard fencing for each lot.
- Additional landscaping proposed would be street frontage along Charter Oak and additional residential landscaping for each front yard.
- The creation of a Homeowners Association with Restrictive Covenants which would identify maintenance responsibilities of the private facilities, the provisions for enhanced landscaping, and would be recorded with the plat.

Staff feels the request is expected to fully comply with the UDC, design standards and other City ordinances.

In regard to the environmental impacts to historic resources, surrounding properties and neighborhood:

- \* Drainage will be evaluated with plat review;
- \* No impact to adjacent cemetery or historic structures;
- \* Increased landscaping is proposed to buffer and screen.

Staffs' initial evaluation of these items proved to be partially compliant but borders on full compliance; whether additional landscaping would be necessary and/or if drainage will be accommodating. The plat will not receive approval without drainage being addressed.

Staff agrees the request enhances the harmony with character, use, and design of the surrounding area with additional buffering and screening is being provided.

In regard to safe and efficient vehicular and pedestrian systems:

- \* Two entrances are being proposed;
- \* A six-foot sidewalk on Charter Oak and a four-foot perimeter sidewalk of the subdivision;
- \* A Traffic Impact Analysis (TIA) was prepared (required by TxDOT) and no additional improvements are proposed;
- \* The applicant proposes a deceleration/acceleration lane and a center left-turn lane is being required by TxDOT. Whether one or both are required will be subject to TxDOT approval in the future.
- \* Off-street loading will be determined during the subdivision plat review.

The request complies with the above.

Streets designed sufficiently to accommodate traffic and emergency response has partial compliance based on the following:

- \* Interior street compliance made at subdivision plat review
- \* Charter Oak Drive is substandard
- \* Charter Oak is shown on the Killeen Temple Metropolitan Planning Organization (KTMPO) 2040 Plan but not currently funded or listed for funding through 2019
- \* Proposed improvements subject to TxDOT approval

Streets consistent with Thoroughfare Plan:

- \* Determination made during plat review stage

Landscaping partially complies:

- \* Additional landscaping has been provided to individual lots, entryway, and park, more may be necessary.

Staff is not recommending more landscaping.

Open Space suitable for intended recreation and conservation uses meets compliance:

- \* The applicant is proposing a three-acre park (with playscape, trail, benches, landscaping)
- \* Park will be constructed in Phase I
- \* Park will be a privately owned and maintained park by the Homeowners Association
- \* Parks Department is supportive of proposed parkland

Water, drainage facilities, garbage disposal and other necessary facilities are being provided:

- \* Full compliance is anticipated and the determination would be made during the plat review stage and Construction Plan review

The Development Plan is shown along with the Sidewalk, Fencing, Sound Berm and Park Plan. Tract A would contain the detention area as well as the park. Tract B (outlying southern boundary) would contain the sound berm.

The Future Land Use and Character Map designate the area as Agricultural Rural with Suburban Residential adjacent to it across Charter Oak.

In terms of the Future Land Use and Character Map, the current designation of Agricultural Rural is for primarily:

- \* Active Farm and/or ranch use
- \* Areas that do not have adequate public facilities
- \* A holding designation after annexation

The request is not in compliance with the current designation.

Under the Planned Development concept the project lends itself to the Suburban Residential designation.

The request fills a City zoning district void (lots of 12,500 square feet) that would have been supported by Suburban Residential.

The 2008 Comprehensive Plan (page 3-17 & 3-18) recommends that as density increases, so should landscaping, buffering and screening increase, particularly in Planned Developments within the Suburban Residential classification.

The Thoroughfare Plan designates Charter Oak as a proposed minor arterial and there is a Citywide spine trail.

In terms of the future Thoroughfare Plan compliance, the right-of-way dedication would be triggered by the future plat. It is anticipated there will be some dedication and those numbers would be discovered at the Development Review and plat review stage. The plat would come back before the P&Z Commission.

A TIA has been completed, stamped and sealed, for the 138 lots. This was revised since the first one done for 184 lots.

Conclusions from the TIA was the development did not have sufficient frontage along Charter Oak Drive to construct turn lane, using designed state criteria, to satisfy a design speed of 45 mph. Based on the adequacy of expected levels of service, plans for future capacity and the existing constraints and geometry of Charter Oak alignment, the TIA had the recommendation that a left-turn lane not constructed at this time

There is an existing 18-inch water line and an approximate alignment for the future sewer easement. These would be contained in the utility easement.

Surrounding properties include scattered single family residences on acreage zoned UE, GR, SF-1 and MH to the north, BNSF Railroad, I-35, scattered commercial and industrial uses zoned LI and GR to the south, and undeveloped land and scattered single family uses on acreage zoned UE and GR to the west and east.

Allowed and prohibited uses for UE are cited along with the proposed PD-UE development standards.

Thirteen notices were mailed with one returned in favor of the request and four returned in opposition. A notice was received right before the meeting began tonight which could affect the protest vote percentage. Currently the calculation 11.9 percent with 20 percent being the trigger.

In summary, the request complies with the UDC Section 3.4.5 (PD criteria), is compatible with surrounding uses and zoning, has public facilities available, and complies with the Thoroughfare Plan.

The request does not comply with the Future Land Use and Character Map.

In approving a Planned Development, the City Council may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas, including but not limited to, access and circulations, signs, parking, building design, location and height, light, landscaping, property owners associations, open space, topography and screening.

Staff identified the following positives of the request:

- Acceleration/Deceleration and/or Center-Left Turn lane improvements in Charter Oak;
- Front entry feature;
- Landscaping enhancements;
- Sidewalk /Trails;
- Privately maintained three acre park;
- Sewer extension;
- Improved exterior home-building materials;
- Sound attenuation from train and I-35 traffic noises;
- Privacy and buffer fencing.

Staff identified the following negatives of the request:

- Uncertainty of the improvements, their timing as well as the overall effectiveness along Charter Oak;
- Density: Is it still too high without further mitigation being needed (i.e. additional screening, buffering, and/or landscaping).

Staff recommends approval of the request for a rezoning from UE to PD-UE, subject to the following six conditions:

1. A Development Plan, as per the attached Exhibit B (included in the Commissioners' packet);
2. The following site enhancements:
  - A six-foot to eight-foot high solid cedar fence along Charter Oak street frontage;
  - Construction of a four-foot sidewalk encircling within the interior boundary of the subdivision;
  - Construction of a six-foot sidewalk along the subdivision's frontage of Charter Oak Drive, and
  - Landscaped entry with monument signage.
3. That restrictive covenants be submitted for review and recordation, addressing the maintenance responsibilities of the Homeowners Association (HOA) for the following:
  - Landscaping in common area;
  - Tract A (park and detention areas);
  - Tract B, (including the sound attenuation berm;
  - Easements;
  - Fencing within common areas;
  - Sidewalk within common area.
4. Other enhancements:
  - Enhanced front yard landscaping at the minimum rate of two, two-inch caliper trees (diameter at breast height);
  - Use of masonry, brick or stone as the primary exterior building material on a minimum of three of four building sides of the primary structure;
  - Construction of rear yard fencing on each residential lot;
5. That upon final approval by TxDOT, either the deceleration / acceleration lanes and/or a separate center left-turn lane for traffic turning movements is provided;
6. That the private park in substantial compliance to the attached park plan, be constructed prior to the acceptance of infrastructure for Phase I of development.

Commissioner Johnson asked if TxDOT denied the acceleration/deceleration and/or turn lane, would it deny the request. Mr. Brian Chandler, Director of Planning, responded that although he cannot speak on behalf of TxDOT; however, TxDOT has given the preliminary review and impression that it can be mitigated through a combination of acceleration/deceleration lane and left turn lane through the review of the TIA.

Charter Oak is a TxDOT road.

Commissioner Mikeska-Reed asked if the Commission approved the request based on the six conditions and TxDOT says no, does that change the P&Z acceptance of the request. Mr. Chandler explained that could be one of the Commission's conditions upon TxDOT approval to the traffic mitigations they provided.

Mr. Chandler clarified TxDOT required a TIA prior to the first request and then amended the TIA based on the new request. To Mr. Chandler's knowledge, TxDOT's options were based on the review of the proposed density item which is before the Commission today.

The improvements are the responsibility of the developer. In the future, if this becomes a CIP in coordination with TxDOT, it would address the roadway comprehensively and not just the frontage that is directly impacted, which is all the developer would be responsible for doing for TxDOT.

Mr. Baker added the recommendation in the TIA, based on constraints, was that TxDOT did not recommend any improvements. Mr. Baker stated Mr. Best offered up the acceleration/deceleration lanes as part of the project. Under the current request TxDOT required a left turn lane.

Mr. Baker explained there are times when the Future Land Use and Character Map is not consistent with a request. This results in appropriate amendments being processed for the Future Land Use and Character Map.

Mr. Baker clarified that a street within a subdivision is a collector or a minor or major arterial, it would trigger sidewalks. Local streets are not required to have sidewalks. Mr. Best is offering up a four-foot sidewalk within the residential local streets.

With the acreage the applicant has, the UE zoning would require a minimum of 22,500 square foot lots and with approximately 90-95 lots being developed by right. The additional density request is for 40 more lots (approximately) and the applicant is offering the enhancements as a trade-off.

Mr. Baker confirmed that all requirements were being met for UE lots except for square footage. The main standard the applicant is asking for relief is the square footage. Mr. Chandler added that at the permitting stage all of the other standards required would be ensured.

Mr. Baker stated there would be at least two phases and the park would be included in the first phase.

Mr. Baker explained if the ownership percentage within the immediate buffer area was 20 percent or more, it would trigger a protest vote (protest percentage of 4/5ths vote) at City Council. P&Z would not be the final authority on this item. Two things could trigger the protest vote: recommendation of denial from the Planning Commission or the percentage of ownership in protest.

Acting Chair Jones asked the applicant to speak.

Mr. Sam Best, 11213 Oak Tree Drive, Salado, Texas, stated he was present as a representative of DSW Real Estate.

Mr. Best stated he previously did not do proper due diligence and did not expect the opposition that occurred; however, he feels more prepared this time.

Recently a community meeting was held with the residents of the area, Mr. Best, and Staff to address the various concerns and to answer questions. It was also an opportunity to present the current plan.

Mr. Best wanted to try and explain certain parts of the detailed and complex TIA which was not available at the previous meeting. That report was based on the requested 184 lots. City Council voted against the request for similar reasons P&Z voted against it.

Mr. Best stated he had been asked numerous times why he would not just build the 90-95 lots. He explained that could be done; however, all of the enhancements would not occur if he just built 90-95 lots. Half acre lot sizes are really reserved for septic systems. Mr. Best offered to have an easement through the property for sewer services.

Mr. Best explained the current right-of-way is not there in order to put a left turn lane. The 'traffic guys' only look at what is currently platted. Enough right-of-way on the applicant's side of the road would be given to TxDOT in order to get a left turn lane. They could also do an acceleration/deceleration lane there but are unaware of what they would be required to do so the TIA report was requested and prepared. The response was that the developer would probably require a left turn lane there which the applicant feels is feasible.

What is not feasible is the four lane undivided highway because property owners on the other side would also be affected by the right-of-way required.

The applicant is willing to pay for the portion of the acceleration/deceleration lane.

Mr. Best explains the TIA "grades" the road so a recommendation can be made. There are six tables and graded on a scale from A through F. Anything above an E will have recommendations for something to be done. Two of the six grades were Cs for the proposed development; the rest were Bs or As. This is based on the engineering done, the traffic count that comes down the road, and how long do you have to wait to get out/in.

Mr. Best presents a short Powerpoint to the Commission which reiterated the presentation points Mr. Baker previously gave.

Mr. Best is asking for the Commission's approval for this request. Economically, the development needs a bit more density in order to be a profitable venture. The market would not sustain high end home prices with only 90-95 lots. 12,500 square foot lots are economically feasible and Mr. Best would like to have the additional 40 lots approved.

Commissioner Staats asked Mr. Best if anyone has examined the possibility of having the 45 mph speed limit on the bridge reduced. Mr. Best stated his engineer, Ms. Lina Chtay, did talk with TxDOT about the process so the issue was raised but did not seem positive.

Ms. Lina Chtay, Belton Engineering, 106 North East Street, Belton, Texas, stated she spoke with Mr. Billy Tweedle and was informed it was a very lengthy process to go through and ultimately has to go through the Waco office to be evaluated. Mr. Tweedle could not give a time frame. Apparently, there is a rather long process to go through in order to change a speed limit sign.

Commissioner Mikeska-Reed asked what other options were available to the developer without a zone change. Mr. Baker stated there were a number of uses through a Conditional Use Permit (CUP).

Mr. Baker referred back to the speed limit signage. Since the neighborhood meeting Staff did speak with the City's Streets Department and learned about the process as well. It would involve TxDOT evaluating the TIA (which they already have in their possession) but then there is the lengthy involvement to review the speed issue. If they agreed to that, it would go before City Council for a resolution. The City and State would work closely on the matter.

Mr. Baker cited several options that the developer would have if he did not build the lots:

*(Not limited to the following):*

Residential Uses	<ul style="list-style-type: none"> <li>• Detached Single-Family Residence</li> <li>• Home For The Aged (CUP)</li> <li>• Industrialized Housing</li> </ul>
Agricultural Uses	<ul style="list-style-type: none"> <li>• Farm, Ranch, Orchard or Garden</li> </ul>
Commercial Uses	<ul style="list-style-type: none"> <li>• None</li> </ul>
Institutional Uses	<ul style="list-style-type: none"> <li>• Place of Worship</li> <li>• Halfway House (CUP)</li> <li>• Cemetery, Crematorium or Mausoleum (CUP)</li> </ul>
Recreational and Entertainment Uses	<ul style="list-style-type: none"> <li>• Park or Playground</li> </ul>
Retail and Service Uses	<ul style="list-style-type: none"> <li>• None</li> </ul>
Overnight Accommodations	<ul style="list-style-type: none"> <li>• None</li> </ul>
Industrial Uses	<ul style="list-style-type: none"> <li>• Temporary Asphalt Batch Plant (CUP)</li> </ul>
Restaurant Uses	<ul style="list-style-type: none"> <li>• None</li> </ul>

Acting Chair Jones opened the public hearing and advised the audience of the three minute rule since so many people were in attendance.

Mr. Keith Morris, 5009 Charter Oak Drive, Temple, Texas, stated everyone in the neighborhood was shocked when this first came about. Mr. Morris stated he was not naive about the growth of the City nor are the neighbors. Mr. Morris appreciates the work Mr. Best has done and having the meeting with everyone. Mr. Morris still believes 90-95 homes will change the area and asked the Commission to keep the area as UE.

Ms. Charlene Okun, 4809 Charter Oak Drive, Temple, Texas, stated the number one concern was the safety of the people living out there in the community. Ms. Okun stated the TIA does not tell everything because in the summertime Heritage Park is very busy with all of the festivities and sports occurring and traffic is very heavy.

Ms. Okun stated if the applicant were to build 138 homes, with approximately two cars per family, this will increase traffic by at least 276 more cars. The neighbors were told at the last City meeting there were no plans in the immediate future to widen Charter Oak which means a narrow two lane bridge on one end and a very sharp blind curve on the railroad tracks at the other end. Ms. Okun has been rear-ended just pulling into her driveway.

Ms. Okun believes the 90-95 homes Mr. Best is allowed to build would add enough danger to the road until it is widened.

Ms. Yvonne Morgan, 5009 Charter Oak Drive, Temple, Texas, stated she appreciated the efforts Mr. Best has put into the project. Ms. Morgan grew up in the area. The big concern for her is the traffic. The TIA, page 11, Table 2, talks about 138 units with 118 cars leaving in the morning during peak time and 150 cars returning in the evening peak time. With 138 lots that is

approximately 80-88 additional cars on the road. Ms. Morgan's grandmother was killed on the road back in 1978. Cars cannot see pedestrians and pedestrians cannot see the cars.

Ms. Morgan would like the area to stay the way it is.

Mr. James Okun, 4809 Charter Oak Drive, Temple, Texas, stated he has lived there since 1970. Mr. Okun appreciates what Mr. Best is trying to do; however, traffic is still an issue. Mr. Okun would like to have the least amount of building out there.

Mr. Wes Allen, 5301 Charter Oak Drive, Temple, Texas, stated his house is right in the middle of the project proposed to be developed and believes the main issue is the road. There are also low water crossings at each end of the street making it difficult for people to go in and out.

Mr. Allen is concerned that if there is a turn lane in the middle of the road, will he have to give up part of his property for the applicant's benefit. There are two large 100 year old pecan trees and he does not want to lose them. Mr. Allen is concerned about his rights as a homeowner and property owner.

Ms. Elizabeth Morgan, 5011 Charter Oak Drive, Temple, Texas, stated she has lived at her home for 60 years and feels she will lose the way she lives if this is gone. There will not be anything left.

Mr. Richard Morgan, 214 W. Houston Avenue, Temple, Texas, and was raised in the area. Mr. Morgan stated the traffic is a very painful issue with their family considering the losses they have had and numerous traffic accidents in the area. To add an extensive number of homes and cars will make the problem that much worse.

Mr. Morgan would prefer to keep the building at 90-95 homes.

Mr. Morgan also stated Temple school district would not benefit from this but Belton would.

Ms. Kay Haynes, 6815 Dusty Lane, Temple, Texas, stated she has lived in the area her whole life. With the new addition of homes, Ms. Haynes asked if there will be more police officers added to the force to cover the new area.

Mr. Hershall Seals, 7322 Charter Oak Loop, Temple, Texas, reemphasized that this geographical area represents the genesis of Bell County because of the Charter Oak Treaty and the signators of that Treaty. They are buried in the cemetery at the end of Dusty Lane. Mr. Seals' family has lived in the area for four generations.

Mr. Seals would not like to see the area shift if at all possible.

Ms. Alberta Eno, 5019 Charter Oak Drive, Temple, Texas, stated when they were at the City Council meeting, they were told there could be no turning lane going left and go out into the stream of traffic. Mr. Best is talking about a turning lane—how can that happen if we were told that cannot happen?

Mr. Best will have a beautiful subdivision which is good for the people there, but it is not good for the traffic for us. Ms. Best crosses the road every day to get her mail and has to wait for the traffic.

Ms. Phyllis Woljevach, 5110 Charter Oak Drive, Temple, Texas, stated her home is directly across from the subject property. Traffic is the biggest concern--there are school buses and 18-wheelers that turn next to her house to go down Charter Oak Loop. Ms. Woljevach's mailbox is at the end of her driveway and has had several near misses with vehicles.

Ms. Ruby Gandy, 5005 Charter Oak Drive, Temple, Texas, stated traffic is a problem and she also has to go across the street for her mailbox. It is very dangerous.

Mr. Andrew Haynes, 6753 Dusty Lane, stated he was raised in the area and has abided by all the rules required of him. If he has to abide by the rules why can someone change it? The growth is too much and needs to stop. Mr. Haynes is not against growth but would like to keep it at a minimum and obey the same rules as everyone else.

Ms. Maria Avilla, 901 S. 7<sup>th</sup> Street, Temple, Texas, stated the community seems more like a Belton community and not Temple. Adding the development would be growth for Belton.

Mr. Clay Blankenstein, 4905 Charter Oak Drive, Temple, Texas, stated the S curve is an issue and the Police have made numerous visits out to the area.

Ms. Kara Haynes, 6753 Dusty Lane, Temple, Texas, stated her home has been broken into twice. The emergency response was over 30 minutes. Adding more people leaves the residents open to having strangers in their area which would also lead to exploring and meddling in things.

Ms. Penny Morgan, 214 W. Houston, Temple, Texas, stated the 20 foot wall of dirt to block the train track concerns her. It is a beautiful area and would not like the wall there.

Mr. David Haynes, 6815 Dusty Lane, Temple, Texas, stated he was a small businessman and felt a bit threatened by what Mr. Best said if he does not get what he wants.

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

Commissioner Mikeska-Reed commented what she was hearing were a lot of issues that Mr. Best did not create; the parking issue, the S curve, the bridge, the cemetery, the traffic, etc. These are caused by people breaking the law and creating hazardous conditions. 2305 and 317 used to be rural farmland and services came with the development. Commissioner Mikeska-Reed felt there was an opportunity available to provide the neighborhood with Police, Fire, sewer, utilities, services, etc. through development. Mr. Best still has a lot of work to do in order to meet the design standards. Commissioner Mikeska-Reed voted against the previous request due to the density issue; however, this time she is on the fence about her decision. She also feels the citizens are not seeing an opportunity to be better protected with growth.

Commissioner Pitts commented the citizens are looking at just the one piece of property. There are other developments going on that impacts the area and whether or not Mr. Best does anything on the property or not, the area will change. More development is coming and in five years Charter Oak will probably be four lanes. If the subject property just sat for five years, it is possible someone could build SF-2 which would mean more houses. PD-UE is a good option for now.

Commissioner Johnson commented he also voted against the previous request and the density issue still bothers him. Commissioner Johnson felt the way to get the roads fixed quicker was to have developers involved and talking with the City.

Commissioner Staats commented there were roads west of the City that were not slated for any development at all. Through a process of people speaking out, requests from P&Z Commissioners and City Council, and private individuals, those roads have been noticed and moved up in priority to enhance and widen them—due to input. The same may need to happen in this case. Commissioner Staats stated the citizens need to pressure TxDOT at every opportunity to change the speed limit, even if this item does not happen. You need to have a voice and have the road move up in priority. Make it happen.

Acting Chair Jones thanked the citizens for their participation. Acting Chair Jones stated the Belton-Temple schools have nothing to do with the city limits; it is just how the districts work.

Acting Chair Jones encouraged the citizens to talk to their City Council member. Old Waco Road will become the outer loop of Temple to connect to I-35. If Mr. Best does what is required by TxDOT, it does not mean trees will be removed or property will be taken; P&Z has no control over that.

Acting Chair Jones would rather see a nicer subdivision with the lighted entrances and amenities as opposed to what could happen without any vote. Due to growth the traffic will continue everywhere. The other properties in the area will develop as time goes by. Charter Oak is bigger and better than Poison Oak Road area which is currently being developed.

Commissioner Staats made a motion to approve Item 5, **Z-FY-15-12**, as presented, and Commissioner Pitts made a second.

*Motion passed: (4:1)*

Commissioner Johnson voted Nay; Chair Rhoads and Commissioners Fettig, Crisp, and Sears absent

## **C. REPORTS**

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

There being no further business, the meeting was adjourned at 8:03 p.m.

Respectfully submitted,  
Leslie Evans

**PLANNING AND ZONING COMMISSION  
MONDAY, MARCH 16, 2015  
5:00 P.M.  
WORK SESSION**

**PLANNING AND ZONING MEMBERS PRESENT**

Vice-Chair David Jones

**COMMISSIONERS:**

Tanya Mikeska-Reed  
Blake Pitts

James Staats  
Patrick Johnson

**PLANNING AND ZONING MEMBERS ABSENT:**

Will Sears  
Greg Rhoads

Omar Crisp  
Lester Fettig

**STAFF PRESENT:**

Brian Chandler, Director of Planning  
Trudi Dill, Deputy City Attorney  
Beverly Zendt, Assistant Director of Planning  
Mark Baker, Planner  
Mary Maxfield, Planning Technician  
Leslie Evans, 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, Vice-Chair Jones opened the work session at 5:00 p.m. and asked Mr. Brian Chandler, Director of Planning, to proceed.

Conflict of interest was brought up in the Old Town Development (Charter Oak) for two Commissioners. Commissioner Mikeska-Reed stated she did not have a financial interest in the project, and the engineers representing Sam Best are her consultants and they work together. Did Commissioner Mikeska-Reed have to recuse herself? Ms. Trudi Dill, Deputy City Attorney, responded no. It was Commissioner Mikeska-Reed's impression from the recent APA seminar that the issue was strictly for financial reasons.

Mr. Chandler also added that is there a personal question of whether there is a potential perception of conflict of interest and Commissioner Mikeska-Reed stated there was not.

Commissioner Staats stated he has done a lot of work for the applicant on other projects. Mr. Chandler stated that was a reality in smaller cities/communities. Commissioner Staats is not involved in this project at all.

Commissioner Mikeska-Reed stated she is also related to the first applicant, James Ledger; however, she has no idea of what his project is about. Ms. Trudi Dill stated a cousin is fourth degree so there was no issue.

Acting Chair Jones asked if Item 5: Z-FY-15-12 (Charter Oak) should be moved to the first item due to amount of people that will show up. Brief discussion about how long the other cases would take in order to rearrange the items.

Mr. Chandler explained Staff recommended approval of Item 2, Z-FY-15-07. Mr. Ledger wants to have a garage apartment he wants to turn into an accessory dwelling unit, which is not allowed in AG, or any residential districts. However, on an acre that is zoned 2F, the potential to have future duplexes on the property exists. Mr. Ledger has no intention to build duplexes.

Mr. Chandler suggested looking more at a PD option to address an existing AG district with a PD to allow for an accessory dwelling unit as opposed to straight out rezoning to 2F. The property also abuts a private road. Mr. Chandler has not talked with the applicant about this suggestion.

Commissioner Mikeska-Reed asked if there was a dedicated easement to get to the other three houses. Mr. Chandler was not certain but according to the north neighbor there is. Either way it is private drive/private road.

A PD would address Mr. Ledger's situation and limit the ability for someone else to build duplexes in a 2F zoning. Mr. Chandler will amend his recommendation in the meeting.

Acting Chair Jones asked why Mr. Best does not just build out the number of lots he has since nothing needs to be changed on the UE. Commissioner Staats commented Mr. Best is not a developer but a land manager and Mr. Best's clients do not want to have to build that number of lots in order to "make it work"; anything less they do not build.

Mr. Chandler clarified the number of estimated lots was approximately 90, 95-100 lots which he can do by right versus his current request of 138. The previous request was for 185. This amounts to an increased density of approximately 38 lots.

Mr. Chandler asked Acting Chair Jones to enforce the three minute rule since there are so many people in attendance.

Mr. Chandler would like to discuss the recent APA seminar held on March 6<sup>th</sup> at the next P&Z work shop since one of the items was the timing of when Staff presents, how it is addressed with the applicant, and when the applicant speaks. Staff tries to represent the information that is given to them so the applicant does not have to give a formal presentation. Mr. Chandler asked that the public hearing not be opened until after the applicant speaks so the applicant is not subject to three minutes and the Commissioner can ask questions.

Acting Chair Jones suggested, in accordance with the information at the APA seminar, that the Commissioners state their reason(s) why they voted yes or no on the Charter Oak item since it will go forward to City Council. Mr. Chandler added that if there were

ever a need to go to court on an item, the rationale basis for the decision would be part of the record.

Ms. Dill commented that with all of the information that comes in to Staff, additional comments made at public hearings, additional comments from the applicant, there would be plenty of evidence for decisions. Commissioners are not limited to one item they mention during their explanation of why they vote one way or the other. Members can vote the same way but for different reasons.

Mr. Chandler stated the motion should be explained as to why it is being made a certain way, such as "as presented," "reasons for X, Y, Z," etc.

Ms. Dill stated one of the speakers at the APA seminar talked the helpfulness of having discussion about a reason for a vote without being too precise. Mr. Chandler added that as long as the discussion vets the issues, especially if there is a denial, there was discussion about the negative impacts as opposed to recommending denial when there are no comments or questions of Staff.

Mr. Chandler would like to meet at 4:30 or 4:45 for the next P&Z work shop for review of the APA seminar and to discuss policy questions.

The order of the items will remain the same.

Invocation and pledge are assigned.

Vice-Chair Jones adjourned the meeting at 5:25 P.M.



## PLANNING AND ZONING COMMISSION ITEM MEMORANDUM

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04/06/15  
Item 2  
Regular Agenda

**APPLICANT / DEVELOPMENT:** Ronnie Moran, MCS Construction business owner

**CASE MANAGER:** Brian Chandler, Director

**ITEM DESCRIPTION:** Z-FY-15-14 Hold a public hearing to discuss and recommend action on a Conditional Use Permit for a Paint Shop/General Contractor facility on Lot 2, Block 1, Trantum Subdivision Phase VIII, located at 5806 South General Bruce Drive.

**STAFF RECOMMENDATION:** Staff recommends approval of Z-FY-15-14, a Conditional Use Permit to allow a Paint Shop/General Contractor facility use within the I-35 Corridor Overlay.

**ITEM SUMMARY:**

5806 S. General Bruce Drive currently has a base zoning of C (Commercial District), which allows a somewhat comparable use like “tool rental (outside storage)” by right. However, the I-35 Corridor Overlay requires approval of a CUP (Conditional Use Permit) for a “Paint Shop” use within the Freeway Retail/Commercial Sub-District, which is the most comparable use found in Sec. 6.7.9 (Permitted Uses Table) of the Overlay standards.

When it was confirmed that a new use/tenant had moved onto the 5806 South General Bruce Drive property, the property owner was contacted to let him know that his new tenant required a CUP and that their new temporary signage required a permit. They have subsequently obtained a permit for permanent wall signage, which be fabricated and installed if the CUP is approved by City Council. The applicant and business owner have been very cooperative in trying to bring the use and the signage into compliance with the Code.

City Council approved a CUP on this same property on June 6, 2014 (Ordinance No. 2014-4669) to allow a Nursery/Landscape Facility use. However, the landscape company never fully occupied the space and, therefore, the current tenant must obtain another CUP to legally operate within the I-35 Corridor Overlay permitted use standards. Ordinance No. 2014-4669 included the following conditions, which the property owner has subsequently addressed:

- Landscaping is planted to screen parking and minimum of 40 percent of the existing I-35 facing chain-link fence

The property owner also painted the office and planted additional shrubs adjacent to it and to the existing warehouse building in an effort to improve the aesthetics of the buildings.

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.

According to an email response from the applicant, MCS' daily operations can be summed up as follows:

- 1) They store paint and other construction materials inside
- 2) They do not construct or paint on site
- 3) Outdoor storage is limited to a few trucks and trailers
- 4) They typically have no more than 5 employees on-site, who are typically in and out
- 5) They typically would have no more than 2 or 3 customers every hour

**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 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 2, 2015 at 12:00 pm, two (2) notices had been returned in favor (including 1 from the 5806 S. Gen. Bruce Drive property owner) and zero (0) 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 March 26, 2015, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

- Application and Checklist
- Aerial Location Map
- Photos
- Zoning Map
- Future Land Use Map
- Site Plan

Notification Map  
Returned Property Owner Notices  
Ordinance No. 2014-4669 for previous CUP granted for site

City of Temple Universal Application

Rev. 10-09-14

(Incomplete applications will not be accepted)

- Sketch Plan
- Plat Vacation
- Minor or Amending Plat
- Preliminary Plat
- Final Plat
- Variance (Board of Adjustment)
- Abandonment

- Zone Change
- Conditional Use Permit (CUP)
- Planned Development (PD)
- PD Site Plan
- I-35 Appeal
- I-35 Site Plan Review
- TMED Site Plan Review
- TMED Variances/Warrants

- Appeal of Administrative Decision
- Residential Masonry Exception
- Nonresidential Masonry Exception
- Park, Facility or Street Renaming
- Cost Sharing Offsite Participation
- Exception
- Street Use License (SUL)
- 1<sup>st</sup> and 3<sup>rd</sup> Overlay Appeal

PROJECT INFORMATION:

- Residential     Commercial     Property Platted     Property Not Platted     ETJ

Project Name: MCS Parcel(s) Tax ID# (Required): \_\_\_\_\_

Project Address (Location): 5750-5806 S. IH35 Total Acres: 1

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

Cabinet #: \_\_\_\_\_ Slide #: \_\_\_\_\_

Outblock (if not platted): \_\_\_\_\_

Brief Description of Project: \_\_\_\_\_

Current Zoning Commercial # of Existing Lots 1 # 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: Ronnie Moran Company Name: MCS  
 Address: 5806 S. Gen. Bruce Dr. City: Temple State: TX Zip: 76502  
 Phone: 254-613-5047 Cell #: \_\_\_\_\_ Fax #: \_\_\_\_\_  
 Email Address: mcsconstruction@gmail.com

PROPERTY OWNER INFORMATION:

Name: Chris McGregor Company Name: \_\_\_\_\_  
 Address: 2806 Wickersham City: Temple State: TX Zip: 76502  
 Phone: \_\_\_\_\_ Cell #: 254-770-7262 Fax #: \_\_\_\_\_  
 Email Address: mcchecker05@aol.com

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

DEVELOPER     ENGINEER     SURVEYOR INFORMATION:  
 Name: \_\_\_\_\_ Company Name: \_\_\_\_\_  
 Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Cell #: \_\_\_\_\_ Fax #: \_\_\_\_\_  
 Email Address: \_\_\_\_\_

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

To occupy above as painting / construction business.

**PER SUBMITTAL**

**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/Warrant	ZBA Variance	Masonry Exception	Appeal of Administrative Decision	Abandonment	Street Use License (SUL)
Complete Universal Application	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Utility Providers-see attached link <a href="http://www.templetx.gov/DocumentCenter/View/2920">http://www.templetx.gov/DocumentCenter/View/2920</a>	✓												
Electronic copy (PDF) of all required materials submitted as hard copies (must be legible)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Hard Copies for all submittals	5	2	1	5	2	2	2	2	1	1	1	1	1
Field Notes ( <i>signed and stamped</i> ) or Lot and Block Description	✓	✓	✓		✓	✓	✓	✓	✓			✓	✓
Site Plan Checklist		✓			✓	✓	✓	✓	*				
Plat Checklist	✓			✓									
I-35 Checklist					✓	✓							
TMED Checklist							✓	✓					
Abandonment Checklist												✓	
SUL Checklist													✓
Scaled Site Plan		✓			✓	✓	✓	✓	✓	✓	*	✓	✓
Drainage Letter or Drainage Report (for residential subdivisions)	✓												
Elevations		✓			✓	*	✓	*		✓			
Landscape Plan					*	*	*	*					
Lighting Plan					*	*	*	*					
Fee	✓	✓	✓	NA	NA	NA	NA	NA	✓	NA	NA	✓	✓
Survey												✓	✓
Broker's Opinion of Value or Appraisal R-O-W abandonment ONLY												✓	

*\*May be required depending on nature of Appeal/Variance*

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

**FEE SCHEDULE**

- Abandonment (3<sup>rd</sup> Party Broker's Opinion or Appraisal) \$100.00 for filing fee only; (3<sup>rd</sup> Party Broker's Opinion or Appraisal fee will be Applicant's responsibility)
- Board of Adjustment (Variance) \$ 75.00
- \*Preliminary/Final Plat \$150.00 + \$3.00/lot (residential) or \$10.00/acre (nonresidential)
- Street Use License (SUL) \$150.00 (renewed every 15 years)
- \*Zone Change/CUP/PD Site Plan \$150.00 + \$3.00/acre (to match Ordinance No. 1948)

*\*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 FOR SIGN POSTING AND PROPERTY ANALYSIS PURPOSES.

APPLICANT SIGNATURE: *Kippi Graves* *Ronnie Moran*

Print or Type Name: KIPPI GRAVES Ronnie Moran

(property owner authorization required below if applicant is someone other than property owner)  
 I (property owner) hereby authorize Ronnie Moran of MCIS  
 (name) (company (if applicable))

to represent me in matters pertaining to this case.  
 Property owner's signature: *Chris McCreger*  
 Property owner's name (print): Chris McCreger  
 Property owner's address: 2806 Wickenshan Dr. Temple, TX, 76502  
 Property owner's phone#: 254-770-7262  
 Email address: mcchecker05@aol.com

For Department Use Only
Project #: <u>2-FY 15-14</u>
Project Manager: <u>Brian Chandler</u>
Total Fee(s): <u>150.00</u>
Fee Credit: <u>—</u>
Payment Method: _____
Submittal Date: <u>March 4, 2015</u>
Accepted By: <u>M. McCreger</u>
Accepted Date: <u>4 March 15</u>



**PLANNING DEPARTMENT CHECKLIST NON RESIDENTIAL& MULTI-FAMILY SITE PLAN REVIEW\***

Project Name: MCS Zoning: Commercial  
Address: 5750-5806 S. Gen. Bruce Dr. Proposed Use: Painting Business

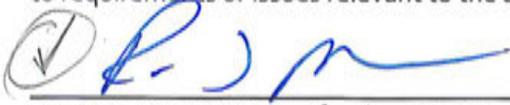
\*Please note that this checklist is intended to assist developers and design professionals in the preparation of site plans and is generally what is needed by staff to ensure a timely review of plans. Additional information may be requested as needed to make an informed judgment about conformance with standards set forth in the City's Unified Development Code (UDC). The complete UDC can be accessed online at: <http://www.ci.temple.tx.us/index.aspx?NID=1221>.

Site Layout, Uses, Existing Conditions, Landscaping	
<input checked="" type="checkbox"/>	Has existing and proposed condition of lot been identified?
<input checked="" type="checkbox"/>	Has adjacent development been identified?
<input checked="" type="checkbox"/>	Have lot dimensions been clearly noted? UDC 4.6
<input checked="" type="checkbox"/>	Have all proposed uses for the property been clearly identified? UDC 5.1
<input checked="" type="checkbox"/>	Have all building setbacks from property line been identified and dimensioned? UDC 4.6
<input checked="" type="checkbox"/>	Have all landscaping areas been identified? UDC 7.3
<input checked="" type="checkbox"/>	Have any areas dedicated to public open space been identified?
Screening & Buffering, Site Improvements	
<input checked="" type="checkbox"/>	Have all refuse containers and compactors been clearly identified? UDC 7.6.6
<input checked="" type="checkbox"/>	Have all outdoor storage areas been clearly identified? UDC 7.6.8
<input checked="" type="checkbox"/>	Have all existing and proposed fire hydrants been identified? UDC 8.1.3
<input checked="" type="checkbox"/>	Have proposed drainage areas and all easements been identified? UDC 8.1.3
<input checked="" type="checkbox"/>	Have all proposed sign locations been identified? UDC 7.5
<input checked="" type="checkbox"/>	Has the location and material of all fences been identified? UDC 7.6.5
<input checked="" type="checkbox"/>	Has all screening and buffering been identified? UDC 7.6
<input checked="" type="checkbox"/>	Has all existing and proposed mechanical equipment (and poles) been identified?
<input checked="" type="checkbox"/>	Has all existing and proposed lighting been identified? UDC 7.1.8, UDC 8.2.10
<input checked="" type="checkbox"/>	Have building articulations been identified? UDC 7.7.3 G
<input checked="" type="checkbox"/>	Have exterior building materials been identified to include percentage of each type? UDC 7.7.2, UDC 7.7.3
<input checked="" type="checkbox"/>	Have building locations, dimensions, and gross floor area been identified? UDC 4.6
Access and Circulation / Off Street Parking and Loading	
<input checked="" type="checkbox"/>	Has access and circulation been clearly identified? UDC 7.2
<input checked="" type="checkbox"/>	Have drive aisles and drive aisle width been clearly identified?
<input checked="" type="checkbox"/>	Has curb and gutter locations been identified? UDC 7.4.5
<input checked="" type="checkbox"/>	Have curb cuts and drive approaches been clearly identified? UDC 7.2.4; UDC 7.2.5; UDC 7.2.6
<input checked="" type="checkbox"/>	Have proposed sidewalks been clearly identified? UDC 7.2.7
<input checked="" type="checkbox"/>	Is total number of parking spaces clearly annotated? UDC 7.4.4
<input checked="" type="checkbox"/>	Are the parking spaces clearly dimensioned? UDC 7.4.5

**Certification**

You as the property owner certify with your signature that the following statements are true:

- This site plan is complete and all of the information provided is accurate.
- The person signing below as applicant may act as the owner's agent for processing and presentation of the application. The designated applicant will be the principal contact person with the City for processing and responding to requirements or issues relevant to the application.

  
Applicant's Signature Ronnie Moran

  
Property Owner's Signature Chris McErga



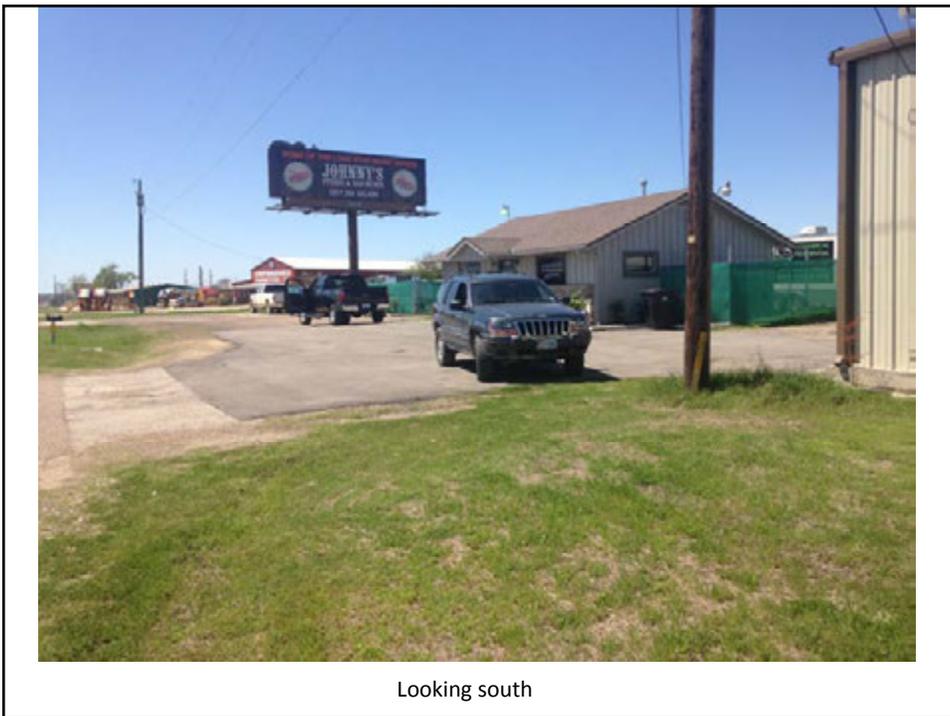
Vicinity Aerial Map



Storage building on-site



900 sf Office





Looking south



Property to North



Property to South

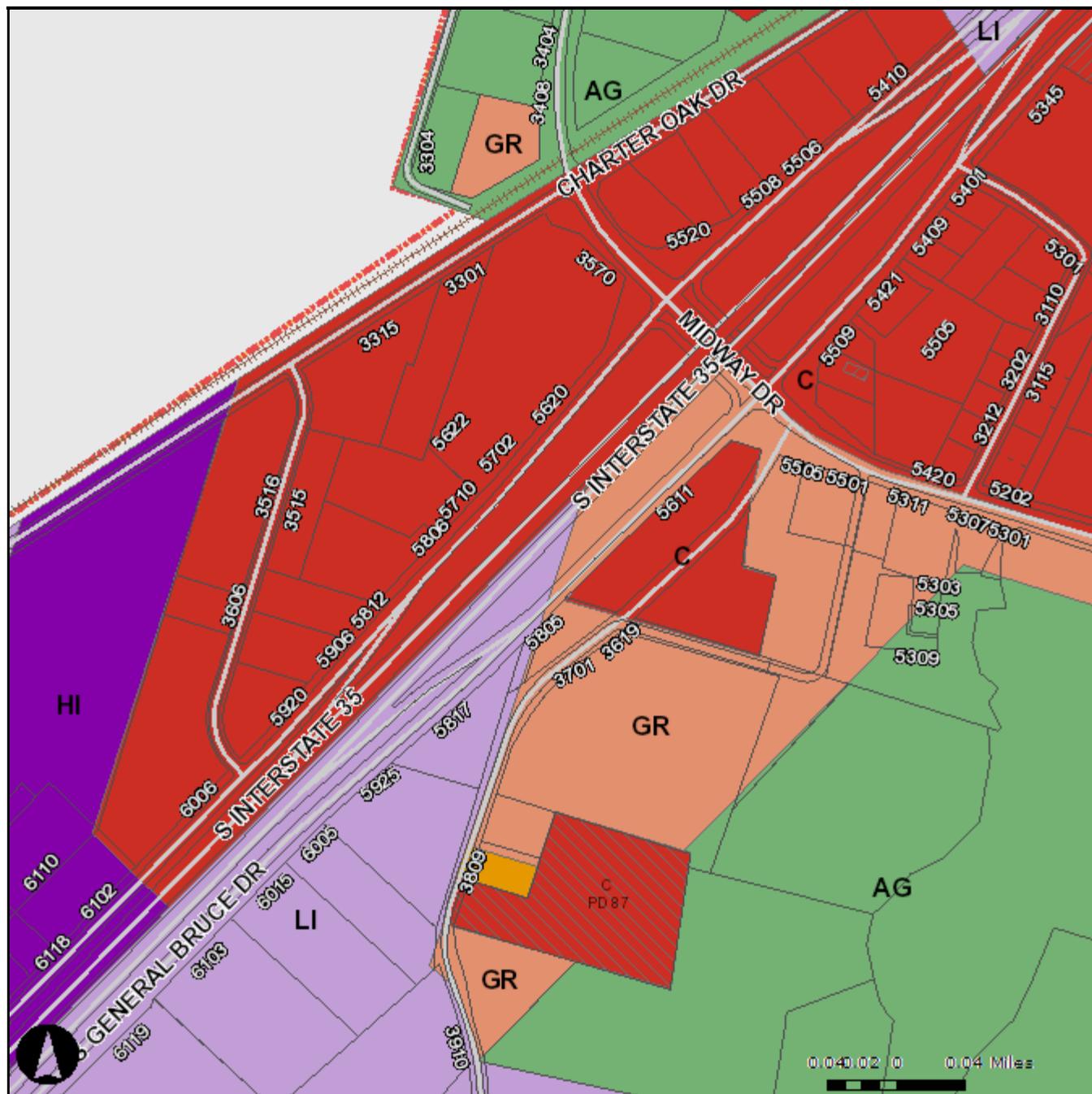


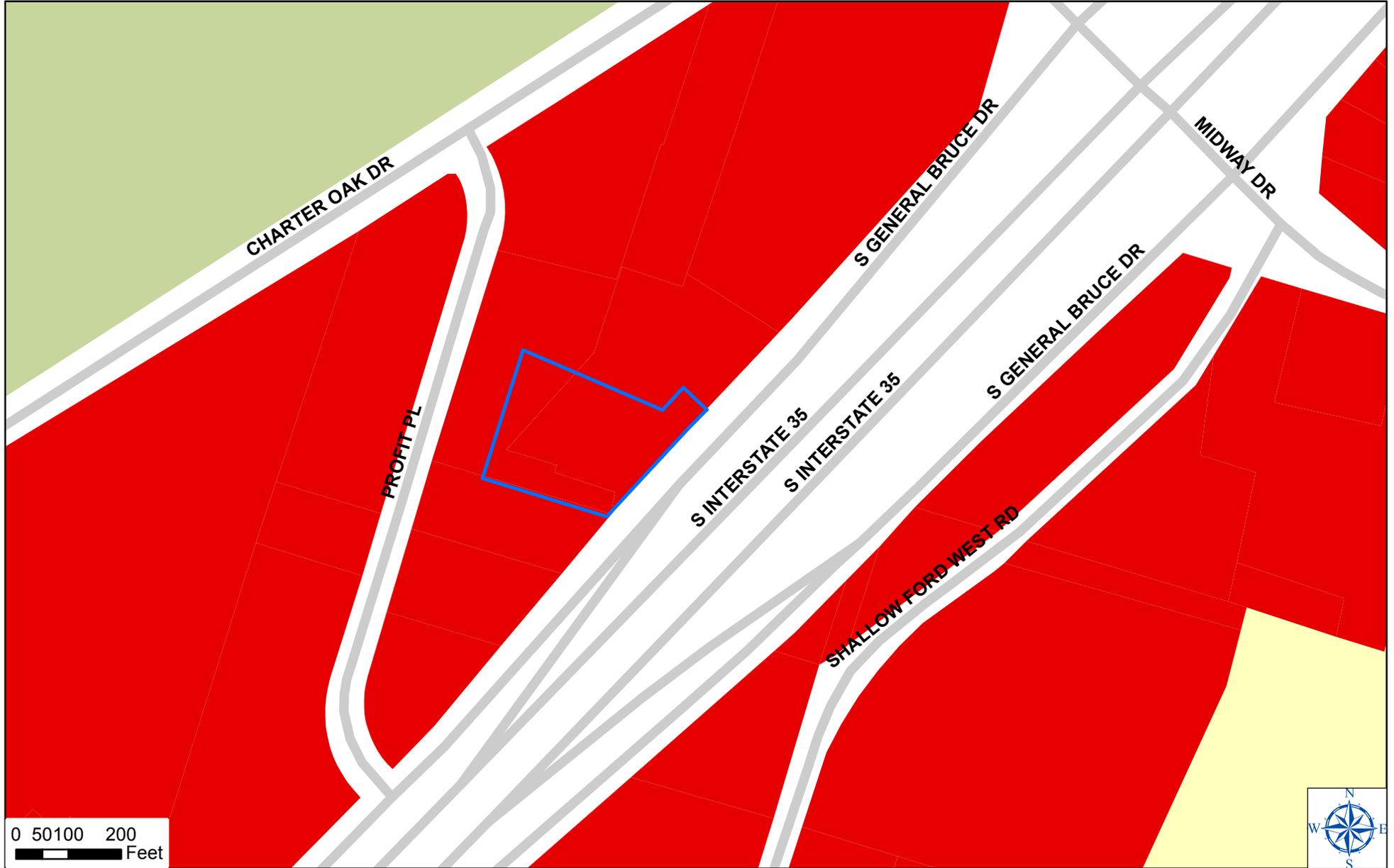
Property to East



Undeveloped Property to West

# 5806 S. Gen. Bruce Drive Zoning





**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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# MCS Site



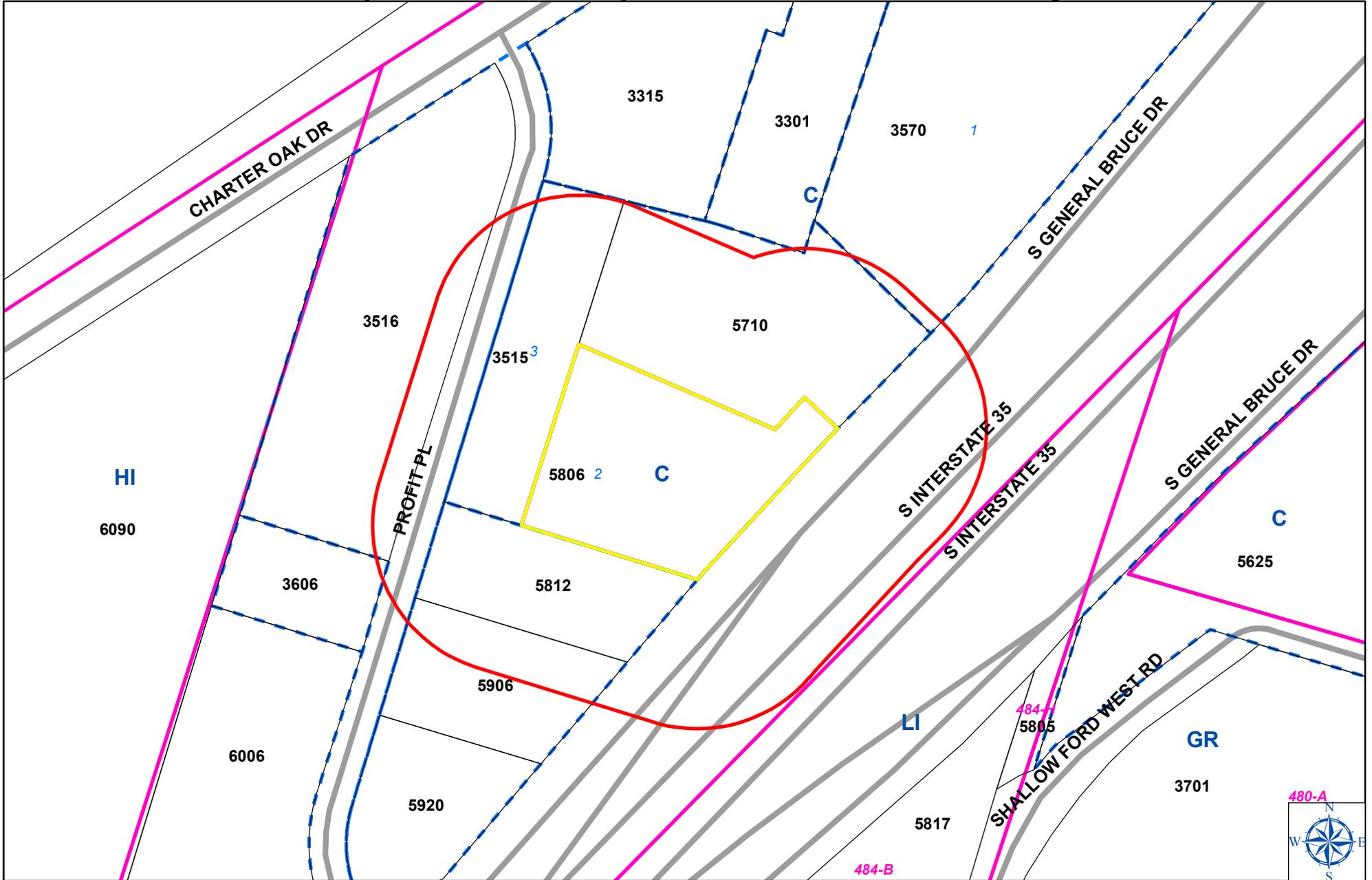
Q1



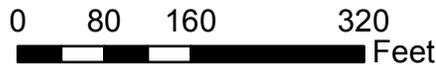
Z-FY-15-14

# Conditional Use Permit Request Proposed Paint Shop/General Contractor Facility

5806 S. Gen. Bruce Drive



 Case 
  Zoning 
 1234 Addresses



Z-FY-15-06  
City of Temple GIS  
bzndnt

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

Chris Etux Karen McGregor  
2806 Wickersham Drive  
Temple, Texas 76502

**Zoning Application Number:** Z-FY-15-14

**Project Manager:** Brian Chandler

**Location:** 5806 South General Bruce Drive

The proposed conditional use permit request is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible conditional use permit request of the property described on the attached notice, and provide any additional comments you may have.

I recommend  approval      ( ) denial of this request.

**Comments:**

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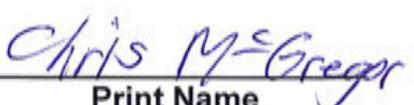
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\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than April 6, 2015.**

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

**RECEIVED**

Number of Notices Mailed: 9

Date Mailed: March 26, 2015

**APR 01 2015**

City of Temple  
Planning & Development



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

Chris Etux Karen McGregor  
2806 Wickersham Drive  
Temple, Texas 76502

**Zoning Application Number:** Z-FY-15-14

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**Comments:**

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Signature

  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than April 6, 2015.

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

**RECEIVED**

Number of Notices Mailed: 9

Date Mailed: March 26, 2015

APR 01 2015

City of Temple  
Planning & Development

ORDINANCE NO. 2014-4669

(PLANNING NO. Z-FY-14-28)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT FOR A RETAIL NURSERY/LANDSCAPE FACILITY ON LOT 2, BLOCK 1, TRANUM SUBDIVISION, PHASE VIII, LOCATED AT 5806 SOUTH GENERAL BRUCE DRIVE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Comprehensive Zoning Ordinance of the City of Temple, Texas, provides for the issuance of conditional use permits under certain conditions and authorizes the City Council to impose such developmental standards and safeguards as the conditions and locations indicate to be important to the welfare or protection of adjacent property and for the protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions, and for the establishment of conditions of operation, time limits, location, arrangement and construction for any use for which a permit is authorized;

**Whereas**, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location of property described as lot 2, block 1, Tranum Subdivision. Phase VIII, located at 5806 South General Bruce Drive, recommends that the City Council approve the application for this Conditional Use Permit for a retail nursery/landscape facility; and

**Whereas**, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted by the applicant concerning the proposed plans for operation of said establishment and has heard the comments and evidence presented by all persons supporting or opposing this application at said public hearing, and after examining the conditions, operation and the location of said establishment, finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1:** The City Council approves a Conditional Use Permit to allow retail nursery/landscape facility on lot 2, block 1, Tranum Subdivision. Phase VIII, located at 5806 South General Bruce Drive, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

**Part 2:** The owner/applicant, his employees, lessees, agents or representatives, hereinafter called "permittee" shall comply with the following developmental standards and conditions of operation:

- A. Landscaping is planted to screen parking and a minimum of 40 percent of the existing I-35 facing chain-link fence;

- B. No portable buildings or other items considered to be non-landscaping related or accessories that are stored outdoors are sold; and
- C. That the Director of Planning is authorized to work with the applicant on what is deemed adequate parking.

**Part 3:** The Director of Planning is hereby directed to make the necessary changes to the City Zoning Map accordingly.

**Part 4:** The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

**Part 5:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

**Part 6:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 7:** It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the 15<sup>th</sup> day of May, 2014.

PASSED AND APPROVED on Second Reading on the 5<sup>th</sup> day of June, 2014.

THE CITY OF TEMPLE, TEXAS



DANIEL A. DUNN, Mayor

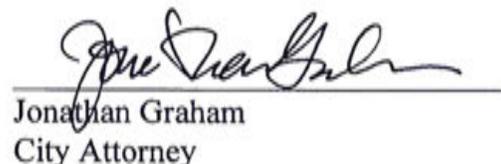
ATTEST:



Lacy Borgeson  
City Secretary



APPROVED AS TO FORM:



Jonathan Graham  
City Attorney



Z-FY-14-28

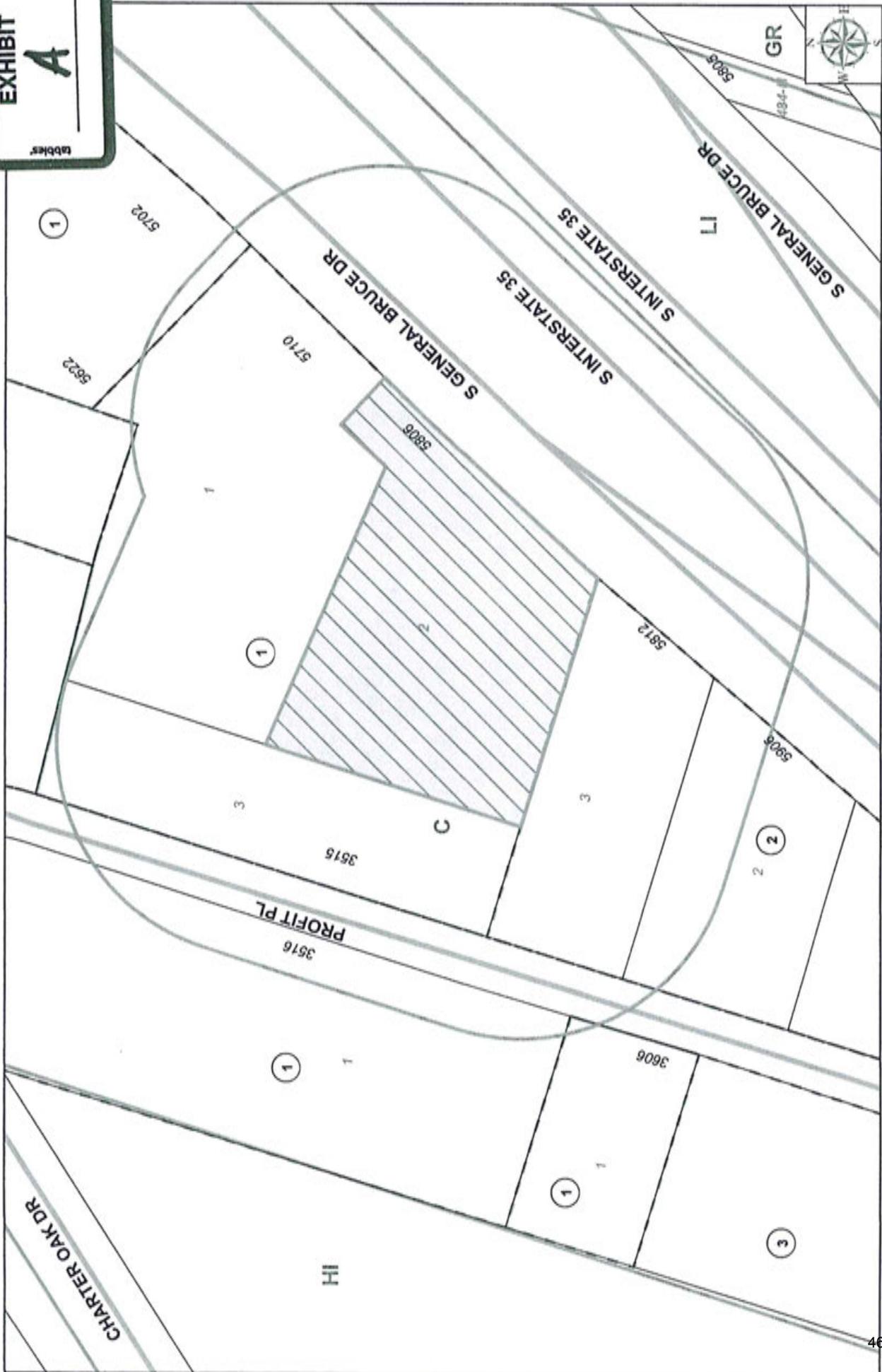
Proposed Nursery CUP

5806 S. General Bruce Drive

EXHIBIT

A

lbbles



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0 200  
 August 2009  
 City of Temple GIS  
 bcharBlec1

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



## PLANNING AND ZONING COMMISSION ITEM MEMORANDUM

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4/06/15  
Item # 3  
Regular Agenda  
Page 1 of 4

**APPLICANT/ DEVELOPMENT:** Michael Beevers for Subramanian, Ltd

**CASE MANAGER:** Tammy Lyerly, Senior Planner

**ITEM DESCRIPTION:** Z-FY-15-15 Hold a public hearing to consider and recommend action on a rezoning from Agricultural District (AG) to General Retail District (GR) on 4.707 +/- acres situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 119 Hilliard Road.

**STAFF RECOMMENDATION:** Staff recommends approval of the requested rezoning to GR District for the following reasons:

1. The request complies with the Future Land Use and Character Map;
2. The request complies with the Thoroughfare Plan; and
3. Public facilities are available to the subject property.

**ITEM SUMMARY:** The applicant requests a zone change from Agricultural District (AG) to General Retail District (GR) to allow neighborhood shopping center with retail pad sites.

According to the City of Temple Comprehensive Plan, the subject property has a **Suburban Commercial** land use classification. The property's Suburban Commercial land use classification is appropriate for office, retail and services uses adjacent to and abutting residential neighborhoods and in other areas where the community's image and aesthetic value is to be promoted, such as at "gateways" and high-profile corridor locations. Therefore, it limits the floor area ratio and requires a higher landscape surface ratio than in the Auto Urban Commercial district. To maintain the suburban character and achieve higher quality development, design standards should be integrated into the zoning ordinance.

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

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

Residential uses

- Single Family Detached
- Duplex
- Home for the Aged
- Townhouse

Nonresidential uses

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

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

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

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Suburban Commercial	AG	Undeveloped Land Uses
North	Suburban Commercial	AG	Undeveloped Land Uses
South	Suburban Commercial	GR	Retail and Office Uses
East	Suburban Commercial	GR & O-1	Retail Uses
West	Suburban Commercial	GR	Retail and Undeveloped Land Uses

**COMPREHENSIVE PLAN COMPLIANCE:**

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

<u>Document</u>	<u>Policy, Goal, Objective or Map</u>	<u>Site Conditions</u>	<u>Compliance</u>
CP	Map 3.1 - Future Land Use and Character (FLUP)	The subject property is identified as Suburban Commercial. The applicant's requested GR District complies with this recommendation.	Yes
CP	Map 5.2 - Thoroughfare Plan	The Thoroughfare Plan classifies Hilliard Road and West Adams Avenue as major arterials.  Intersecting arterials are appropriate for shopping centers and retail uses.	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	An 18-inch water line runs along the east right-of-way of Hilliard Road. A 14-inch water line runs along the north right-of-way line of West Adams Avenue. And a 2.5-inch water line runs along the east property line.  An 8-inch sewer line is located on the west side of Hilliard Road. An 18-inch sewer line is located on the south side of West Adams Avenue. An additional sewer line is located	Yes

		east of the property near the Dollar General Store.	
STP	Temple Trails Master Plan Map & sidewalks	<p>The Temple Trails Master Plan reflects a 10' Citywide Spine Trail along the west right-of-way of Hilliard Road and along the north side of West Adams Avenue.</p> <p>Per UDC section 8.2.3, sidewalks are required on both sides of arterials. Existing sidewalks are along the property's frontage along Hilliard Road and West Adams Avenue.</p>	Yes

CP = Comprehensive Plan    STP = Sidewalk and Trails Plan

**DEVELOPMENT REGULATIONS:** Dimensional standards for **nonresidential** development in the GR District are as follows:

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

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

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

**PUBLIC NOTICE:**

Seven notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of April 2, 2015 at 10:00 AM., no notices were returned in favor of the request and one notice was returned in opposition.

The newspaper printed notice of the Planning and Zoning Commission public hearing on March 26, 2015, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Surrounding Property Pictures  
Zoning and Location Map  
Future Land Use and Character Map  
Trails and Thoroughfare Map  
Utility Map  
Notification Map  
Response letter

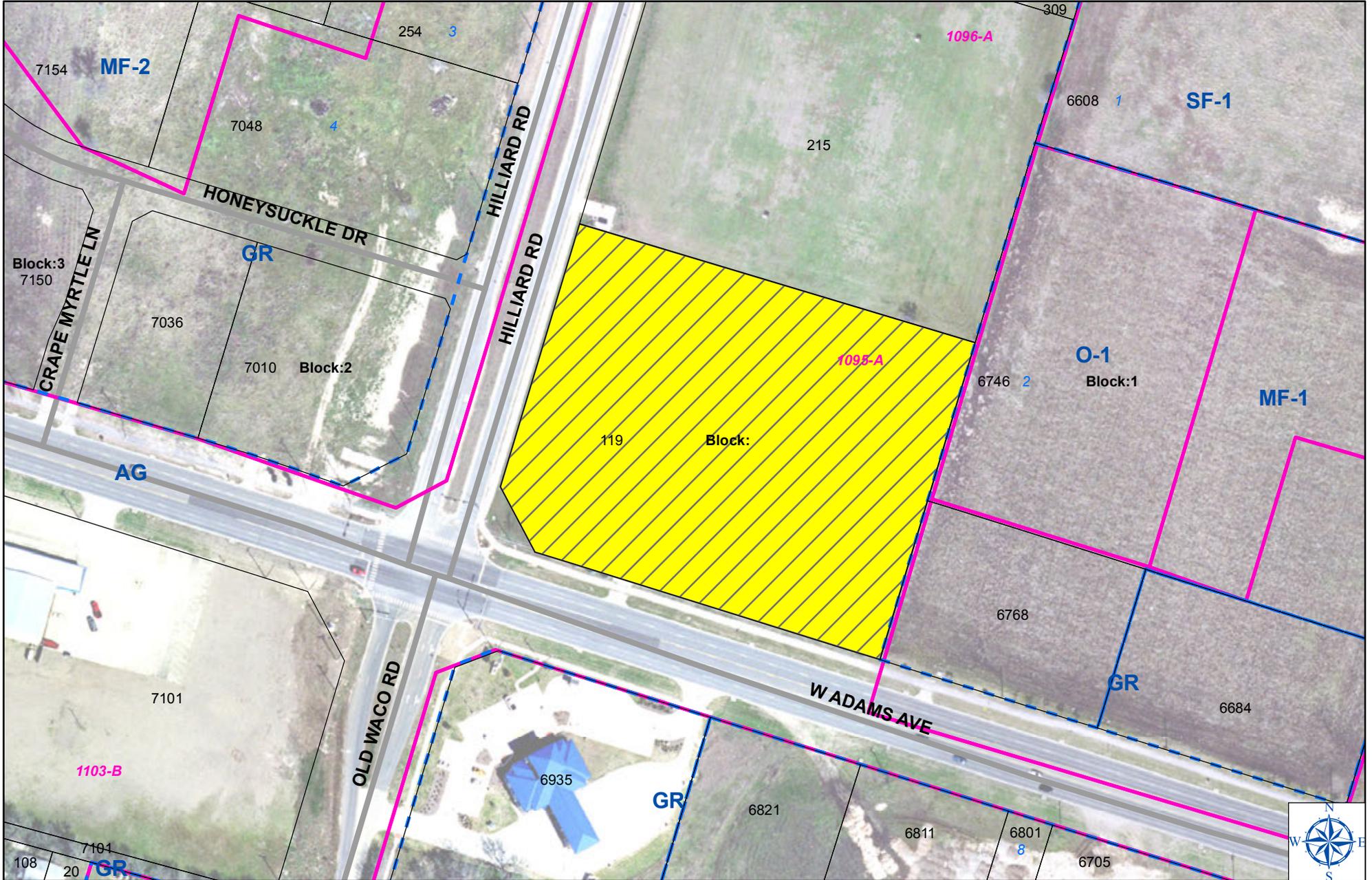
**SURROUNDING PROPERTY AND USES:**

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

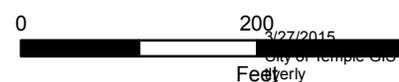
Direction	Zoning	Current Land Use	Photo
Subject Property	AG	Agricultural / Undeveloped Land Uses	 <p>Hilliard Road View</p>
East	GR and O-1	Retail Uses (Dollar General)	

Direction	Zoning	Current Land Use	Photo
West	GR	Retail Uses and Undeveloped Land Uses	<p style="text-align: center;">n</p> 
South	GR	Retail and Office Uses	

Direction	Zoning	Current Land Use	Photo
North	AG	Undeveloped Land and Rural / Residential Uses	



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



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**Future Land Use**

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

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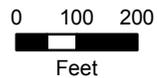
**Trails**

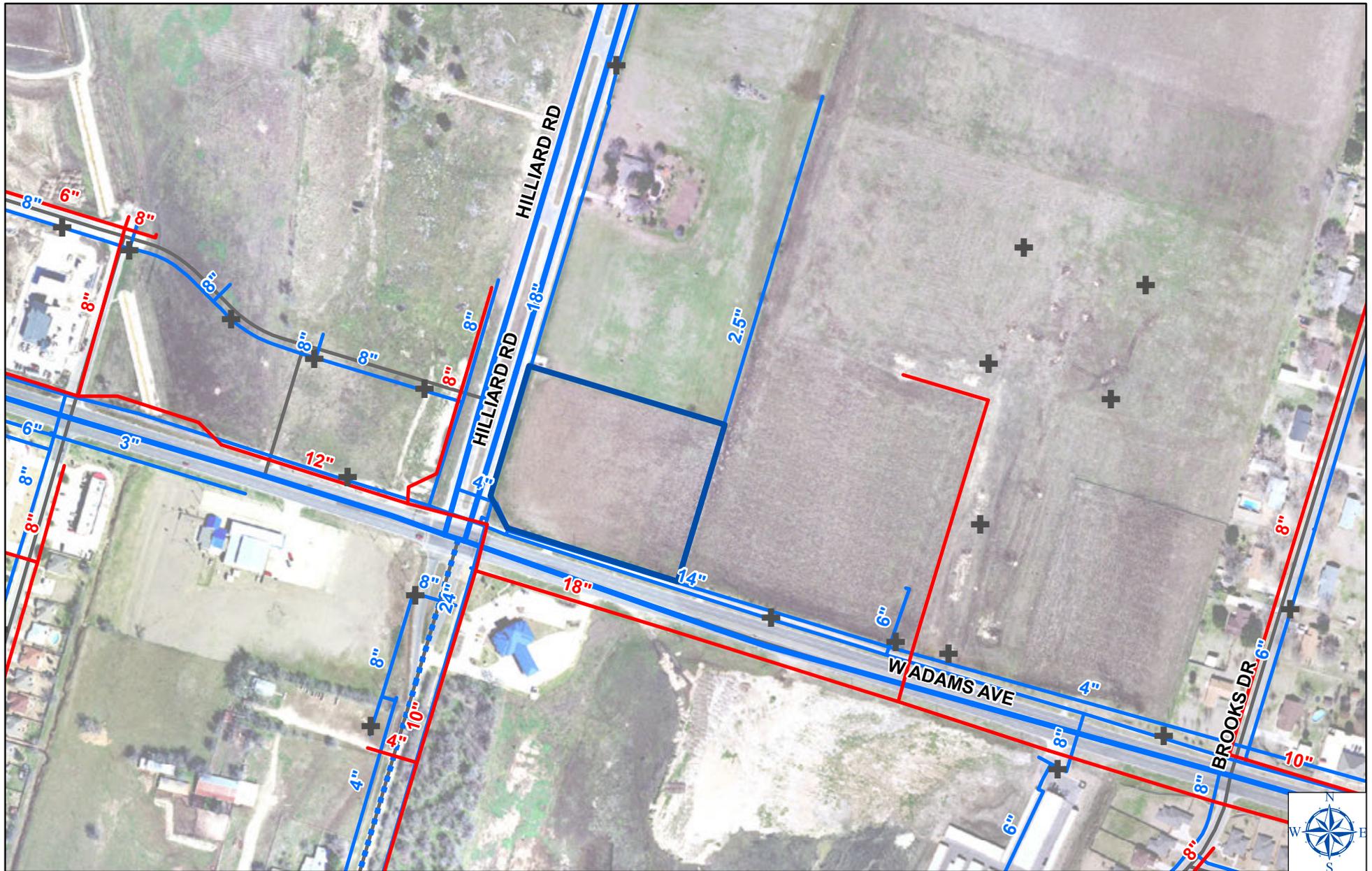
- Existing Citywide Spine Trail
- - - Under Design/Construction Citywide Spine Trail
- - - Proposed Citywide Spine Trail
- Existing Community-Wide Connector Trail

- - - Under Design/Construction Community-Wide Connector Trail
- - - Proposed Community-Wide Connector Trail
- Existing Local Connector Trail
- - - Proposed Local Connector Trail

- Thoroughfare
- Major Arterial
- - - Proposed Major Arterial
- - - Proposed K-TUTS
- Minor Arterial

- - - Proposed Minor Arterial
- Collector
- - - Proposed Collector
- Thoroughfare
- Expressway



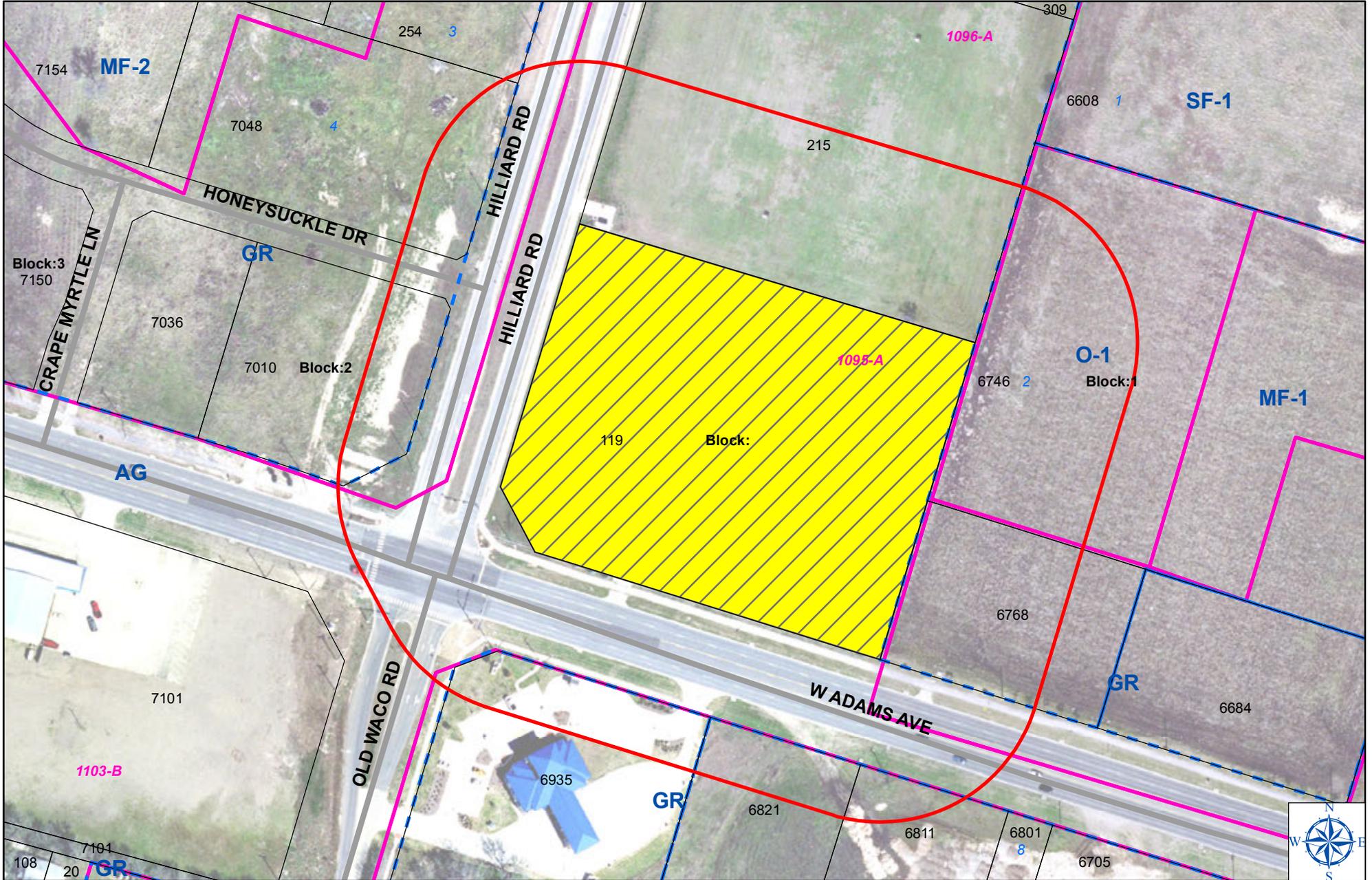


- |              |                |                         |                         |
|--------------|----------------|-------------------------|-------------------------|
| Case         | Water Line     | Proposed Major Arterial | Proposed Minor Arterial |
| Fire Hydrant | Expressway     | Proposed K-TUTS         | Collector               |
| Sewer Line   | Major Arterial | Minor Arterial          | Conceptual Collector    |

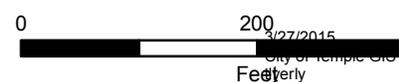
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 Feet

3/27/2015  
 City of Temple GIS

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



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**RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE**

James L. Kasberg  
601 Kasberg Drive  
Temple, Texas 76502

**Zoning Application Number:** Z-FY-15-15      **Project Manager:** Tammy Lyerly

Location: 119 Hilliard Road

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend  approval      ( ) denial of this request.

**Comments:**

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Signature

James Kasberg  
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than April 6, 2015**

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

Number of Notices Mailed: 7

Date Mailed: March 26, 2015

**RECEIVED**

**MAR 30 2015**

City of Temple  
Planning & Development



## PLANNING AND ZONING COMMISSION ITEM MEMORANDUM

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4/06/15  
Item #4  
Regular Agenda  
Page 1 of 4

**APPLICANT/ DEVELOPMENT:** Michael Beevers for James Kasberg

**CASE MANAGER:** Tammy Lyerly, Senior Planner

**ITEM DESCRIPTION:** Z-FY-15-16 Hold a public hearing to consider and take action on a rezoning from Agricultural District (AG) to General Retail District (GR) on 4.880 +/- acres of land situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 215 Hilliard Road.

**STAFF RECOMMENDATION:** Staff recommends approval of the requested rezoning to GR District for the following reasons:

1. The request complies with the Future Land Use and Character Map;
2. The request complies with the Thoroughfare Plan; and
3. Public facilities are available to the subject property.

**ITEM SUMMARY:** The applicant requests a zone change from Agricultural District (AG) to General Retail District (GR) to allow neighborhood shopping center with retail pad sites.

According to the City of Temple Comprehensive Plan, the subject property has a **Suburban Commercial** land use classification. The property's Suburban Commercial land use classification is appropriate for office, retail and services uses adjacent to and abutting residential neighborhoods and in other areas where the community's image and aesthetic value is to be promoted, such as at "gateways" and high-profile corridor locations. Therefore, it limits the floor area ratio and requires a higher landscape surface ratio than in the Auto Urban Commercial district. To maintain the suburban character and achieve higher quality development, design standards should be integrated into the zoning ordinance.

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

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

Residential uses

- Single Family Detached
- Duplex
- Home for the Aged
- Townhouse

Nonresidential uses

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

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

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

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Suburban Commercial	AG	Undeveloped Land Uses
North	Suburban Commercial	AG	Rural Residential Uses
South	Suburban Commercial	AG	Undeveloped Land Uses
East	Suburban Commercial	SF-1 & O-1	School Uses and Undeveloped Land Uses
West	Suburban Commercial	GR	Undeveloped Land Uses

**COMPREHENSIVE PLAN COMPLIANCE:**

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

<u>Document</u>	<u>Policy, Goal, Objective or Map</u>	<u>Site Conditions</u>	<u>Compliance</u>
CP	Map 3.1 - Future Land Use and Character (FLUP)	The subject property is identified as Suburban Commercial. The applicant's requested GR District complies with this recommendation.	Yes
CP	Map 5.2 - Thoroughfare Plan	The Thoroughfare Plan classifies Hilliard Road as a major arterial.  Arterials are appropriate for shopping centers and retail uses.	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	An 18-inch water line runs along the east right-of-way of Hilliard Road. A 14-inch water line runs along the north right-of-way line of West Adams Avenue. And a 2.5-inch water line runs along the east property line.  An 8-inch sewer line is located on the west side of Hilliard Road. An 18-inch sewer line is located on the south side of West Adams Avenue. An additional sewer line is located east of the property near the Dollar General	Yes

		Store.	
STP	Temple Trails Master Plan Map & sidewalks	The Temple Trails Master Plan reflects a 10' Citywide Spine Trail along the west right-of-way of Hilliard Road.  Per UDC section 8.2.3, sidewalks are required on both sides of arterials. The required sidewalk already exists along the property's frontage along Hilliard Road.	Yes

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

**DEVELOPMENT REGULATIONS:** Dimensional standards for **nonresidential** development in the GR District are as follows:

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

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

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

**PUBLIC NOTICE:**

Six notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of April 2, 2015 at 10:00 AM., one notice was returned in favor of the request and no notices were returned in opposition.

The newspaper printed notice of the Planning and Zoning Commission public hearing on March 26, 2015, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

- Surrounding Property Pictures
- Zoning and Location Map
- Future Land Use and Character Map
- Trails and Thoroughfare Map

Utility Map  
Notification Map  
Response letter

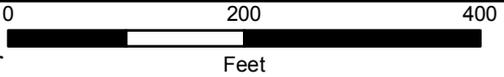
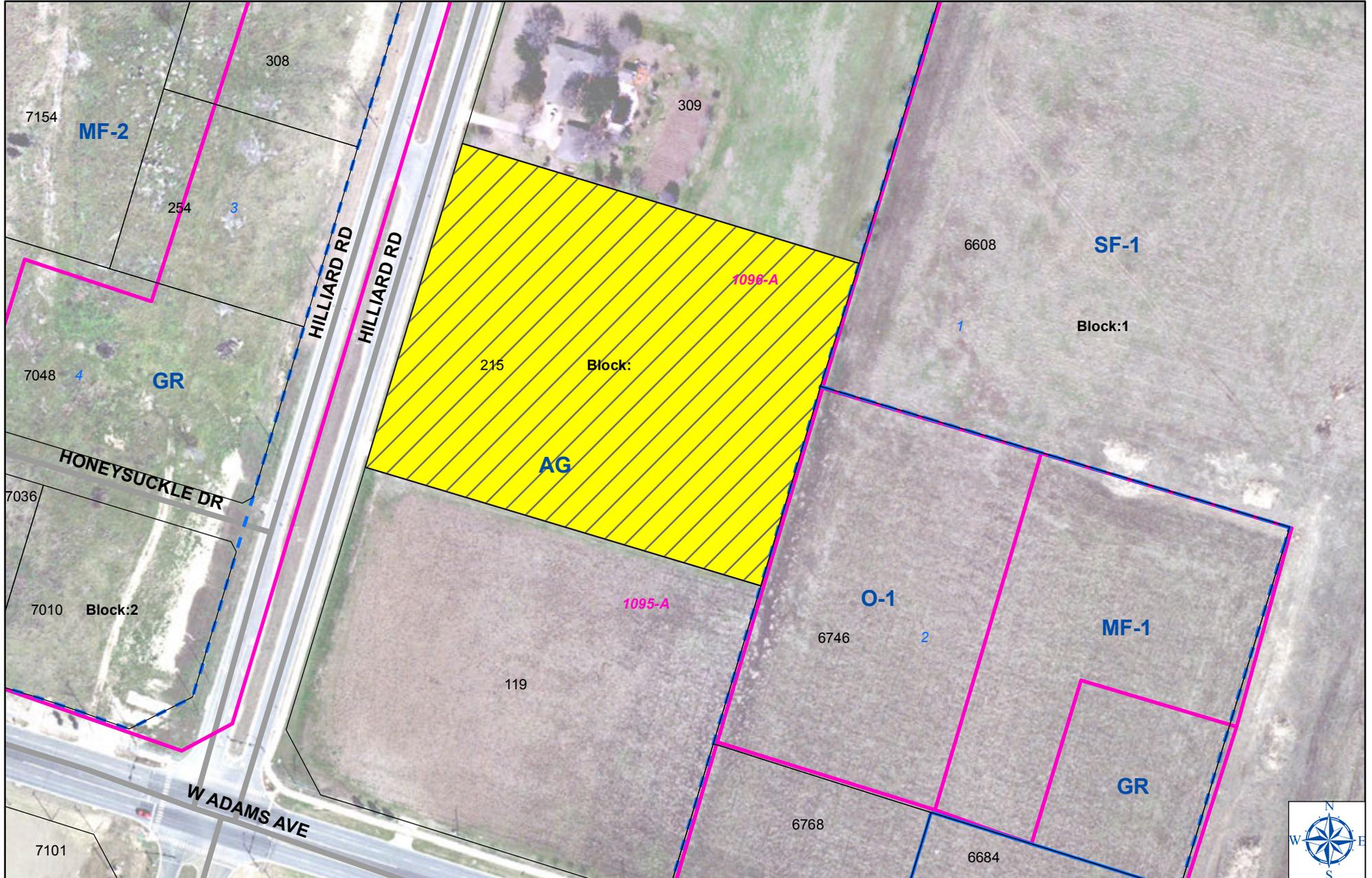
**SURROUNDING PROPERTY AND USES:**

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

Direction	Zoning	Current Land Use	Photo
Subject Property	AG	Undeveloped Land	
East	SF-1 and O-1	School Uses and Agricultural Land Uses	

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

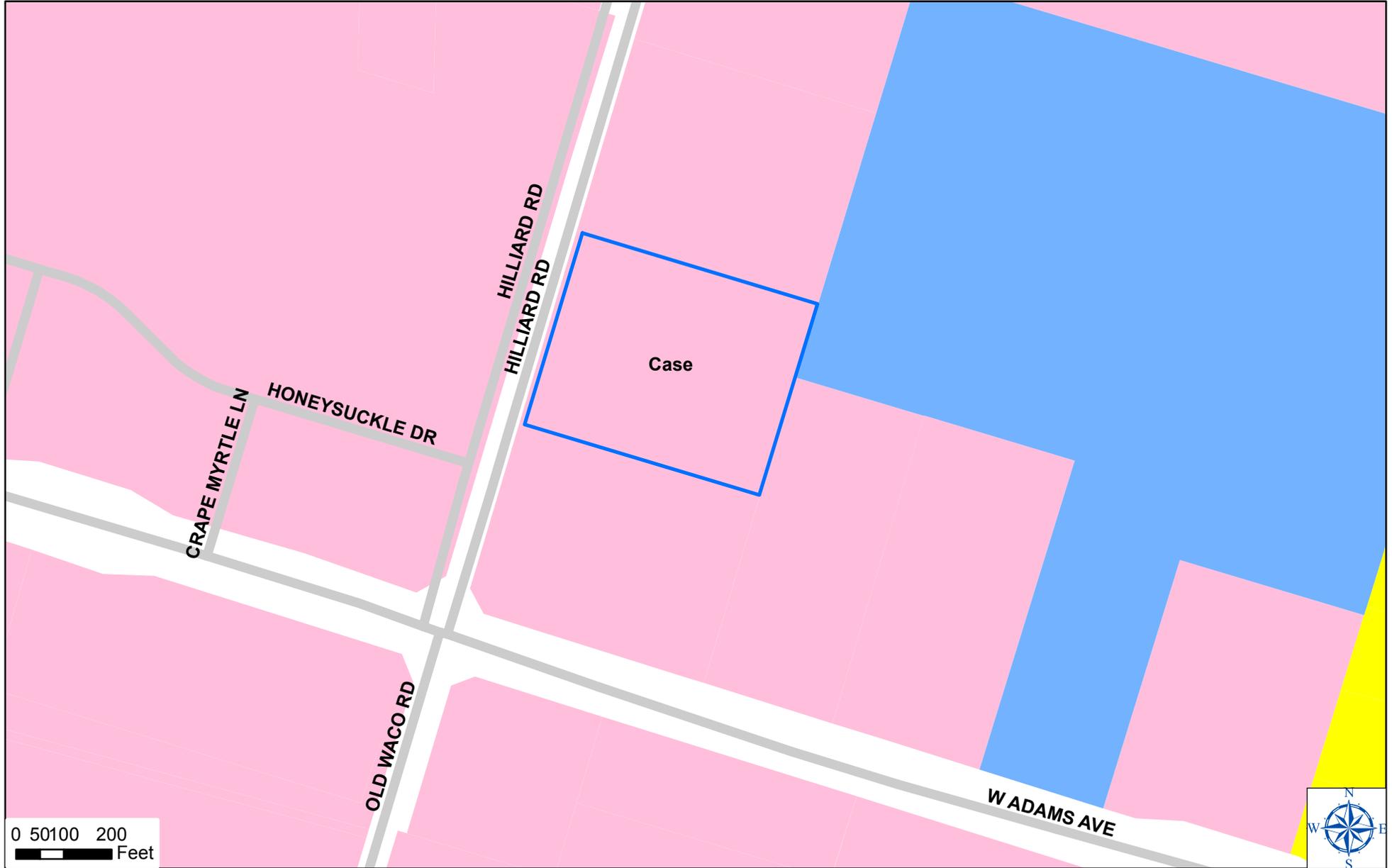
Direction	Zoning	Current Land Use	Photo
North	AG	Rural / Residential Uses	



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

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3/27/2015  
City of Temple GIS  
tlyerly



**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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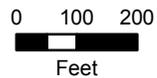
**Trails**

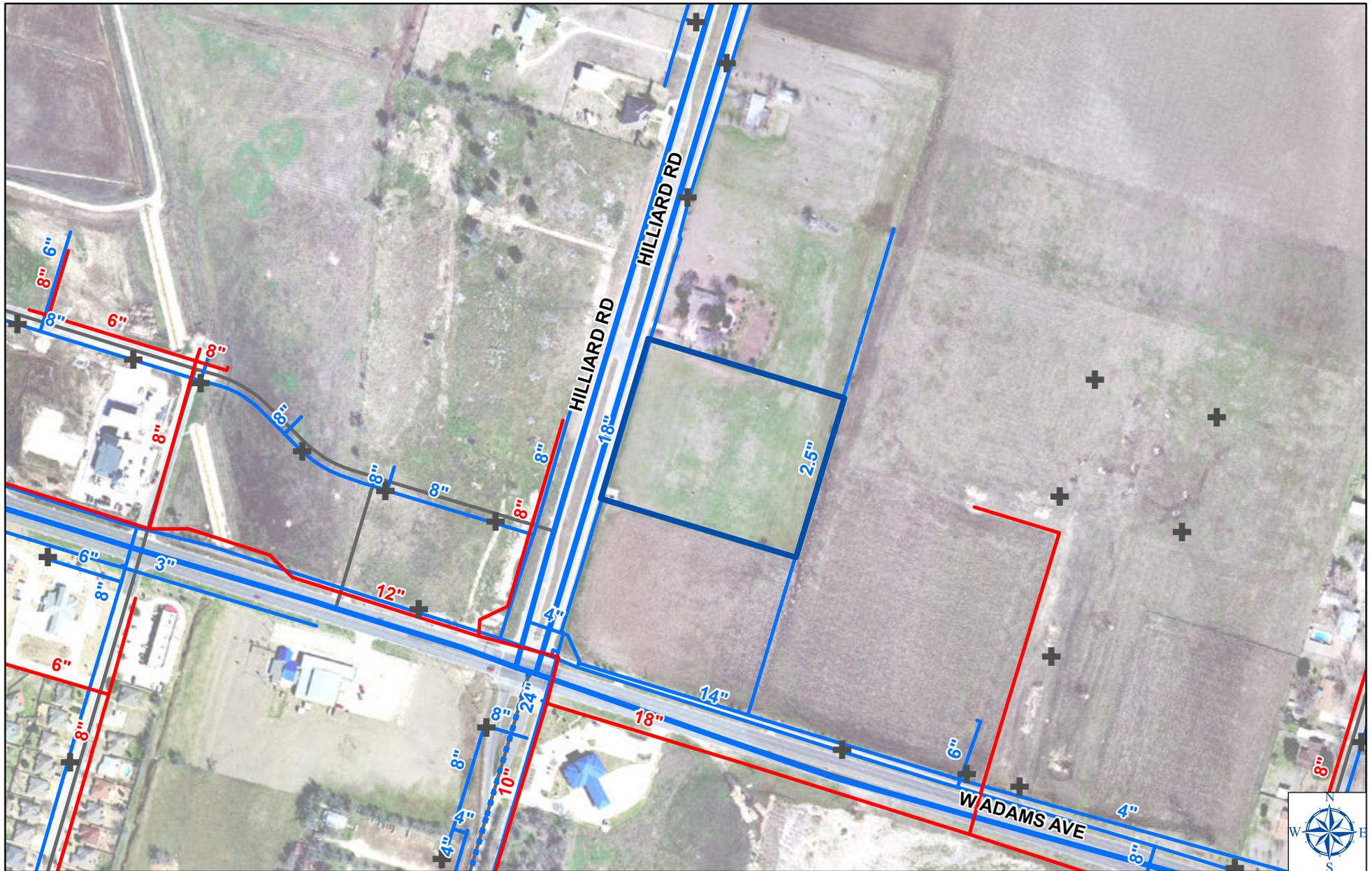
- Existing Citywide Spine Trail
- - - Under Design/Construction Citywide Spine Trail
- - - Proposed Citywide Spine Trail
- Existing Community-Wide Connector Trail

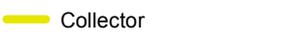
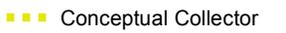
- - - Under Design/Construction Community-Wide Connector Trail
- - - Proposed Community-Wide Connector Trail
- Existing Local Connector Trail
- - - Proposed Local Connector Trail

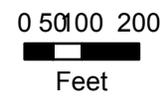
- Thoroughfare
- Major Arterial
- - - Proposed Major Arterial
- - - Proposed K-TUTS
- Minor Arterial

- - - Proposed Minor Arterial
- Collector
- - - Proposed Collector
- Thoroughfare
- Expressway



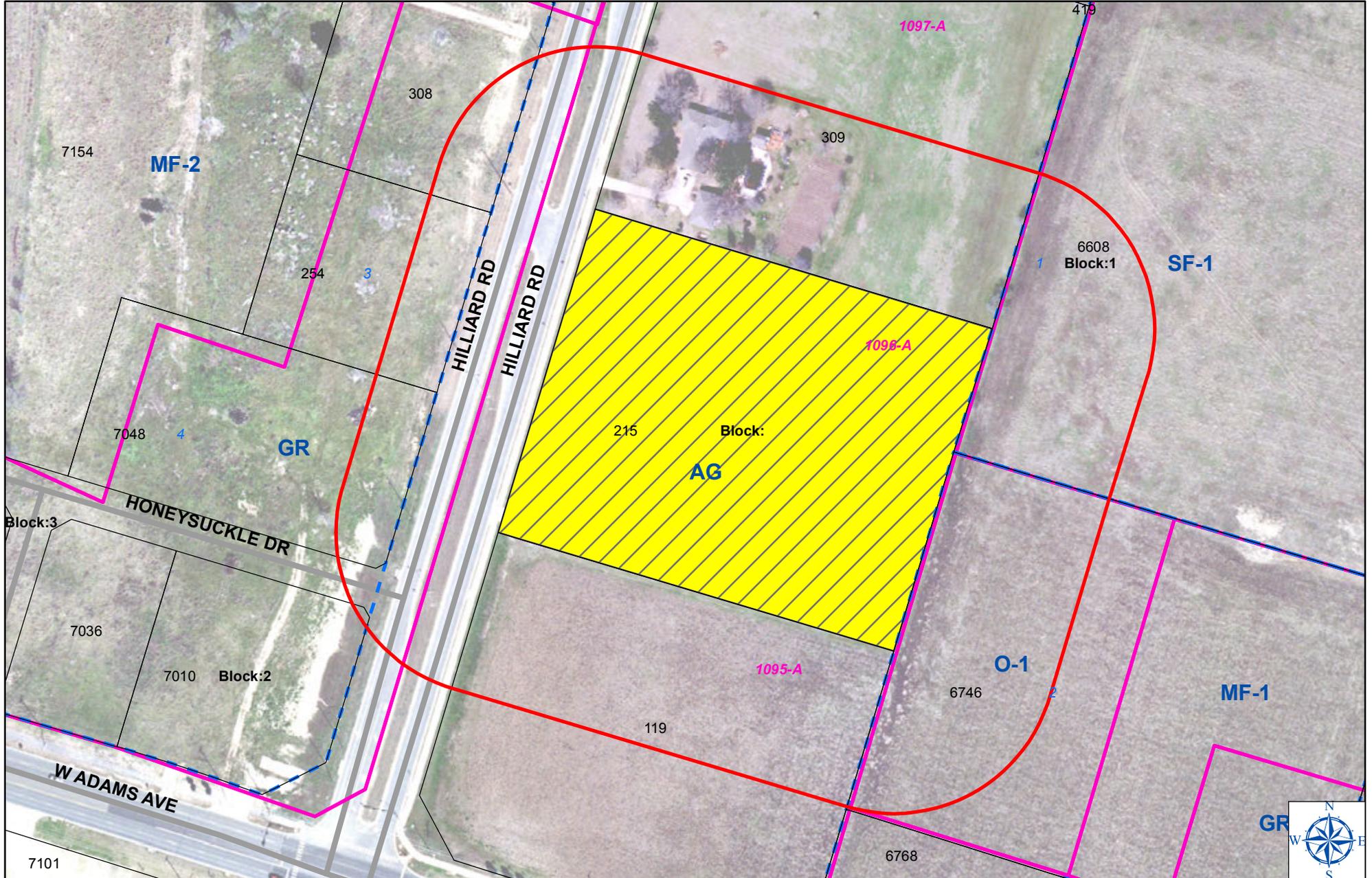


- |  |              |   |                |   |                         |  |                         |
|--|--------------|---|----------------|---|-------------------------|--|-------------------------|
|  | Case         |  | Water Line     |  | Proposed Major Arterial |  | Proposed Minor Arterial |
|  | Fire Hydrant |  | Expressway     |  | Proposed K-TUTS         |  | Collector               |
|  | Sewer Line   |  | Major Arterial |  | Minor Arterial          |  | Conceptual Collector    |



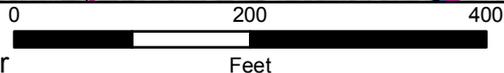
3/27/2015  
City of Temple GIS

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3/27/2015  
 City of Temple GIS  
 tlyerly

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**RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE**

James L. Kasberg  
601 Kasberg Drive  
Temple, Texas 76502

**Zoning Application Number:** Z-FY-15-16

**Project Manager:** Tammy Lyerly

Location: 215 Hilliard Road

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

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

**Comments:**

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Signature

  
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than April 6, 2015**

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

Number of Notices Mailed: 6

**RECEIVED** Date Mailed: March 26, 2015

**MAR 30 2015**

City of Temple  
Planning & Development



## PLANNING AND ZONING COMMISSION AGENDA ITEM

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04/06/15  
Item 5  
Regular Agenda

**APPLICANT:** Justin Fuller, PE, CFM, Clark & Fuller, PLLC (representing Automax Hyundai)

**CASE MANAGER:** Brian Chandler, Director of Planning

**ITEM DESCRIPTION:** I-FY-15-03 – Consider adopting a Resolution authorizing an Appeal of Standards to Sec. 6.7 of the Unified Development Code related to I-35 Corridor Overlay Zoning District for landscaping, lighting, architecture, parking and signage, for a proposed car dealership (Automax Hyundai) at 7565 S. General Bruce Drive.

The applicant has requested an appeal to the following Overlay standards (justification shown in parentheses) related to a proposed car dealership project:

1. Sec. 6.7.5.C.6 & 7: Parking spaces adjacent to buildings or landscaped areas must utilize wheel stops (applicant proposes to set the landscaping back from the curb to protect from parked cars)
2. Sec. 6.7.5.E.6: Foundation plantings (project meets the intent but the proposed landscaping is around the cars near the building, rather than the foundation)
3. Sec. 6.7.5.E.8.f: 2 to 4 foot berms need to cover a minimum of 50% of landscape buffer area (would limit visibility of their inventory)
4. Sec. 6.7.5.E.9.a: Parking or vehicle use area must be screened by shrubs, berms or walls or a combination thereof (parking is to the rear and the site is between 2 other car dealerships)
5. Sec. 6.7.5.J.1: Sign Height: 25' allowed (30' proposed to be more consistent with sign height of adjacent car dealerships)
6. Sec. 6.7.5.J.4: Freestanding Sign Materials: must be masonry to match the building masonry (sign would match the metal accent material on the buildings)
7. Sec. 6.7.5.K.2.a: Lighting: 80,000 lumens per net acre allowed (lighting consultant has indicated that the lumens per net acre standard is not adequate for their site)
8. Sec. 6.7.9.D.2.d: Architecture: tri-partite design/defined base, middle and top required (not conducive for a mostly glass showroom)
9. Sec. 6.7.9.E.2: Parking Lot Islands for Vehicle Sales: evergreen shrubs (5-gallon minimum) must completely fill the island area (proposed to include a car and evergreen shrubs)

The proposal complies with the following standards:

- Landscaping in parking islands
- Locating service bays to the side or rear (not visible from roadway)
- Side and rear landscaping buffer requirements
- Front Landscape buffer requirements:

- 25 foot width
- Irrigated
- Required number and size of trees
- At least 60% of trees must be evergreen
- At least 20% of buffer must contain native grasses or wildflowers
- All luminaires (lights) must be full cut-off (to prevent light trespass)
- Building materials (combination of architectural metal and stucco/EIFS)
- Must include at least 3 of the architectural elements listed on page 6-83 of the UDC (design includes overhangs, recesses or projections and display windows)
- Windows covering 40 to 80% of the primary building elevations
- Earth-tone colors for buildings

The applicant has exceeded the following I-35 Corridor Overlay requirements, as well:

- 15% overall site landscaping (15.8% or an additional 3500 sf proposed)
- Width of the front landscape buffer

**STAFF RECOMMENDATION:** Staff recommends approval of the appeal as submitted based on the following reason:

- Applicant has been working closely with staff to develop a compromise that would meet the needs of his client's car dealership, while also meeting the intent of the I-35 Corridor Overlay to beautify the corridor

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

Application  
I-35 Corridor Overlay Checklist  
Landscape Plan  
Elevations  
Lighting Specs  
Vicinity Aerial Map and Photos

# City of Temple Universal Application

Rev. 01-16-15

*(Incomplete applications will not be accepted)*

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Sketch Plan                    | <input type="checkbox"/> Rezoning                     | <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      | <input type="checkbox"/> 1 <sup>st</sup> and 3 <sup>rd</sup> Overlay Appeal |

**PROJECT INFORMATION:**

Residential    
  Commercial    
  Property Platted    
  Property Not Platted    
  ETJ

Project Name: Automax Hyundai     Parcel(s) Tax ID# (Required): 447083

Project Address (Location): 7565 S General Bruce Drive     Total Acres: 9.689

Lot: PT 1     Block: 1     Subdivision: 3513-RSD Joint Venture Addition

Cabinet #: D     Slide #: 361A

Outblock (if not platted): \_\_\_\_\_

Brief Description of Project: Automobile Dealership

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Current Zoning LI     # 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: Justin Fuller, PE, CFM     Company Name: Clark & Fuller, PLLC

Address: 215 North Main Street     City: Temple     State: TX     Zip: 76501

Phone: 254-899-0899     Cell #: \_\_\_\_\_     Fax #: \_\_\_\_\_

Email Address: jfuller@clark-fuller.com

**PROPERTY OWNER INFORMATION:**

Name: Bradley Whitis     Company Name: \_\_\_\_\_

Address: 119 Amber Jill Cove     City: Killeen     State: TX     Zip: 76549

Phone: 254-681-4315     Cell #: 254-289-4315     Fax #: 254-699-8818

Email Address: \_\_\_\_\_

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

Name: Justin Fuller, PE, CFM     Company Name: Clark & Fuller, PLLC

Address: 215 North Main Street     City: Temple     State: TX     Zip: 76501

Phone: 254-899-0899     Cell #: \_\_\_\_\_     Fax #: \_\_\_\_\_

Email Address: jfuller@clark-fuller.com

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**City of Temple Universal Application**  
(Incomplete applications will not be accepted)

Rev. 01-16-15

**PER SUBMITTAL**

**CHECKLIST**

Submittal Requirements	All Plats	CUP & PD	Rezoning	Sketch Plan	I-35	I-35 Appeal	TMED	TMED Variance/Warrant	ZBA Variance	Masonry Exception	Appeal of Administrative Decision	Abandonment	Street Use License (SUL)
Complete Universal Application	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Utility Providers-see attached link <a href="http://www.templetx.gov/DocumentCenter/View/2920">http://www.templetx.gov/DocumentCenter/View/2920</a>	✓												
Electronic copy (PDF) of all required materials submitted as hard copies (must be legible)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Hard Copies for all submittals	5	2	1	5	2	2	2	2	1	1	1	1	1
Field Notes (signed and stamped) or Lot and Block Description	✓	✓	✓		✓	✓	✓	✓	✓			✓	✓
Site Plan Checklist		✓			✓	✓	✓	✓	*				
Plat Checklist	✓			✓									
I-35 Checklist					✓	✓							
TMED Checklist							✓	✓					
Abandonment Checklist												✓	
SUL Checklist													✓
Scaled Site Plan		✓			✓	✓	✓	✓	✓	✓	*	✓	✓
Drainage Letter or Drainage Report (for residential subdivisions)	✓												
Elevations		✓			✓	*	✓	*		✓			
Landscape Plan					*	*	*	*					
Lighting Plan					*	*	*	*					
Fee	✓	✓	✓	NA	NA	NA	NA	NA	✓	NA	NA	✓	✓
Survey												✓	✓
Broker's Opinion of Value or Appraisal R-O-W abandonment ONLY												✓	

\*May be required depending on nature of Appeal/Variance

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

**FEE SCHEDULE**

Abandonment	\$100.00 for filing fee only;
(3 <sup>rd</sup> Party Broker's Opinion or Appraisal)	(3 <sup>rd</sup> Party Broker's Opinion or Appraisal fee will be Applicant's responsibility)
Board of Adjustment (Variance)	\$ 75.00
*Preliminary/Final Plat	\$150.00 + \$3.00/lot (residential) or \$10.00/acre (nonresidential)
Street Use License (SUL)	\$150.00 (renewed every 15 years)
*Rezoning/CUP/PD Site Plan	\$150.00 + \$3.00/acre (to match Ordinance No. 1948)

\*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 FOR SIGN POSTING AND PROPERTY ANALYSIS PURPOSES.**

APPLICANT SIGNATURE: \_\_\_\_\_

Print or Type Name: Justin Fuller

(property owner authorization required below if applicant is someone other than property owner)

I (property owner) hereby authorize Justin Fuller of Clark & Fuller, PLLC  
(name) (company (if applicable))

to represent me in matters pertaining to this case.

Property owner's signature: Bradley White

Property owner's name (print): Bradley White

Property owner's address: 119 Amber Jill Cove Killeen, TX 76549

Property owner's phone#: 254-691-4315 254-289-4315

Email address: White04@AOL.com

For Department Use Only	
Project #:	_____
Project Manager:	_____
Total Fee(s):	_____
Fee Credit:	_____
Payment Method:	_____
Submittal Date:	_____
Accepted By:	_____
Accepted Date:	_____



**PLANNING DEPARTMENT CHECKLIST I-35 OVERLAY PROJECTS\***

**Project Name** Automax Hyundai      **Zoning** LI

**Address** 7565 S. General Bruce Drive      **Proposed Use** Commercial

**Sub-District**     Civic       Industrial       Freeway Retail/Commercial       City Entry

\*The checklist below represents a summary of all requirements for the I-35 Overlay District standards. Applicant is responsible for the full list of requirements located in the City of Temple Unified Development Code (UDC) Section 6.7 located on the City's website at <http://www.ci.temple.tx.us/index.aspx?NID=1221>

I-35 Requirements	
<b>Review Process(UDC 6.7.4)</b>	
<input checked="" type="checkbox"/>	Preliminary Design/ Site Plan Review – Date Completed <u>01/06/2015</u>
<b>Tree Preservation (General) (UDC 6.7.5B)</b>	
<input checked="" type="checkbox"/>	Required <u>None on Site</u>
<b>Signs (UDC 6.7.5G)</b>	
A separate sign permit is required for signs. I-35 Overlay District standards relate to:	
<ul style="list-style-type: none"> <li>• Sign Type</li> <li>• # of Sign Faces</li> <li>• Height</li> <li>• Setbacks</li> <li>• # of signs per site</li> <li>• Multi-tenant signs</li> <li>• Sign Materials</li> <li>• Sign Illumination</li> </ul>	
<b>Dimensions and Use Requirements (UDC 6.7.7, 6.7.8, 6.7.9, 6.7.10)</b>	
<input checked="" type="checkbox"/>	Is the use allowed in the district?
<input checked="" type="checkbox"/>	Does the project meet dimensional requirements to include landscape buffer and setbacks?
<b>Parking (General) (UDC 6.7.5C)</b>	
<input checked="" type="checkbox"/>	Does the project meet all parking standards related to curb and gutter, parking aisles, parking configuration, wheel stops, parking ratios, and parking location?
<b>Screening and Wall Standards (UDC 6.7.5D)</b>	
<input checked="" type="checkbox"/>	Are any storage connexes, shipping containers or portable buildings proposed? <b>(Not allowed)</b>
<input type="checkbox"/>	Are garage and service bays located to the rear or side (not visible) of the building? If not, has appropriate screening been provided? <u>Service Bays are located on the Side of the Building</u>
<input checked="" type="checkbox"/>	Has any outside storage, display, sales, leasing, or operation of merchandise outside of sales area been appropriately screened from all streets, and adjacent property lines of residentially zoned property or future residential area?
<input checked="" type="checkbox"/>	Have public utility stations been appropriately screened? <u>None Proposed</u>
<input checked="" type="checkbox"/>	Has appropriate screening been provided for any multi-family or residential abutting use?
<input checked="" type="checkbox"/>	Have vehicle loading and unloading zones been appropriately screened?
<input checked="" type="checkbox"/>	Has refuse storage and compactors been enclosed on three sides and located outside of setbacks?
<input checked="" type="checkbox"/>	Has mechanical and utility equipment been appropriately located screened?
<b>Landscaping UDC(UDC 6.7.5E)</b>	
<input checked="" type="checkbox"/>	Is a min. of 15% or the total site area landscaped with approved species?

### I-35 Requirements

General Requirements

- Have areas not covered by building or pavement been landscaped?
  - Does all proposed landscaping meet requirements related to location and spacing? See Landscape Plan
  - Has irrigation been provided?
  - Is landscaping drought resistant?
  - Has a landscape buffer been provided adjacent to the public street right-of-way?
  - Does the proposed buffer meet all landscaping requirements? See Landscape Plan
  - Have all the following been screened with landscaping:
    - Parking lot or vehicle use area; See Landscape Plan
    - Fuel pumps visible from direction of the flow of traffic; and NA
    - Vehicle drive through windows facing the street or traffic flow? NA
  - Is a meandering sidewalk required (Civic Sub-district or in Trails Master Plan)? If so has the sidewalk been constructed to standards? None Required
  - Have landscaped parking islands been provided in accordance with standards? See Landscape Plan
  - Is all proposed landscaping from the approved drought tolerant list?
- On Premises Lighting UDC 6.7.5H**
- Have all directional control standards been met?
  - Have all intensity (total lumens) standards been met? See Lighting Plan
  - Have light trespass standards been met? See Lighting Plan
  - Have all sign lighting standards been met?
  - Have all lighting standards related to the following been met:
    - Temporary lighting
    - All-night lighting
  - Are any uses or features exempt from the standards in this section?
- Utilities UDC 6.7.5I**
- Have all electric, telephone, cable TV. wires and cables from the property line to the structure been placed underground?
- Architectural Design UDC: 6.7.8D; 6.7.9D; 6.7.10D (does not apply to Civic Sub-District)**
- Site Development UDC: 6.7.8D.1; 6.7.9D.1; 6.7.10D.1**
- Does proposed development meet location and placement requirements?
  - Is proposed development adjacent to residential property line (non-mixed use) and if so, does it meet the minimum slope requirements?
- Exterior Appearance of Buildings and Structures UDC: 6.7.8D.2; 6.7.9D.2; 6.7.10D.2**
- Do all buildings meet architectural standards related to:
    - Architectural finish and detailing? See Architectural Elevations
    - Building articulation requirements and entrance insets and offsets (projections and recesses)?
    - Minimum window requirements? (Freeway Retail/ Commercial and Civic Entry Sub-District s only)
  - Are all buildings designed and constructed in tri-partite architecture. (Freeway Retail/ Commercial and Civic Entry Sub-District s only)
- Materials and Colors UDC: 6.7.8D.3; 6.7.9D.3; 6.7.10D.3**
- Are all proposed structure colors earth tone in hue? (Planning Dir. may approve 10% variation).
  - Have building materials been limited to no more than three types?
  - Have architectural standards related to the following been met: See Architectural Elevations
    - Material types (primary and accent) and percentages
    - Window glazing (no reflective glass)
    - Maintenance and durability of materials

I-35 Requirements	
I-35 Sub-District Special Requirements	<b>Civic Sub-District UDC 6.7.7</b>
	<input type="checkbox"/> Has an additional 10% of vegetation been provided in addition to general landscape requirements.
	<input type="checkbox"/> In addition to trees already required – ornamental trees also required in landscape buffer. One min. 2" caliper ornamental tree must be planted for every 30' of frontage along public ROW.
	<b>Industrial Sub-District UDC 6.7.8</b>
	<input type="checkbox"/> All buildings must incorporate no less than 1 architectural element. > 50,000 sq. ft. must incorporate 2 elements; > 100,000 sq. ft. 3 elements (UDC 6.7.9 D and 6.7.10D)
	<input type="checkbox"/> All industrial buildings with facades greater than 250' in length (visible from ROW) must incorporate wall plane projections or recesses that are at least 6' deep. Projections and recesses must be at least 25 % of length of the façade. No uninterrupted length may exceed 200'
	<input type="checkbox"/> Must select from list of approved building materials (max 100%; min 80%) and accent materials (max 20%) (UDC 6.7.8 D. 3)
	<b>Freeway Retail/ Commercial UDC 6.7.9</b>
	<input checked="" type="checkbox"/> All retail/commercial buildings with facades greater than 200' (visible from ROW) must incorporate wall plane projections or recesses that are at least 6' deep. Projections and recesses must be at least 25 % of length of the façade. No uninterrupted length may exceed 100'.
	<input checked="" type="checkbox"/> Windows must be a min of 40% - 80% of each building elevation.
	<input checked="" type="checkbox"/> Parking lot islands must be located at the end of inventory aisle and span the width of aisle and have min. depth of 10'
	<input checked="" type="checkbox"/> Parking lot islands (inventory aisles) must be filled with 5. gal. evergreen shrubs
	<input type="checkbox"/> Where an auto sales, leasing or rental establishment is located between N. General Bruce and North 31 <sup>st</sup> Street, North of Jack White Blvd. up to 2654 feet north of the northern boundary of public street ROW of Bray Street, has the applicant met specific standards related to: <ul style="list-style-type: none"> <li>• Parking lot island location, size, and composition ,</li> <li>• Landscape buffer,</li> <li>• Location, orientation, and screening of garage and service bays?</li> </ul>
	<input checked="" type="checkbox"/> Facades not visible from the street may reflect only similar colors if screened with single row of trees planted along the building or in the landscape buffer on offset 30' centers in min. 10' landscape edge where 50% of trees are evergreen.
	<b>City- Entry Sub-District UDC 6.7.10</b>
	<input type="checkbox"/> All retail/commercial buildings with facades greater than 150' (visible from ROW) must incorporate wall plane projections or recesses that are at least 6' deep. Projections and recesses must be at least 25 % of length of the façade. No uninterrupted length may exceed 100'.
	<input type="checkbox"/> 50% of all driveways into the site must have enhanced paving of stone, brick, or patterned concrete for a min of 50% of the driveway throat
	<input type="checkbox"/> Windows must be a min of 40% - 80% of each building elevation.
	<input type="checkbox"/> An additional 10% of vegetation is required in addition to those requirements in Sec 6.7.5E
	<input type="checkbox"/> Additional ornamental trees must be used in the landscape buffer. One min. 2" caliper ornamental tree must be planted for each 30' of frontage along public ROW measured along lot lines
<input type="checkbox"/> One min. 3" caliper canopy tree must be planted for every 25' of frontage along public ROW measured along lot lines.	
<input type="checkbox"/> Facades not visible from the street may reflect only similar colors if screened with single row of trees planted along the building or in the landscape buffer on offset 25' centers in min. 10' landscape edge where 50% of trees are evergreen	
<input type="checkbox"/> The principle building wall setback 18'- 24' from BOC.	
<input type="checkbox"/> Building entrances must present strong entry presence and be inset or offset by min 4'.	





17800 PETERSON RD.  
SUITE 2225  
DALLAS, TEXAS 75228  
PHONE: (972) 713-7950  
FAX: (972) 713-7955

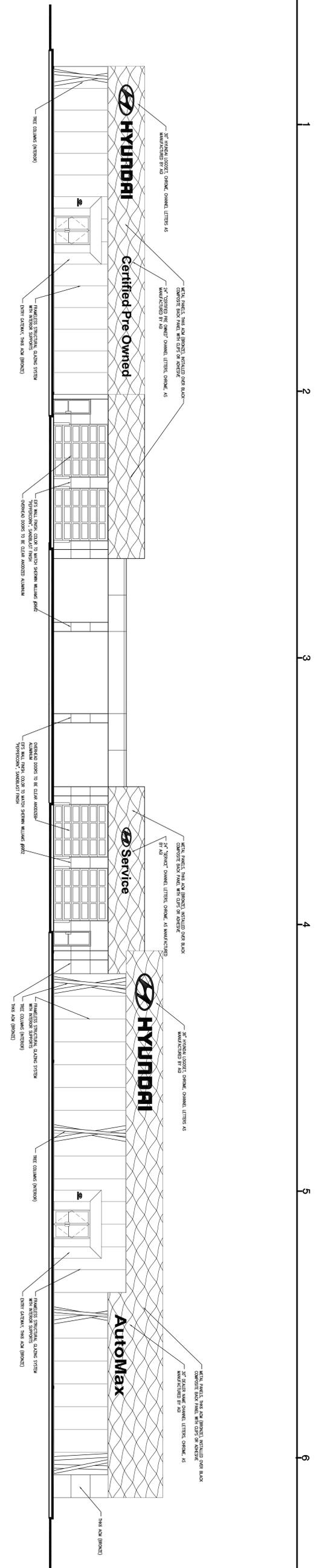
Copyright © 2015  
ASM ARCHITECTS, INC.  
This drawing is not to be  
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permission of architect.

NO.	REVISIONS	NO.	DESCRIPTION	DATE

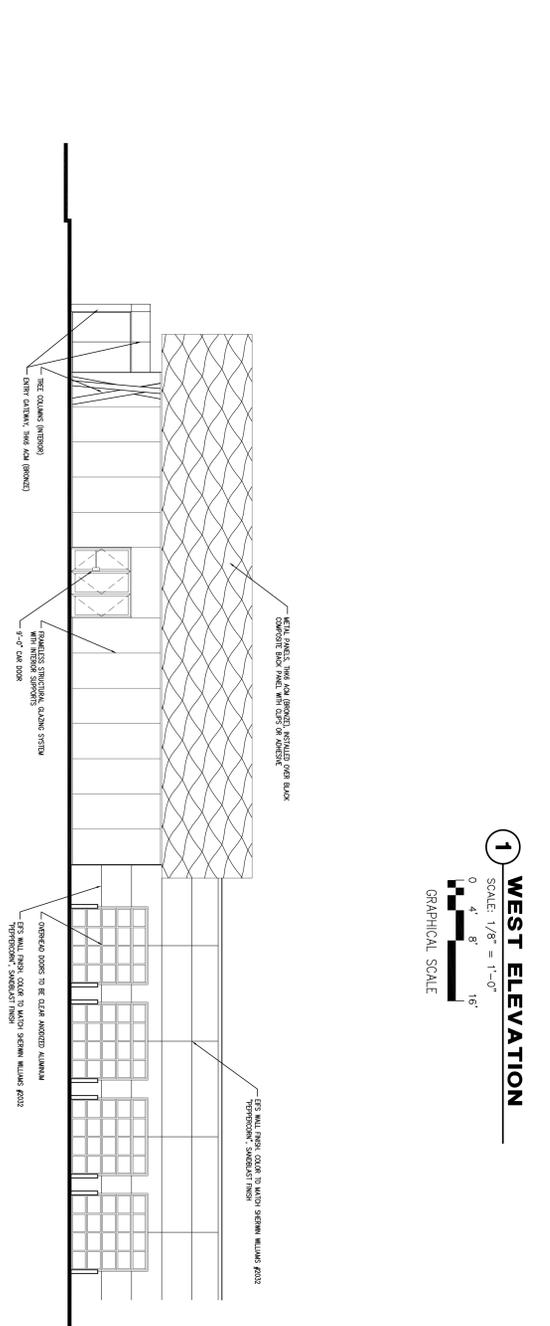
NEW FACILITY FOR:  
**AUTO MAX HYUNDAI**  
TEMPLE, TEXAS

DATE: 01/06/15
DRAWN BY: _____
CHECKED BY: _____
APPROVED BY: _____
PROJECT NO.: 1591
SHEET TITLE: _____

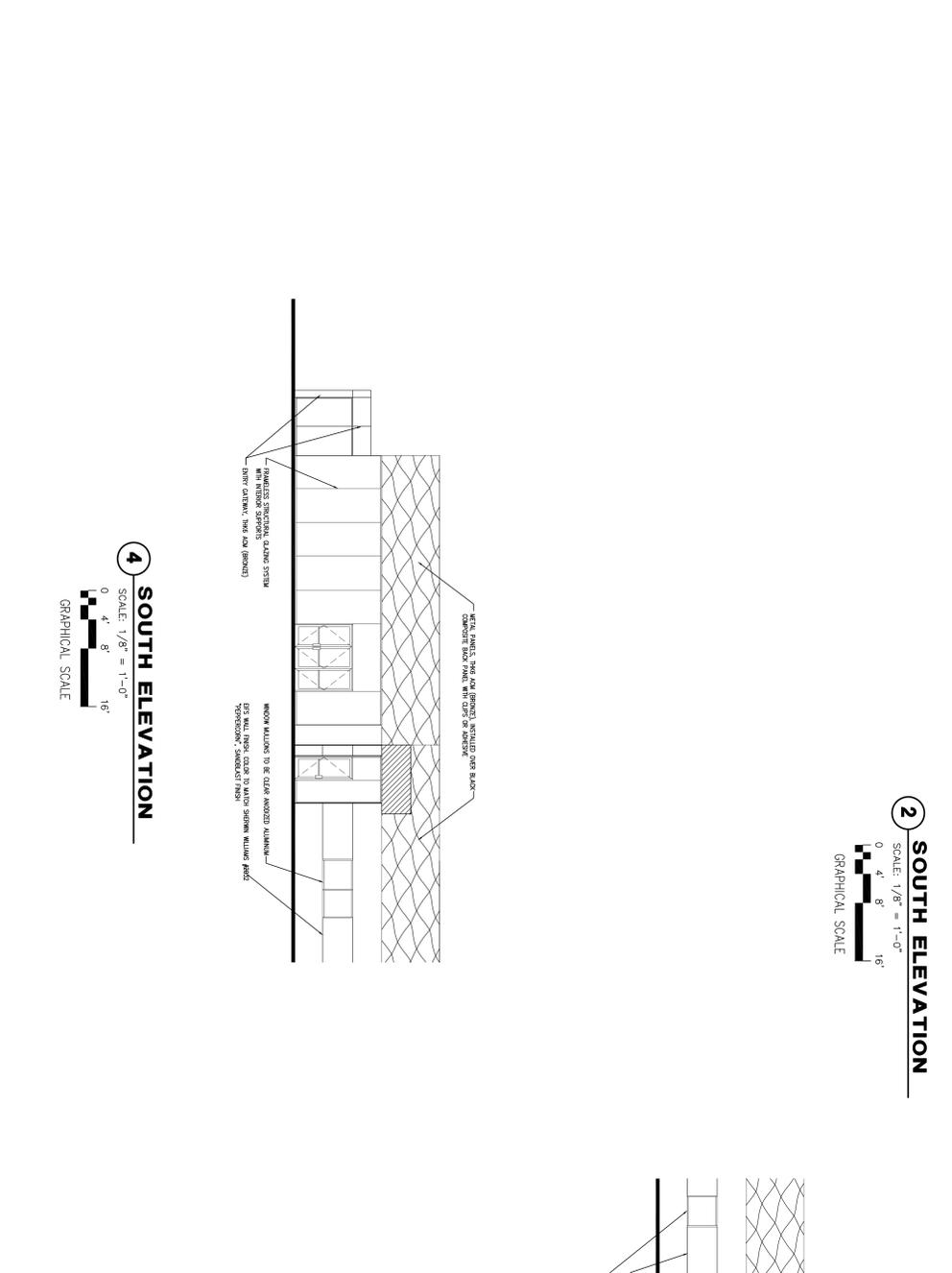
ELEVATIONS  
DWG. NO.: **A3-1**



**1 WEST ELEVATION**  
SCALE: 1/8" = 1'-0"  
GRAPHICAL SCALE



**2 SOUTH ELEVATION**  
SCALE: 1/8" = 1'-0"  
GRAPHICAL SCALE



**3 NORTH ELEVATION**  
SCALE: 1/8" = 1'-0"  
GRAPHICAL SCALE

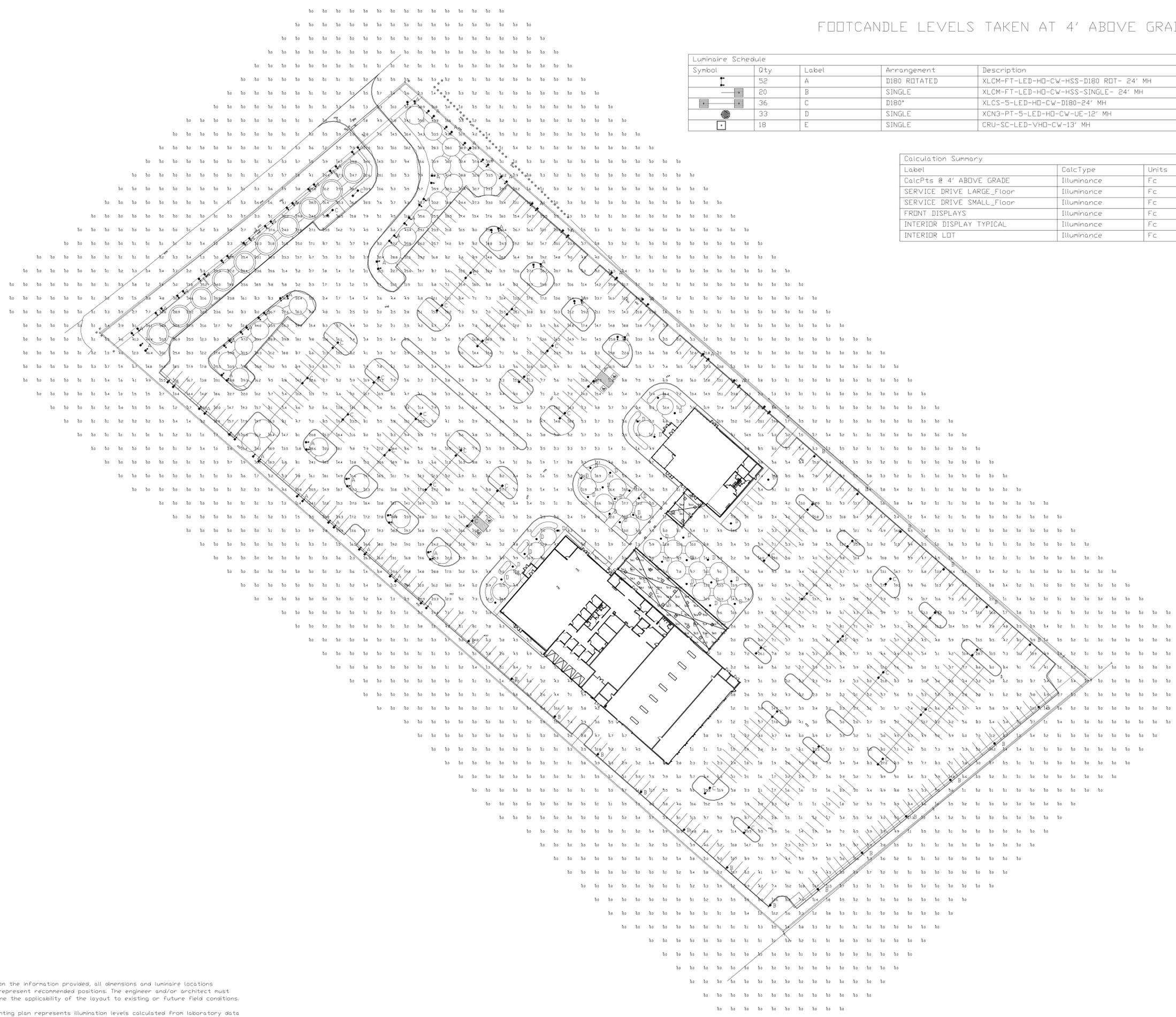


**4 SOUTH ELEVATION**  
SCALE: 1/8" = 1'-0"  
GRAPHICAL SCALE



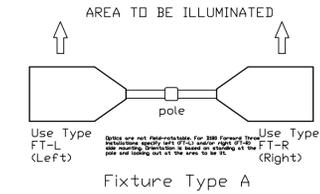
REVIEW DRAWINGS  
NOT FOR CONSTRUCTION  
OR PERMITTING

FOOTCANDLE LEVELS TAKEN AT 4' ABOVE GRADE.

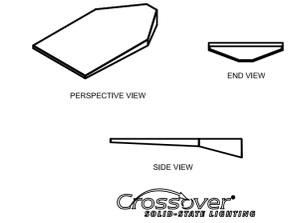


Luminaire Schedule								
Symbol	Qty	Label	Arrangement	Description	LLF	Lumens/Lamp	Arr. Lum. Lumens	Arr. Watts
	52	A	D180 ROTATED	XLCM-FT-LED-HO-CW-HSS-D180 RDT- 24' MH	1.000	N.A.	45414	549.4
	20	B	SINGLE	XLCS-FT-LED-HO-CW-HSS-SINGLE- 24' MH	1.000	N.A.	22707	274.7
	36	C	D180°	XLCS-5-LED-HO-CW-D180-24' MH	1.000	N.A.	31348	276.4
	33	D	SINGLE	XCN3-PT-5-LED-HO-CW-UE-12' MH	1.000	N.A.	7594	108
	18	E	SINGLE	CRU-SC-LED-VHO-CW-13' MH	1.000	N.A.	23523	195.5

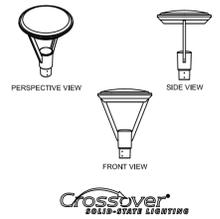
Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
CalcPts @ 4' ABOVE GRADE	Illuminance	Fc	5.53	48.8	0.0	N.A.	N.A.
SERVICE DRIVE LARGE_Floor	Illuminance	Fc	49.40	66.2	15.9	3.11	4.16
SERVICE DRIVE SMALL_Floor	Illuminance	Fc	53.41	63.3	42.5	1.26	1.49
FRONT DISPLAYS	Illuminance	Fc	28.42	44.4	19.8	1.44	2.24
INTERIOR DISPLAY TYPICAL	Illuminance	Fc	30.54	48.8	5.5	5.55	8.87
INTERIOR LOT	Illuminance	Fc	10.97	66.2	0.0	N.A.	N.A.



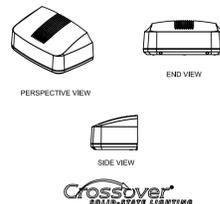
XLCSM LED Crossover Area Light



XCN3 PT LED Crossover Area Light



XPWS3 LED Crossover Wall Mount Light



Total Project Watts  
Total Watts = 51096.1



LIGHTING PROPOSAL LD-125516

AUTOMAX HYUNDAI TEMPLE

BY:SMB DATE:1/16/15 REV: SHEET 1 OF 1

SCALE: 1"=50' 0 50

Based on the information provided, all dimensions and luminaire locations shown represent recommended positions. The engineer and/or architect must determine the applicability of the layout to existing or future field conditions.

This lighting plan represents illumination levels calculated from laboratory data taken under controlled conditions in accordance with the Illuminating Engineering Society (IES) approved methods. Actual performance of any manufacturer's luminaires may vary due to changes in electrical voltage, tolerance in lamps/LED's and other variable field conditions. Calculations do not include obstructions such as buildings, curbs, landscaping, or any other architectural elements unless noted.

**LED AREA LIGHTS - LSI SLICE MEDIUM (XLCM)**



**US & Int'l. patents pending**

- SMARTTEC™** - LSI drivers feature integral sensor which reduces drive current, when ambient temperatures exceed rated temperature.
- EXPECTED LIFE** - Minimum 60,000 hours to 100,000 hours depending upon the ambient temperature of the installation location. See LSI web site for specific guidance.
- LEDS** - Select high-brightness LEDs in Cool White (5000°K nominal), or Neutral White (4000°K nominal) color temperature, 70 CRI (nominal).
- DISTRIBUTION/PERFORMANCE** - Types FT and 5. Exceptional uniformity creates bright environment at lower light levels.
- HOUSING** - One-piece, die-formed aluminum housing contains factory prewired driver. Wiring access door (with safety lanyard) located underneath.
- OPTICAL UNIT** - Clear tempered flat glass lens permanently sealed to weather-tight aluminum optic frame (includes pressure-stabilizing breather). Optic frame recessed into housing cavity and sealed to the housing with one-piece EPDM gasket.

**LED lighting facts**  
A Program of the U.S. DOE

Light Output (Lumens) **30937**  
Watts **275.6**  
Lumens per Watt (Efficacy) **112**

Color Accuracy  
Color Rendering Index (CRI) **75**

Light Color  
Correlated Color Temperature (CCT) **5103 (Daylight)**

2700K 3000K 4500K 6500K

All results are according to IESNA LM-79-2008: Approved Method for the Electrical and Photometric Testing of Solid-State Lighting. The U.S. Department of Energy (DOE) verifies product test data and results.

Visit [www.lightingfacts.com](http://www.lightingfacts.com) for the Label Reference Guide.

Registration Number: KGGN-G6FD1V (6/25/2014)  
Model Number: XLCM FT LED HO CW  
Type: Luminaire - Area/Roadway

**MOUNTING** - Tapered rear design allows fixtures to be mounted in 90° and 120° configurations without the need for extension arms. Use with 3" reduced drilling pattern. A round pole plate is required for mounting to round poles. Wall mount available by ordering wall mounting bracket (BKS-XBO-WM-\* -CLR). See Accessory Ordering Information chart for all brackets.

**ELECTRICAL** - Two-stage surge protection (including separate surge protection built into electronic driver) meets Location Category C Low. Available with universal voltage power supply 120-277 VAC (50/60Hz input), and 347-480 VAC. Optional button-type photocells (PCI) are available in 120, 208, 240, 277 or 347 volt (supply voltage must be specified).

**DRIVER** - Available in SS (Super Saver) and HO (High Output) drive currents. Components are fully encased in potting material for moisture resistance. Driver complies with FCC standards. Driver and key electronic components can easily be accessed.

**OPERATING TEMPERATURE** - -40°C to +50°C (-40°F to +122°F)

**FINISH** - Fixtures are finished with LSI's DuraGrip® polyester powder coat finishing process. The DuraGrip finish withstands extreme weather changes without cracking or peeling. Available in black, bronze and white. Other standard LSI finishes available. Consult factory.

**WARRANTY** - LSI LED fixtures carry a limited 5-year warranty.

**PHOTOMETRICS** - Please visit our web site at [www.lsi-industries.com](http://www.lsi-industries.com) for detailed photometric data.

**SHIPPING WEIGHT (in carton)** - One fixture: 25.25 lbs. (11.5 kg). Packed two per carton: 43.5 lbs. (19.7 kg).

**LISTING** - UL listed to U.S. and international safety standards. Suitable for wet locations.

LIGHT OUTPUT - XLCM				
		Lumens (Nominal)		Watts (Nominal)
		Type FT	Type 5	
Cool White	SS	22800	22900	193
	HO	30900	31100	278
Neutral White	SS	18400	18500	193
	HO	24100	23900	278

This product, or selected versions of this product, meet the standards listed below. Please consult factory for your specific requirements.



Fixtures comply with ANSI C136.31-2010 American National Standard for Roadway Lighting Equipment - Luminaire Vibration 1.5G requirements.

# LED AREA LIGHTS - LSI SLICE MEDIUM (XLCM)

## LUMINAIRE ORDERING INFORMATION

TYPICAL ORDER EXAMPLE: **XLCM 5 LED SS CW UE BLK PCI120**

Prefix	Distribution	Light Source	Drive Current	Color Temperature	Input Voltage	Finish	Options
XLCM	5 - Type V FT - Forward Throw	LED	SS - Super Saver HO - High Output	CW - Cool White NW - Neutral White	UE - Universal Voltage (120-277V)  347-480 Universal Voltage (347-480V)	BLK - Black BRZ - Bronze WHT - White	Button Type Photocells PCI120 - 120V PCI208-277V - 208-277V PCI347 - 347V

### LUMINAIRE EPA CHART - XLCM

	Single	0.5
	D180°	1.0
	D90°	0.8
	T90°	1.7
	TN120°	1.7
	Q90°	1.9

**Note:** House Side Shield adds to fixture EPA. Consult Factory.

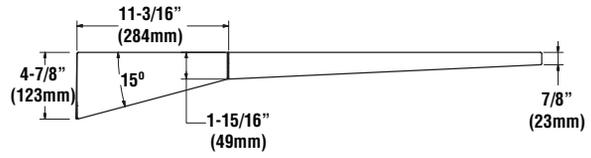
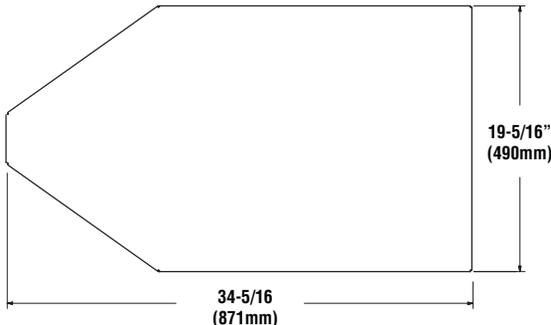
### ACCESSORY ORDERING INFORMATION

(Accessories are field installed)

Description	Order Number	Description	Order Number
BKS-XBO-WM-* -CLR Wall Mount Bracket	382132CLR	DFK208, 240 Double Fusing (208V, 240V)	DFK208, 240 <sup>2</sup>
XLCM-FT-HSS House Side Shield (Black only)	C/F <sup>1</sup>	DFK480 Double Fusing (480V)	DFK480 <sup>2</sup>
X4RPP Round Pole Plate for 4 Poles	379967CLR	FK347 Single Fusing (347V)	FK347 <sup>2</sup>
X5RPP Round Pole Plate for 5 Poles	379968CLR		
FK120 Single Fusing (120V)	FK120 <sup>2</sup>		
FK277 Single Fusing (277V)	FK277 <sup>2</sup>		

**FOOTNOTES:**  
 1 - House Side Shields add to fixture EPA. Consult factory.  
 2 - Fusing must be located in the hand hole of pole.

## DIMENSIONS





Vicinity Aerial Map



Site (looking northeast)



Site (looking north)



Looking south



## **PLANNING AND ZONING COMMISSION ITEM MEMORANDUM**

04/06/2015  
Item 06  
Regular Agenda  
Page 1 of 2

**APPLICANT:** Chuck Lucko, All County Surveying on behalf of McLean Commercial LTD

**CASE MANAGER:** Beverly Zendt, Assistant Planning Director

**ITEM DESCRIPTION:** P-FY-15-17 Consider and take action on the Final Plat of Canyon Ridge , Phase III, a 29.639 +/- acres, 129-lot residential subdivision, situated in the Maximo Moreno Survey, Abstract 14, Bell County, Texas, located south of Canyon Creek Drive, between Lowe's Drive and South 5th Street.

**STAFF RECOMMENDATION:** Staff recommends approval of the Final Plat of Canyon Ridge Phase III.

**ITEM SUMMARY:** The Development Review Committee reviewed the Final Plat of Canyon Ridge Phase III on March 26, 2015. The plat was deemed administratively complete on March 30, 2015. The applicant is proposing 129 lots on approximately 29.6 acres. The subject tract is zoned Single Family Dwelling 2 (SF-2) and Two Family Dwelling (2-F). Lots conform to area and dimensional requirements for both districts where applicable. The subject property is served by means of multiple 8" water mains and 8" sewer main connecting to existing 8" water and sewer mains located in the right-of-way on adjacent constructed streets.

Per a previous 2005 City/Developer agreement, the property owner/developer has agreed to construct a 6' sidewalk (Trail Connector) to extend an existing trail located along Paseo Del Plata. A 4" sidewalk exists along the east side of Hartrick Bluff Boulevard and is currently being constructed as adjacent homes are constructed along that roadway.

### **Compliance with the Preliminary Plat**

The Final Plat of Canyon Ridge Phase III represents a 1.6% increase in density. The Preliminary Plat of Canyon Ridge depicts a total of 127 lots for this phase of development. The Final Plat of Canyon Ridge Phase III depicts a total of 129 lots. Overall, the final plats of phases I, II, and III (this being the final phase) represent an overall decrease in the total lot count from 330 to 317 lots. This represents an overall 4% decrease in the number of lots approved with the Preliminary Plat of Canyon Ridge. It is important to note that although the lot count has decreased, the density has increased as Phase II was rezoned to Two-Family Dwelling (2F) and has been constructed with duplexes.

Per Section 3.6.6b of the Unified Development Code, the final plat must conform substantially to the approved preliminary plat. Typically an increase in lots represents a noteworthy and substantial change. Nevertheless, it is staff's recommendation that a less than 5% total increase in lots should not be

considered substantial, unless density is increased simultaneously through a change in zoning. Additionally, staff would recommend that the total increase be calculated cumulatively over the entire life of the preliminary plat throughout all relevant phases. **It is staff's determination that the Final Plat of Canyon Ridge Phase III is in substantial compliance with the Preliminary Plat of Canyon Ridge.**

The Planning and Zoning Commission is the final plat authority since the applicant has not request any exceptions to the Unified Development Code.

## **View from Canyon Ridge Drive**



**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

Plat  
Topo Utility Sheet

# FINAL PLAT OF CANYON RIDGE, PHASE III

WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS

Being part of the MAXIMO MORENO SURVEY, ABSTRACT 14, Bell County, Texas, being the remainder of a called 85.732 Acre tract, conveyed to MCLEAN COMMERCIAL, LTD., A TEXAS LIMITED PARTNERSHIP, in Document No. 2010-00034213, Official Public Records of Real Property, Bell County, Texas.

This project is referenced to the City of Temple Coordinate System, NAD 83, Texas Central Zone. All distances are horizontal surface distances and all bearings are grid bearings. All coordinates are referenced to City Monument No. 404. The theta angle at City Monument No. 404 is 0° 31' 56". The combined correction factor (CCF) is 0.0000253. Grid distance = surface distance X CCF. Geodetic north = Grid north + theta angle. Published city coordinates for City Monument No. 404 are N = 1036166.26 E = 3221842.21. Reference tie from City Monument No. 404 to the northeast corner of said 24.634 acre tract is S 80°54'02" W 2482.35 feet.

Based upon what can be scaled from the graphics shown on FEMA Flood Insurance Rate Map (FIRM), Map No. 48027C0360E, effective date 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.

STATE OF TEXAS  
COUNTY OF BELL

MCLEAN COMMERCIAL, LTD., A TEXAS LIMITED PARTNERSHIP, OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS CANYON RIDGE, PHASE III, WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE THE USE OF THE PUBLIC FOREVER FOR ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN HEREON WITHIN THE PLAT BOUNDARIES OF THIS SUBDIVISION.

MCLEAN COMMERCIAL, LTD., A TEXAS LIMITED PARTNERSHIP  
P. O. BOX 1183  
KILLEEN, TEXAS 76540

By: WILLIAM E. HICKMAN, ATTORNEY IN FACT  
MCLEAN COMMERCIAL MANAGEMENT, L.C., GENERAL PARTNER

STATE OF TEXAS  
COUNTY OF BELL

BEFORE ME, the undersigned authority, on this day personally appeared WILLIAM E. HICKMAN, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as Attorney in Fact for MCLEAN COMMERCIAL MANAGEMENT, L.C., a Texas limited liability company, general partner, as the act of MCLEAN COMMERCIAL, LTD., a Texas limited partnership, for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

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 \_\_\_\_\_, 2015.

CHAIRPERSON SECRETARY, PLANNING & ZONING

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF CANYON RIDGE, PHASE III, WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015. SAID SUBDIVISION SHALL BE SUBJECT TO ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE OF THE CITY OF TEMPLE, TEXAS.

WITNESS MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

CITY SECRETARY

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.

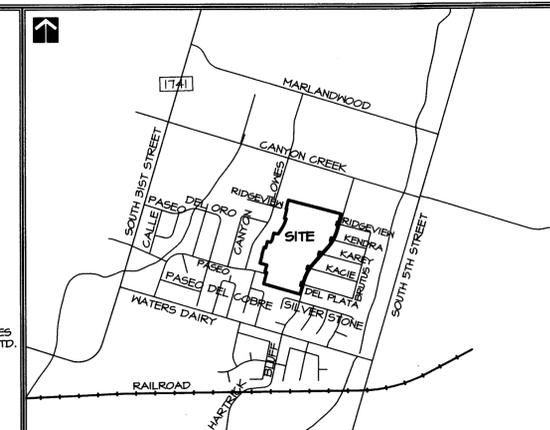
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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 WAS 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, R.P.L.S.  
REGISTRATION NO. 4636  
DATE SURVEYED: MARCH 3, 2015



VICINITY MAP - N.T.S.

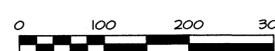
LOTS - 124  
BLOCKS - 6  
AREA - 24.634 ACRES

A 6' sidewalk is required as "Trail Connector" along Paseo Del Plata.

**BUILDING LINES:**(unless otherwise noted)  
25' FRONT BUILDING LINE  
15' SIDE STREET BUILDING LINE  
5' SIDE BUILDING LINE  
10' REAR BUILDING LINE

LINE	BEARING	DISTANCE
L1	S 16°54'26" W	144.56'
L2	S 60°45'16" W	14.42'
L3	N 75°23'54" W	15.33'
L4	S 14°38'06" W	50.00'
L5	S 75°23'54" E	20.83'
L6	S 24°14'44" E	13.85'
L7	S 16°54'26" W	104.15'
L8	S 65°46'42" W	15.58'
L9	N 75°23'54" W	36.57'
L10	S 14°38'06" W	50.00'
L11	S 75°23'54" E	23.28'
L12	S 24°14'08" E	11.84'
L13	S 41°53'01" W	130.07'
L14	S 73°14'34" W	17.08'
L15	N 75°23'54" W	51.07'
L16	S 14°38'06" W	50.00'
L17	S 75°23'54" E	20.31'
L18	S 16°45'26" E	15.61'
L19	S 41°53'01" W	184.12'
L20	N 75°23'54" W	147.48'
L21	N 74°10'30" W	40.23'
L22	S 15°44'30" W	50.00'
L23	S 74°10'30" E	23.11'
L24	S 20°55'14" E	11.47'
L25	S 60°44'38" W	14.14'
L26	N 74°10'30" W	20.30'
L27	S 15°44'30" W	55.00'
L28	S 74°10'30" E	23.00'
L29	S 24°10'22" E	14.14'
L30	S 15°44'45" W	137.48'
L31	N 15°44'25" E	147.48'
L32	N 15°32'54" E	55.00'
L33	N 73°45'42" W	32.45'
L34	N 15°45'11" E	122.53'
L35	N 74°04'30" W	123.07'
L36	N 15°37'12" E	124.77'
L37	N 05°45'14" E	50.40'
L38	N 15°48'07" E	104.33'
L39	S 74°12'26" E	31.26'
L40	N 14°40'27" E	110.74'
L41	S 75°34'24" E	58.48'
L42	N 30°34'08" E	32.07'
L43	N 14°24'28" E	119.84'
L44	S 76°04'51" W	11.08'
L45	N 76°16'50" W	30.36'
L46	N 14°24'04" E	170.01'
L47	N 73°57'08" W	12.64'
L48	N 14°32'28" E	154.04'
L49	S 15°44'45" W	14.00'
L50	S 30°23'54" E	25.88'
L51	N 54°36'06" E	25.88'
L52	N 30°23'54" W	25.88'

○ DENOTES 5/8" IRON ROD WITH CAP  
○ DENOTES 5/8" IRON ROD WITH CAP STAMPED 'ACS' FOUND (unless otherwise noted)

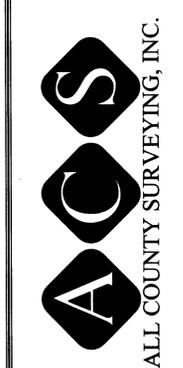


CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	117.32'	6471.50'	4°38'13"	S 21°43'33" W	117.16'
C2	114.94'	6471.50'	4°26'45"	S 31°04'34" W	114.86'
C3	571.56'	752.50'	42°23'36"	S 34°41'32" W	371.58'
C4	211.16'	752.50'	16°07'26"	S 23°53'28" W	211.07'
C5	244.64'	880.00'	14°30'44"	N 28°11'14" E	248.24'
C6	158.08'	50.00'	181°08'46"	S 30°23'54" E	44.94'

RECORDATION INFORMATION:  
FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.  
IN YEAR \_\_\_\_\_ PLAT # \_\_\_\_\_ PLAT RECORDS OF BELL COUNTY, TEXAS.  
DEDICATION INSTRUMENT # \_\_\_\_\_ OFFICIAL RECORDS OF BELL COUNTY, TEXAS.

FINAL PLAT OF  
**CANYON RIDGE, PHASE III**  
WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS

1303 South 21st Street  
Temple, Texas 76502-6544-4636  
254-778-2272 Killeen 254-654-4636  
Fax 254-771-1406  
Tx. Firm Lic. No. 10023900



Plot date: 03-27-2015  
Job No: 150138  
Date: 03-03-2015  
Scale: 1" = 100'  
Drawing No: 150138P  
Drawn By: SLW  
Checked By: CCL





## PLANNING AND ZONING COMMISSION AGENDA ITEM

4/06/15  
Item #7  
Regular Agenda

**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
<b>P-FY-14-36</b> - Consider and recommend action on the final plat of Phillips Addition, a 0.82, 1-lot, 1-block residential subdivision, with a developer-requested exception to Section 8.1.3A.7 of the Unified Development Code (UDC) related to required fire hydrants, situated in the George Lindsey Survey, Abstract 513, in Bell County, Texas, located on the west side of Brown Lane, south of FM 2305, in Temple's western Extra-Territorial Jurisdiction (ETJ).	DRC 6/25/14 Awaiting revisions from applicant	All County Surveying
<b>P-FY-15-06</b> - Consider and take action on the Final Plat of Golden Valley Subdivision, a 4.25 +/- acres 3-lot, 1-block nonresidential subdivision, being part of the Stephen Frazier Survey, Abstract No. 311, situated in the City of Temple, Bell County, Texas, located on the south side of Taylors Valley Road, adjacent to the Georgetown Railroad Company, west of Shallow Ford Road.	DRC 11/03/14 Awaiting revisions from applicant	Ron Carroll
<b>P-FY-15-12</b> - Consider and take action on the Final Plat of Preddy-Procter Addition, a 1.00 acre +/-, 1-lot, 1-block nonresidential subdivision, situated in the Nancy Chance Survey, Abstract 5, Bell Count, Texas, located on the west side of Old Waco Road, south of its intersection with FM2305 (West Adams Avenue).	DRC 12/15/14 Awaiting revisions from applicant	All County Surveying
<b>P-FY-15-13</b> - Consider and take action on the Final Plat of Northcliffe HOA Addition, a 0.745 +/- acre, 2-lot 1-block, residential subdivision, being a replat of all of Lots 1 and 2, Block 2, First Replat, Northcliffe Phase I, located on the west side of FM 2271, south of FM 2305.	Administrative	All County Surveying

<b>P-FY-15-15</b> - The final plat of Las Colinas Lot 11-A, a 0.917 +/- acres, two lot residential subdivision, being a replat of Lots 11 and 12, Block 3, Las Colinas Subdivision, located at 1720 Las Lomas Court.	DRC 3/02/15 Awaiting revisions from applicant	Advanced Mapping & Surveying
<b>P-FY-15-16</b> - Consider and take action on the Final Plat of Villas at Canyon Ridge, 5.987 +/- acres, (a replat of Canyon Ridge, Phase II, Lots 1-12 & Lots 1-12, Blocks 10 & 11), located at Hartrick Bluff Road at Ridgeview Drive and Kendra Drive.	DRC 3/02/15	All County Surveying
<b>P-FY-15-17</b> - Consider and take action on the Final Plat of Canyon Ridge , Phase III, a 29.639 +/- acres, 129-lot residential subdivision, situated in the Maximo Moreno Survey, Abstract 14, Bell County, Texas, located south of Canyon Creek Drive, between Lowe's Drive and South 5th Street.	DRC 3/23/15	Clark & Fuller
<b>P-FY-15-19</b> – Consider and take action on the Final Plat of Dorsey II Subdivision, a 3.97 +/- acre, 3-lot, 1-block residential subdivision, being a Replat of Lot 3, Block 1, Dorsey Subdivision, being in the Extra Territorial Jurisdiction of the City of Temple, recorded in Cabinet D, Slide 294-A of the Bell County Plat Records	DRC 3/23/15 PZC 4/20/15	Ron Carroll
<b>P-FY-15-20</b> - Consider and take action on the final plat of Lake Belton Plaza Phase Two, a 0.753 +/- acre nonresidential subdivision, being part of the G.W. Lindsey Survey, Abstract No. 513, Bell County, Texas. and land described being part of Lot 1, Block 1, Simpson Addition, Phase Two, an addition to the City of Temple, Texas, of record in Cabinet D, Slide 267-A, Plat Records of Bell County, Texas, located at on the east side of FM 2271, north of the intersection with FM 2305.	DRC 4/06/15	Mitchell & Associates
<b>P-FY-15-21</b> - Consider and take action on the Final Plat of Hartrick Valley Estates, a 20.460 +/- acres, 29-lot, 4-block residential subdivision situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located on the east side of Hartrick Bluff Road at Morgan Drive, south of FM 93 in Temple's southern E.T.J.	DRC 4/06/15	Edanbra (Brad Dusek)

<b>City Council Final Decisions</b>	<b>Status</b>
Z-FY-15-05: Consider adopting an ordinance authorizing a zoning change from Two Family Dwelling (2F) to General Retail (GR) on Lot 4, Block 3 of the Moore's Knight Addition located at 111 South 33rd Street.	APPROVED at 2 <sup>nd</sup> Reading on March 19, 2015

**P&Z COMMISSION ATTENDANCE**

2015															
	Jan 5	Jan 20	Feb 2	Feb 17	Mar 2	Mar 16	Apr 6	Apr 20	May 4	May 18	June 1	June 15	P	A	
James Staats	P	No Meeting Held	P	P	P	P							5		
Blake Pitts	P		P	A	P	P							4	1	
Patrick Johnson	P		P	P	A	P							4	1	
Omar Crisp	P		P	A	P	A							3	2	
David Jones	P		P	A	P	P							4	1	
Greg Rhoads	P		P	P	P	A							4	1	
Will Sears	P		A	P	A	A							2	3	
Lester Fettig	P		P	P	P	A							4	1	
Tanya Mikeska-Reed	A		A	P	P	P							3	2	

	July 6	July 20	Aug 3	Aug 17	Sept 8	Sept 21	Oct 5	Oct 19	Nov 2	Nov 16	Dec 7	Dec 21	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