

**NOTICE OF MEETING
PLANNING AND ZONING COMMISSION
CITY MUNICIPAL BUILDING, 2 NORTH MAIN STREET
PLANNING CONFERENCE ROOM
MARCH 21, 2016, 5:00 P.M.
WORK SESSION AGENDA**

Staff will present the following items:

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Monday, March 21, 2016.
2. Receive and discuss the Planning Director's Report containing items for future meetings regarding subdivision plats, zoning cases, conditional use permits, annexations, and proposed text amendments (if any) to the Unified Development Code (UDC).

**NOTICE OF MEETING
PLANNING AND ZONING COMMISSION
CITY MUNICIPAL BUILDING, 2 NORTH MAIN STREET
CITY COUNCIL CHAMBERS, 2ND FLOOR
MARCH 21, 2016, 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 7, 2016.

B. ACTION ITEMS

Item 2: [Z-FY-16-17](#) – Hold a public hearing to discuss and recommend action on a rezoning from Agricultural (AG) District to AG and Commercial (C), 1.8 +/- acres out of 6.97 acres, Nancy Chance Survey, Abstract No. 5 in the City of Temple, Bell County, Texas, at 3404 South Kegley Road, located between Kegley Lane and South Kegley Road, north of Charter Oak Drive.

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.templetx.gov>. Please contact the City Secretary's Office at 254-298-5700 for further information.

The agenda for this meeting was posted on the bulletin board at the Municipal Building in compliance with the Open Meetings Law at 3:00 PM on March 17th, 2016.

A handwritten signature in cursive script that reads "Lacy Borgeson". The signature is enclosed within a dashed rectangular border.

Lacy Borgeson
City Secretary

I certify that this Notice of Meeting Agenda was removed by me from the outside bulletin board in Front of the City Municipal Building at _____ on the _____ day of _____ 2016.

_____ Title: _____

**PLANNING AND ZONING COMMISSION
MARCH 7, 2016
5:30 P.M.**

PLANNING AND ZONING MEMBERS PRESENT
Chair David Jones

COMMISSIONERS:

Lydia Alaniz	Tanya Mikeska-Reed
Patrick Johnson	Greg Rhoads
Will Sears	Omar Crisp
Lester Fettig	

PLANNING AND ZONING MEMBERS ABSENT:

Blake Pitts

STAFF PRESENT:

Brian Chandler, Director of Planning
Trudi Dill, Deputy City Attorney
Richard Wilson, Deputy City Engineer
Tammy Lyerly, Senior Planner
Mark Baker, Senior Planner
Dessie Redmond, Planner
Leslie Evans, Planning Technician
Kelli Tibbit, Administrative Assistant

The agenda for this meeting was posted on the bulletin board at the Municipal Building, March 3, 2016 at 12:30 p.m. in compliance with the Open Meetings Law.

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

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

Invocation by Commissioner Alaniz; Pledge of Allegiance by Commissioner Mikeska-Reed.

A. CONSENT ITEMS

Item 1: Approval of Minutes: Work session and the regular meeting of February 16, 2016.

Approved by general consent.

Chair Jones stated Item 2, **Z-FY-16-10**, would be moved to the end of the Action Items since it was anticipated lengthy discussion would be involved.

B. ACTION ITEMS

Item 3: Z-FY-16-16 – Hold a public hearing to discuss and recommend action on a rezoning from Agriculture (AG) district to Single Family One (SF-1) district, on 5.888 +/- acres, situated in the Mary Cherry Survey, Abstract No. 175, Bell County, Texas, located at 4516 Hickory Road.

Vice-Chair Johnson stated he needed to recuse himself from the Item.

Mr. Mark Baker, Senior Planner, stated this item was scheduled to go to City Council for first reading on April 7, 2016 and second reading on April 21, 2016.

The subject property is adjacent to Lions Park. There is a companion preliminary plat currently under separate review for the property.

The Development Review Committee (DRC) reviewed the preliminary plat on February 25, 2016 which is still under review. Once the plat is deemed administratively complete it will come forward to the P&Z Commission.

The lot sizes for the plat range from 12,015 to 21,249 square feet.

The current zoning is Agricultural (AG) which are areas containing rural land uses or undeveloped acreage and also used as a holding zone after annexation but subject to change upon request by the property owner(s). The proposed zoning request is for Single Family-One (SF-1) which would coincide with the north, east and south areas abutting and adjacent to the subject property and is in compliance with the Unified Development Code (UDC).

The Future Land Use and Character Map designate the property as Parks and Open Space which is intended for and includes the local park system, outdoor recreation areas, and open spaces available for public use and enjoyment. The original intent for the property was presumably to be included into Lions Park which did not occur. The request is not compliant with the Future Land Use and Character Map.

Parks and Open Space from the Comprehensive Plan, *Choices '08*, does include the opportunity for vegetation conservation or trail connectivity, and incorporation of existing vegetation into subdivision/lot design, in terms of trying to accommodate compatibility or some consistency.

Trail connectivity could be accomplished through a six-foot required sidewalk on Hickory Road. The sidewalk requirement is along the frontage; however, expansion of 160 feet to White Oak Drive could be considered through a 380 Agreement (100 percent reimbursement) as well as a developer provided six-foot sidewalk along Lions Park Drive (50/50 cost-share).

The required parkland dedication fees could be used toward tree planting along Lions Park Drive and Hickory Road. These items could be counted as consideration toward meeting the Parks and Open Space objectives.

Existing water and sewer are available to serve the property. Water would be provided through a 12-inch water line in either Lions Park Drive or Hickory Road. A six-inch sewer line is in Hickory Road.

The Thoroughfare Plan designates Hickory Road as an existing minor arterial and Lions Park Drive is a local street. The sidewalk previously mentioned is normally addressed through the platting process but Mr. Baker wanted to provide the opportunity to discuss the sidewalks. In particular, the proposed six-foot sidewalk along Lions Park Drive could also be a trail using alternative materials that would be determined in the future.

The parkland dedication fees could be used for tree plantings between the sidewalk and backyard fencing along Lions Park Drive and/or Hickory Road.

These could incorporate trail connectivity with the proposed subdivision. These would all be in compliance with the Thoroughfare Plan and Trails Master Plan.

Surrounding properties include single family uses (Willow Ridge Subdivision) zoned SF-1 to the north, undeveloped grazing land zoned SF-1 to the south, single family uses (Ramblewood 3rd Unit Subdivision) zoned SF-1 to the east, and Lions Park zoned AG to the west.

AG and SF-1 allowed and prohibited uses are cited, along with development standards for both districts.

The newspaper printed notice of the public hearing on February 5, 2016, in accordance with state law and local ordinance. Nine notices were mailed out with one notice returned in favor and four notices returned in opposition.

The request is in compliance with the consideration of Park and Open Space Objectives, is compatible with surrounding uses and zoning, public facilities are available to serve the property, and meets the Thoroughfare Plan requirements. The request is not in compliance with the Future Land Use and Character Map.

Staff recommends approval of the request for rezoning from AG to SF-1.

Chair Jones opened the public hearing.

Ms. Brenda Ford, 4513 Hickory Road, Temple, Texas, stated her residence is located in front of where the proposed road will come out. People currently speed down Hickory and this will only bring in more traffic. Speed bumps might help if they were installed.

The wildlife in the small section of forest would be homeless when the proposed development is completed.

Temple already has numerous foreclosed homes which mean less taxes for the city. If more homes are built it does not guarantee Temple will get the tax dollars. Ms. Ford was concerned about how the developer knew he could sell these proposed homes or what if he got into the middle of the project and then went bankrupt.

Mr. Albert Mondrik, 4517 Hickory Road, Temple, Texas, stated he has lived at this address since 1978. Mr. Mondrik was also concerned about the traffic on Hickory. The easement adjacent to the property is being used as a dumping ground and will probably continue.

Mr. Mondrik also asked about speed bumps when the Stratford bumps were brought in and was told it could not be done because Hickory was a major thoroughfare.

There is concern about increased foot traffic with the proposed development and people walking to and from Lions Park. With the traffic already being heavy, serious accidents might occur especially with young children in the area.

Mr. Mondrik agreed with Ms. Ford about the proposed road for the new development being directly in front of his home.

Mr. Mondrik is not against the proposal since it will probably increase surrounding property values. He has no idea what the value of the proposed homes will be or what the square footage will be and asked if the Commission knew.

Mr. Mondrik was informed the applicant was in attendance and would address that issue.

Commissioner Rhoads asked Staff if there were any future road plans in the Thoroughfare Plan to take Hickory all the way through to Highway 93. Mr. Brian Chandler, Director of Planning, stated he would need to check and get back to the Commission. Mr. Chandler did state there was nothing listed on the Transportation Capital Improvement Project (TCIP) list but was not sure about the Thoroughfare Plan.

Ms. Susan Evans, 3515 White Oak Drive, Temple, Texas, stated she would like to read comments written by Ms. Suma Raju, 3509 White Oak Drive, who was unable to attend the meeting.

Ms. Raju wrote they were strongly opposed to the rezoning and developing of 4516 Hickory Road for the main reasons of beauty, safety, and the City of Temple's future. The beautiful trees and natural landscape in the middle of a city first drew the Rajus to the area. Destroying the habitat just to build more houses is the wrong decision and does not keep Temple beautiful. This beautiful and untouched land cannot be replicated elsewhere and it would be a shame if the City did not preserve this land.

Another objection was safety and development of this land will lead to increased water runoff during heavy rains. Tremendous flooding occurred with the last heavy rainfall and could become worse if the property is developed. Who would be responsible for potential results of property damage from this occurrence.

Ms. Raju was concerned about the proposed retaining pond since standing water attracts insects and insect-borne diseases. This pond will only add to the already existing problem.

This development will take away from the charm, quiet and beauty of Temple and turn the area into just another neighborhood you can find anywhere. If Temple wants people to live here they need to make decisions that keep the city beautiful meaning keeping more green areas, especially when they are as beautiful as the land at 4516 Hickory Road.

Ms. Raju stated approving this request would be a terrible decision for Temple and its future and asked the Commission not to approve the request.

Mr. Monty Clark, Clark & Fuller, 215 N. Main Street, Temple, Texas, stated he was the engineer for the project and wanted to speak on behalf of the owner and in favor of this request.

To address some of the questions previously posed, the minimum size of the homes would be around 2,500 square feet with a \$300,000 plus value. This is a high end development and the lots are larger than normal for a SF-1. The lots average from approximately 100 feet by 190 feet of depth making them large lots.

The site is heavily wooded with undergrowth and trees. The owner will clear some of the area for the homebuilding but it is in their best interest to try and keep the as many of the older and prettier trees.

There is a large area that does sheet flow across to the rear lots on White Oak. These lots have a steep slope across and some appear to have some drainage issues at present. In order to try and relieve some of that water, there will be drainage swells and detention (not retention) pond to capture as much of that water coming off of the new development. That water will be captured in the detention pond and then piped underground to the existing storm sewer on White Oak. The developer is trying to relieve some of the issues currently existing.

A detention pond detains water and does not hold water over a long period of time. It will only have water in it during periods of rainfall and significant runoff. The pond fills, will hold water, and as the rain subsides the pond will empty and dry out. There should not be any standing water for large periods of time.

Mr. Clark guessed that approximately two cars per new home would be added to the traffic. Hickory used to be a four lane road but was restructured to add bike lanes on both side which narrowed the number of lanes.

Staff and Mr. Clark have had discussions regarding the sidewalks. Since there are no sidewalks on Hickory this development would be the first and would also separate the pedestrians from the vehicular traffic.

Although additional cars will be added to the traffic, there are only 12 oversized lots.

Mr. Clark responded that maybe a sidewalk or perhaps a crushed aggregate path, which would match the existing nature trail in Lions Park, would be installed along Lions Park Drive. There have been discussions about extending that trail out to Hickory Road. Something will be there. Lions Park Road has a 60 foot right-of-way and classified as a local street.

Mr. Clark explained originally they looked at using Lions Park instead of Hickory but the geometry of the subdivision just did not work out and would add more pavement. Having the entrance off of Hickory Road instead of Lions Park would allow for larger lots and less pavement.

The average size of the lots that back up to Lions Park Drive are right at 200 feet and the house will sit close to the front creating a large buffer at the rear. By right, the developer could build six lots without changing anything with the current AG zoning and a one-acre minimum lot size. On the other hand, the density could also be more intense if requested.

Ms. Susan Evans asked for clarification that the proposed houses would be built closer to the proposed new road, on both sides, and the back yards would be larger back yards between the existing subdivision and the proposed subdivision. Mr. Clark confirmed.

Mr. Bobby Arnold, 6353 Siena Circle, Temple, Texas, stated he was the developer for this project. Mr. Arnold grew up in the Lions Park area. Mr. Arnold was concerned about the preservation of the wildlife and trees, etc. currently in the area and discussed this prior to the sale of the property. Mr. Arnold feels their product brings greater value to the surrounding properties.

Mr. Arnold reiterated what Mr. Clark previously stated that the homes would start in the \$300,000 range but could very well go even higher. He would like to keep the houses fairly close to the street with a 25-30 foot setback or even greater with a 60-foot deep house, and a 75 foot to 100 foot deep back yard from the back of house to the fence. The buyers of these homes will be as concerned about the value of their home just as everyone else is.

Mr. Arnold spoke about the possibility of some of the current issues being resolved regarding the wildlife.

Chair Jones closed the public hearing.

Commissioner Mikeska-Reed explained she grew up in this area and her parents continue to live in the area. She believes some the negative issues previously discussed would only be improved by this high end development. The City does need to be cautious about the traffic on Hickory but it is far superior to some of the collector streets in other neighborhoods.

Chair Jones understands the water issue and explained this matter would be reviewed during the platting process and would need documentation and approval from departments involved before proceeding. Chair Jones felt this development would improve the area.

Commissioner Crisp made a motion to approve Item 3, **Z-FY-16-16**, and Commissioner Fettig made a second.

Motion passed: (7:0:1)

Commissioner Pitts absent; Vice-Chair Johnson abstained

Item 4: TMED-FY-16-01 – Hold a public hearing to consider and recommend action to amend Ordinance No. 2014-4689, for a Temple Medical Education District (TMED) Planned Development District site plan on 1.27 acres +/-, Lot 1, Block 1, Shoppes on the Hill Subdivision, to allow for a drive-through restaurant, located at 2304 South 31st Street.

Ms. Dessie Redmond, Planner, stated this item is scheduled to go before City Council for first reading on April 7, 2016 and second reading on April 21, 2016.

The property is zoned Planned Development TMED T5-c (PD-TMED T5-c) and is intended to create higher-density, mixed use buildings that accommodate retail, offices, row houses and apartments. It has a tight network of streets with wide sidewalks, rhythmic street tree planting and buildings set close to sidewalks.

In October of 2014, Ordinance No. 2014-4689 was passed to allow for a drive-through on Lot 3 for Panera Bread which just recently opened. TMED T5-c prohibits drive-throughs so Staff is requesting an amendment to the ordinance and site plan to allow for the proposed drive-through on Lot 1 for Raising Cain's.

Five notices were mailed out with zero returned responses.

The 2014 approved site plan and the 2016 proposed site are shown, along with elevation views.

The Future Land Use and Character Map designates the subject property as Auto-Urban Commercial

Surrounding properties include undeveloped land zoned T5-c to the north, retail uses zoned General Retail (GR) to the south, Baylor Scott & White Hospital zoned Special District-Hospital (SD-H in TMED) to the east, and a retirement community zoned T5-c to the west.

Compliance with Ordinance 2014-4689 are as follows:

- Front setback requirements;
- One-story building height;
- Allowing a commercial surface parking lot; and
- Drive-through permitted for a proposed restaurant.

Compliance with the UDC General Standards are as follows:

- Circulation standards;
- Access and connectivity standards; and
- Minimum parking ratios and parking space dimensions.

Compliance with TMED are as follows:

- Screening of waste containers;
- Exterior finish materials and percentages;
- The site plan also meets the outdoor seating concepts proposed as a future code amendment;
- Bike rack requirements; and
- Landscape standards related to street frontage, tree mix, irrigation, pre-approved plant species selections and parking lot screening with a landscaping plan that exceeds the 20 percent minimum landscape area standard.

The request is in compliance with the Future Land Use and Character Map, the Thoroughfare Plan, Temple Trails Master Plan and Sidewalks Ordinance, and the growth and development patterns are consistent with the City's infrastructure and public facilities capabilities.

Staff recommends approval of the proposed site plan to allow for a drive-through restaurant located at 2304 S 31st Street (Lot 1) which has been determined to meet all of the DRC Criteria in UDC Section 3.4.5.

A traffic light will be installed for the hospital emergency room possibly this summer and the applicant is aware of this.

Chair Jones asked Staff if this request were approved with the drive-through, would that allow all of TMED to have drive-throughs at any point and how would that be handled in the next few years. Mr. Chandler responded Staff is currently working on drafting code amendments that do address a lot of the recently requested TMED exceptions, including drive-throughs. What the applicant is proposing for the current request and design is consistent with the proposed code amendments proposed which is drive-throughs by right, but would need a minimum outdoor

seating at these restaurants of 150 square feet. As the Code currently stands drive-throughs can only be added through a PD like this request. What is proposed is to allow drive-throughs by right with some design concessions for outdoor seating. The prior approved PD for The District already includes this standard.

Mr. Chandler explained there were no plans to change TMED for the east side of 31st Street and Scott & White has its own special district for medical uses. The other TMED sub-districts will be evaluated as required.

Chair Jones opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Rhoads made a motion to approve Item 4, **TMED-FY-16-01**, as stated, and Vice-Chair Johnson made a second.

Motion passed: (8:0)

Commissioner Pitts absent

Item 5: P-FY-16-14 – Consider and take action on the Final Plat of Cedar Cove Replat, a 4.895 +/- acres, 2 Lot, 1 Block, residential subdivision, being a replat of Lot 2, Block 1, Cedar Cove Subdivision, with a requested exception to Unified Development Code Section 8.2.1.C: Right-of-Way and Pavement Dimensional Standards to allow a reduced right-of-way dedication, located in Temple's western ETJ north of Cedar Cove Road, south of Westcliff Road, and west of Fullview First Street.

Ms. Tammy Lyerly, Senior Planner, stated the applicants were asking for an exception to the UDC so this item will go forward to City Council for first reading on April 7, 2016.

An existing manufactured home sits on the subject property near the road.

DRC reviewed the proposed plat on February 4, 2016 and it was deemed administratively complete on February 17, 2016.

The applicants have request an exception to UDC, Section 8.2.1.C: Right-of-Way and Pavement Dimensional Standards, to allow a reduced right-of-way dedication.

Fullview First Street is a rural local street with approximately 24 feet of right-of-way. The UDC, as well as Bell County, requires 50 feet of right-of-way for this type of road. Because of the location of the manufactured home the applicant is only able to dedicate four feet of the required 13 feet of right-of-way that is needed to bring their portion of the road up to standard.

The plat shows a 30-foot wide private access easement to the lake which borders the west plat boundary and a 20-foot wide private access easement to the lake located at the east plat boundary.

Water services will be provided by 439 Water Supply Corporation through one and one-quarter-inch, four-inch, six-inch, and 12-inch water lines.

Sewer services will be provided through septic system.

No park fees are requested for this development provided no more than one dwelling is proposed per lot created. However, fees will be required for proposed multi-family or any additional dwellings created of more than one per lot (\$225 per dwelling).

Staff recommends approval of the Final Plat of Cedar Cove Replat with the applicant's requested exception to the UDC.

No public hearing is required.

Commissioner Sears made a motion to approve Item 5, **P-FY-16-14**, as presented, and Commissioner Alaniz made a second.

Motion passed: (8:0)

Commissioner Pitts absent

Item 6: P-FY-16-21 – Consider and take action on the Final Plat of Lake Pointe Phase III, 67.69 +/- acres, 300-lot, 11-block residential subdivision, situated in, and being out of the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, located east of Lake Pointe Subdivision Phases II and II-A-2, west of the intersection of N. Pea Ridge and Prairie View Road.

Ms. Redmond stated the applicant has not requested any exceptions so P&Z Commission is the final authority on this plat.

The subject property is zoned Single-Family-Two (SF-2) and is mostly vacant undeveloped land. There is an existing warehouse with an automotive shop along with other buildings on the north, central portion of the property.

DRC reviewed the plat on February 25, 2016 and it was deemed administratively complete on March 3, 2016.

On the north side of the subject property is Prairie View Road, designated as a minor arterial, which is proposed to have a 70-foot right-of-way with 49-feet of pavement.

A sidewalk on the south side of Prairie View Road is required by the UCD; however, a Cat 7 Grant has been awarded to upsize to an 8-foot wide sidewalk on the north side and a 10-foot wide sidewalk on the south side.

To the north of the property is North Pea Ridge Road, designated as a collector street, which is proposed to have a 55-foot right-of-way with 36-feet of pavement.

A four-foot wide sidewalk will be constructed on the east side of Lilac Ledge Drive (Staff report stated along Lake Pointe Drive. The applicant requested to place the sidewalk on Lilac Ledge instead of Lake Pointe Drive to keep the sidewalk inside the development for the safety of children walking to school.)

Water services will be available through a 12-inch waterline which currently exists along Prairie View Road. There is also an existing two-inch waterline along North Pea Ridge Road.

Sewer is available to the subject properties by a 10-inch sewer line that exists toward the south of the property line and proposed to come into the property by a six-inch sewer line.

The plat and topo/utility plans are shown.

Mr. Josh Welch, WB Development, responded that the current buildings will be disassembled and removed from the property for the subdivision development to proceed. Proposed timeline would be this summer. Mr. Welch explained they were hoping to build it all at once; however, it will be phased.

Commissioner Sears made a motion to approve Item 3, **P-FY-16-21**, as presented, and Commissioner Rhoads made a second.

Motion passed: (8:0)

Commissioner Pitts absent

Item 2: Z-FY-16-10 – Hold a public hearing to consider and recommend action on a rezoning from Commercial (C) District to Planned Development Commercial (PD-C) District to allow for uses permitted in the base zoning district (Commercial) but prohibited under the I-35 Overlay District and for an appeal of landscaping and architectural requirements imposed by the I-35 Overlay District under the Unified Development Code (UDC) Section 6.7 located within the Walker Saulsbury Commercial Phase III, Block 002, Lot Pt 1, (1, less W. 30.46' x 17.76' x 254.48' x 17.65' x 29.80' x 280.23'), 3.643 acres, Block 001, Lot 0002, 1.241 acres and A0550BC C. S. Masters, OB 553, acres 3.204 (1701 Jack White Street and 615 N. General Bruce and 1702 Bray Street).

Mr. Chandler stated this item is scheduled to go to City Council for first reading on April 7, 2016 and second reading on April 21, 2016.

[Some discrepancy may be involved with the above addresses in the item description even though Staff research garnered the following information: 1702 Bray is the most northern parcel and completely undeveloped. The applicant states 1701 Jack White Street should really be a North General Bruce Drive address and 615 North General Bruce Drive does not front North General Bruce but looks to be a Jack White Street address. These addresses were confirmed by BELLCAD and internal mapping resources for the purpose of this presentation.]

The base zoning for these three parcels is Commercial and also compliant with the Future Land Use and Character Map. The subject properties are located within the I-35 Corridor Overlay in the Freeway Retail Commercial Sub-District. 615 is actually outside of the overlay district; however, since it is being managed with parcels within the overlay, it is included in the overlay.

Utilities are available to service the sites.

Nine notifications were mailed out to adjacent property owners and zero notices have been returned.

Photos of each lot is shown with a brief description of each lot.

Surrounding properties include Pizza Hut to the east, variety of commercial/restaurants/hotels to the west, Temple High School football stadium to the east, and a Johnson Brothers Ford facility to the south.

Mr. Chandler referenced the Asco Case building in Belton and showed photos of the structure and landscaping to provide context as a good example for the landscaping and architectural standards to be described later in this presentation.

Staff met with the applicant and representatives multiple times over the last ten months to discuss rezoning the property to PD District, the result of which included agreement on meeting the following objectives:

Provide additional flexibility in the land uses permitted to allow additional types of large machinery retail (similar to Asco) to occupy the existing facilities and, thereby, generating additional sales tax;

Require additional screening or ornamental fencing for uses with outdoor storage of inventory; and

Allow for interior renovation work and basic exterior “facelift” maintenance and improvements within the existing facilities without triggering other I-35 Corridor Overlay standards.

The applicant has requested the following 10 uses be permitted by right:

Multiple-family dwelling (apartments);

Auto storage or auto auction;

Boat sales, repair and storage of retail inventory;

Building material sales;

Childcare facility;

Contractor storage and equipment yard;

Greenhouse or nursery (retail);

Heavy machinery sales, leasing, repair, and storage of retail and rental inventory;

Major vehicle repair; and

Minor vehicle servicing.

The applicant has also requested exceptions to the following dimensional standards (for architectural and landscaping):

Minimum landscape: 10 percent of lot area, provided that Owner receives credit for landscaping located and maintained by owner in public right-of-way adjacent to owner’s property; The UDC requires 15 percent in this sub-district.

Minimum landscape buffer:

25 feet buffers on the front and adjacent to public street;

10 feet at rear (20 feet adjacent to residential);

10 feet interior side; and
20 street side.

*(with respect to the above, owner will receive credit for landscaping located and maintained by owner in public right-of-way adjacent to owner's property)

With respect to landscaping located within public right-of-way, owner shall receive credit for landscaping maintained by owner according to the specifications of the governing authority controlling said right-of-way, including, without limitation, the limitation that no vegetation located within TxDOT right of way may exceed thirty (30) inches in height.

The applicant has requested the following exceptions for exterior appearance of buildings and structures:

All buildings, including accessory buildings, may be architecturally finished on all sides in a manner consistent with the existing improvements located on the subject property;

Building entrances on the subject property may be articulated and defined in a manner consistent with the existing improvements located on the subject property; and

The buildings and structures on the subject property shall not be required to adhere to the requirements of UDC Section 6.7.9.D.2.b., 6.7.9.D.2.c., Section 6.7.9.D.2.d., Section 6.7.9.D.2.e., Section 6.7.9.D.2.f., or Section 6.7.9.D.3.

The applicant has also requested the following exceptions for vehicle sales/vehicle sales in portion of sub-district:

Parking aisle islands shall not be required; and

Owner shall receive credit for the full width of landscape buffers located, in part, in public right of way adjacent to owner's property.

Other significant I-35 Overlay requirements not included in request but should be considered:

Vegetative screening of parking;

Landscaped parking islands for uses other than car dealerships;

Screening of vehicle bay door and loading docks;

Foundation plantings adjacent to any façade visible to the public;

Sidewalks required along N. 31st Street; and

Lighting: maximum allowable total lumens generated on each parcel are 80,000 lumens per net acre with full cutoff lighting.

Staff recommends approval of the following aspects of the request that is consistent with the objective to provide the property owner additional flexibility to attract an additional pool of good tenants, while also meeting the overall objective to beautify the I-35 Corridor without compromising the ability to do so in the future:

Allow the following uses at 1701 Jack White Street, 1702 Bray Street and 615 N. General Bruce Drive by right:

- Multiple-family dwelling (apartments);
- Child care facility; and
- Minor vehicle servicing (occurs inside the building by definition).

Allow the following uses at 1701 Jack White Street and 615 N. General Bruce Drive in the existing buildings with some form of screening or buffering in the form of vegetative screening, a masonry wall, or an ornamental metal fence with low profile shrubs (similar to Asco example):

- Boat sales, repair, and storage of retail inventory;
- Building material sales;
- Contractor storage and equipment yard;
- Greenhouse or nursery (retail);
- Heavy machinery sales, leasing, repair, and storage of retail and rental inventory; and
- Major vehicle repair.

Require a Conditional Use Permit (CUP) for the following uses at 1702 Bray Street (undeveloped property) which would need to come back to P&Z and City Council:

- Boat sales, repair, and storage of retail inventory;
- Building material sales;
- Contractor storage and equipment yard;
- Greenhouse or nursery (retail);
- Heavy machinery sales, leasing, repair, and storage of retail and rental inventory; and
- Major vehicle repair.

Other recommendations by lot include:

615 N. General Bruce Drive (existing auto shop):

Unless managed or operated by a property located within the Overlay, this property would be considered outside of the Overlay;

If determined to be located in the Overlay, basic interior and exterior improvements of the existing facilities, including painting, would not trigger Overlay Standards; and

Complete redevelopment of the lot would trigger compliance with the existing I-35 Corridor Overlay standards at that time.

Other recommendations by lot include:

1701 Jack White Street

Basic interior and exterior improvements of the existing facilities, including painting, would not trigger Overlay Standards; and

Complete redevelopment of the lot would trigger complete compliance with the existing I-35 Corridor Overlay standards at that time

Other recommendations by lot include:

1702 Bray Street

The following exceptions to the existing I-35 Corridor Overlay standards apply to new construction on-site, which are consistent with concepts presented to P&Z and City Council during previous code amendment workshops:

Allow for public right-of-way to count towards buffer width requirements if irrigated and still providing 10 percent of overall irrigated site landscaping (on private property) is still met;

Allow for qualifying two-inch diameter-at-breast height trees;

Allow for non-permanent irrigation of landscaping to be approved by the Planning Director, subject to the following:

15 percent of site is landscaped, including right-of-way landscaping;
or 20 percent of site is landscaped, excluding right-of-way landscaping;

Decomposed granite, pea gravel, or river rock and mulch is allowed instead of sod in beds (combination of 1 of the above types of rock and mulch required in each bed); weed barrier must be installed, as well;

Utilization of slow release watering bags (gator bags) for trees;

Temporary above-ground sprinkler system is used to establish the vegetation;

Shrubs and trees all need to be drought-tolerant species;

All other Overlay shrub and tree planting requirements are met; and

Reinforce the general landscaping standards requiring that landscaping needs to be watered or replaced within 30 days of dying.

Other recommendations by lot include:

1702 Bray Street

Lighting would just need to be full cut-off to prevent light trespass vertically and to neighboring properties;

No foundation planting is required on a drive-through window side, if applicable;

Lower window percentages from 40 percent to 20 percent on front and sides; and

Provide flexibility for either the four-foot building footprint offset entry requirement or a combination of two of the following:

Canopies, awnings or porticos;

Other architectural recesses or projections, including pilasters;

Arcades;

Cupola or tower elements; and

Parapets.

Compliance with the following conditions:

The development plan (site plan) required for PDs would consist of an aerial photograph documenting the location of existing facilities;

The Planning Director is granted administrative authority to review the expansion of a permitted use at 1701 Jack White Street to the undeveloped rear half of the lot and approve a site plan without the need for review by P&Z and City Council, as long as appropriate fencing and or landscaping is agreed upon to buffer the use and while still improving the aesthetics of the public frontage;

An appeal to the Planning Director's recommendation could be made to P&Z, followed by City Council for a decision; and

Expansion of 1701 Jack White to the rear would, however, require a sidewalk per Sec. 6.7.5.E.10. and Sec. 8.2.3.B. of the UDC.

Vice-Chair Johnson stated typically PDs are not brought in before P&Z knows what is going in and this is working backwards.

Chair Jones opened the public hearing.

Mr. Sam Fulcher, Attorney, 18 South Main Street, Suite 602, Temple, Texas, stated this request is a culmination of several months of deliberation. Mr. Harry Adams is the owner of the property and Mr. Lloyd Thomas represents him as a broker who has put in a lot of effort trying to market this property.

When the Overlay District went into effect the intent was good, to beautify the City gateways. The effect on property owners has been taken over by regulations.

Mr. Fulcher stated the reason the item was coming up now rather than when a proposed plat or project was available is because several potential deals have fallen through because of the Overlay. The applicants would like to tailor the Overlay to allow marketing to take place for the uses that have been proposed by Staff. The Overlay is an impediment to the marketing of the property.

Vice-Chair Johnson asked if potential buyers wanted to go through the process and Mr. Fulcher replied no, they did not want to go through the hassle.

In reference to Asco, Mr. Fulcher explained when big investors come in they would like to see what their return on the investment will be. It is difficult to answer those questions when Messrs. Fulcher and Thomas do not know if the potential investor(s) can have the property for their intended use. Messrs. Fulcher and Thomas are trying to figure out a way for Mr. Adams to realize a rate of return on his investment and at the same time adhere to the standards with the City on the Overlay.

Mr. Chandler stated he believed the I-35 Overlay came into existence in 2009/2010. Mr. Lloyd Thomas stated the existing building has been vacant since 2012 and he has been actively marketing the property since 2013.

Mr. Chandler explained the potential code amendment presentation had previously been presented to City Council regarding providing more flexibility, particularly landscaping and architectural standards to some degree, and uses. City Council provided some direction as to what type of amendments Staff could draft and meet the objectives. This project has allowed Mr. Chandler to test some of the concepts being considered. For instance, Asco has shown permanent underground irrigation is not necessary to have vegetation.

Chair Jones stated he was not comfortable with a 'blank check' of bringing in whatever you want. Over the years, Chair Jones cannot remember P&Z turning down a major project when the project applicant worked with Staff. This item seems backwards.

Mr. Fulcher stated this was not a blank check. If a prospect is looking at the Overlay and is shown a list of just the prohibited uses, they are out the door before starting a conversation. That is the problem.

Chair Jones was surprised a large company would not work with the Economic Development Corporation (EDC), a real estate broker, or the Planning Department to get something through and just give up and go to another town/city.

Mr. Lloyd Thomas, Aldrich-Thomas Group, 18 North Third Street, Temple, Texas, responded to Chair Jones that this is exactly what is happening. The local businesses will work with the necessary groups to negotiate because they understand what the politics are. Asco was actually looking at the subject site in Temple and said forget it and went to Belton. There have been others interested in the location but because of specific prohibited uses stated within the Overlay district, Mr. Thomas is losing potential clients because of the already prohibited uses. The Overlay has taken what uses were allowed under the base zoning and totally prohibited them. There is no mechanism for City Staff or the Planning Director to be able to grant a variance or waive the restriction against a prohibited use. This is what is hurting the marketing of property along I-35.

Mr. Thomas added that the companies that are wanted in Temple will not wait around for a year and a half to come to Temple. What Mr. Chandler has presented will help bring companies to Temple since a lot of the prohibited uses would be put back in. The uses that were originally allowed by right under the base zoning of Commercial are now prohibited under the Overlay District.

Commissioner Rhoads asked Mr. Chandler if City Council would approve the amendments the way they are stated. Mr. Chandler replied he was uncertain how City Council would vote; however, the way it is presented, the intent would be to provide some flexibility for business owners that would benefit the entire corridor.

For this request it would be to tie those uses to the existing facilities (old Johnson Brothers facilities) including the auto shop, to bring in tenants, and to broaden the scope of the types of tenants that are allowed within the corridor. Mr. Chandler was hopeful that some of the uses would be incorporated into the overall standards.

For the undeveloped property, many of the uses would require a CUP by the PD in order to at least give Planning and associated individuals an opportunity to have a conversation with potential tenants and businesses.

Commissioner Mikeska-Reed stated she had no problems with the CUP uses, but felt there was much more attached to the request which she felt uncomfortable with. She did not like the idea of blanket exceptions to the property. There were all types of things that could be done, by right, with the building. Commissioner The whole package was too much.

Commissioner Mikeska-Reed is currently involved with several projects along the interstate and indicated no one wants to abide by the overlay.

[Correction for the record: Commissioner Mikeska-Reed stated we are not here in Belton.]

Commissioner Mikeska-Reed added if any of the potential property prospects would have spent some money on a site plan, discussed it with Staff, tested the waters with P&Z, she felt the Commission was willing to make agreements and concessions for that but that is not happening. She was not interested in giving blanket exceptions to these properties.

Mr. Thomas replied that was not what was on the table. He explained that this was with an existing use on property 615 N. General Bruce, which is currently leased to Simple Car, not the vacant land. P&Z would not be granting blanket exceptions on the entire property, it is for a CUP that would allow for uses or variances.

Mr. Chandler explained that was what requested, which is not what Staff is recommending, the landscaping would be two percent on-site if you counted the landscaping for the right-of-way. The current condition does not fit the definition of landscaping.

Mr. Thomas confirmed they were satisfied with Staff's current recommendation. What the applicant asked for has been modified and the actual Staff recommendation is different but does not include everything the applicant requested.

Chair Jones asked why P&Z was dealing with the landscaping tonight since there were no definite plans at the moment and did not understand why the applicant was losing business because of where a tree would be located or landscaping in the right-of-way.

Mr. Thomas explained Staff was allowing a little more variance on the property with the existing building, not the vacant land. The uses would still apply to the vacant land and trigger the Overlay Ordinance. Mr. Chandler stated for the redevelopment all standards would apply with some tweaks to the existing code. The applicant proposed minimal landscaping standards related to improving the right-of-way.

Commissioner Fettig asked if the landscaping would flow over to the additional properties and why were they all parcels tied together. Mr. Fulcher stated they were marketed as one parcel. What is proposed is there would be a few permitted by right uses and several uses being permitted by CUP. The primary landscaping issue was to obtain credit for the property that lies within TxDOT right-of-way and apply it toward the landscaping standard.

When asked if Asco ever considered utilizing the existing facility Mr. Fulcher explained he believed so. There would have been the need to make substantial renovations to suit their purposes but they were going to use the building. Mr. Thomas added that they would dress up the building, etc., but that would have triggered all of the landscaping requirements. The problem with Asco was the use was not allowed by the Overlay District. The applicants are asking to have the ability to do what Asco developed in Belton and to have that apply to the existing property. Asco went to Belton because their use was allowed.

Commissioner Fettig referred to the previously described 10 uses being a broad list and what was the deciding factor for those uses. Mr. Thomas stated those uses were discussed in negotiations with City Staff and coming up with uses that were once allowed by right under the base zoning but prohibited under the Overlay.

Mr. Chandler showed a color coded chart of all the uses listed in the UDC Use Table within the Freeway Retail Commercial Sub-District. Green: Staff would agree with that use for all three lots; Red: Auto Storage or Auto Auction: Staff would not recommend anywhere in the Freeway Retail Commercial Sub-District; and Orange: a use on the undeveloped property would require a CUP or for expansion of the developed property (1701 parcel).

Mr. Fulcher added that a lot of the uses that were prohibited under the I-35 Overlay were entirely arbitrary. If the P&Z Commission is going to determine which uses are allowed or not allowed, think about why, who makes the decision, and why did they make the decision. Then measure that against what is going to allow a property owner to make a reasonable rate of return on their property when there are examples of lost business opportunities because of the zoning overlay due to the use restrictions.

Chair Jones stated he did not feel knowledgeable enough to absorb this and make decisions tonight. It would be unproductive to make a decision then come back again in a few months to add/remove something that was overlooked because it was not thoroughly thought through. Mr. Chandler added that with code amendments all of the stakeholders would be addressed. With this application request Staff is required to process it. The code amendments would address all of those various stakeholders and in order to do it right a lot of vetting would be required. Some of this fits the definition of what Staff is trying to make of the request related to

the exceptions. The applicant could wait on the more comprehensive code amendments rather than having the code amendments tested early without being fully vetted. Staff is trying to bring forward what works best. Mr. Chandler asked if the Commission were comfortable enough with the presented information to make a decision and if not, what are the options?

Mr. Thomas has looked at the chart and believes it will give them more flexibility.

Commissioner Rhoads commented that it was unacceptable for potential businesses (such as Asco) to move to another town/city for a simple reason such as that.

Vice-Chair Johnson responded this is an applicant who is here with a specific request, not a blanket request for the entire corridor and he agreed with most of the requested uses. Vice-Chair Johnson posed the questions what is the Overlay and where should it be, which is what Staff appears to be working on. For Mr. Thomas's request, Vice-Chair Johnson had no issue.

Commissioner Rhoads added that Mr. Thomas has brought numerous other businesses to I-35 and if there are that many items prohibited, the overlay should be more flexible, especially since there has been so much growth in the City.

Chair Jones felt what the Commission does now would apply to the entire I-35 corridor and suggested waiting a little longer to make sure it is done correctly instead of getting it right later. Get the necessary people together to get this done and move it forward.

Mr. Fulcher commented that while the City cuts through red tape property owners are losing money. The regulations were put into place and they have and are costing opportunities and money. The owner cannot liquidate his asset because it is restrictive. If this item is sent back and it takes another 10 months and the owner loses another three or four buyers, who would reimburse the owner for expenses. The regulation increases the cost of development which decreases the rate of return on the investment.

Mr. Fulcher stated they were in support of the Overlay as a concept, but in practice when it is applied, you have to be considerate of what the permitted and restricted uses are.

Commissioner Mikeska-Reed asked about the process that Asco went through to find out about the property. Mr. Thomas stated that Asco said they "went to the City" (spoke with 'somebody'). Mr. Thomas also stated he had the same conversation with Holt Caterpillar who said they "went to the City." The City ('someone') told them it was a prohibited use and was not allowed so they moved on. Mr. Chandler interjected that he has never spoken to anyone from Holt Caterpillar.

Mr. Chandler explained there have been multiple examples of this type of inquiry but this is the first application without a project. Mr. Chandler stated the uses are very restrictive in the Overlay and Staff is having those conversations which require a lot of analysis to do it properly, and it includes discussions with the business owners and their representatives. Some interested tenants had gone to the lengths of limited design only to find out the use was not allowed; however, Staff was willing to work with them on a lot of the uses but it still included a lot of work.

Mr. Fulcher explained the way the Staff proposal is written is to allow the conversations to take place for specific uses. If someone crossed the threshold to trigger the application of the zoning overlay they would have to come back for a CUP unless it was permitted.

Discussion about uses on developed versus undeveloped property, applicable uses, when standards are triggered, and additional amendments Staff added to the overall recommendation.

Mr. Chandler suggested if the Commission were more comfortable with the uses portion of the request, a recommendation of approval could be made only for the uses and not the standards for the undeveloped property. Commissioner Rhoads agreed.

Vice-Chair Johnson asked the applicant if it was agreeable for the Commission to only address the uses tonight in order to make the property more marketable and standards/exceptions could be processed on a case-by-case basis. The applicant was in agreement.

Mr. Thomas commented a 'renter/tenant' is faced with the same uses as a 'buyer.' For a renter/tenant who is not purchasing the property but leasing it, it could still be a deterrent for a renter/tenant. The renter/tenant either puts up the money to make the improvements under the Overlay district or the property owner puts up the money as the landlord and recoups it back in the rent. The right formula would need to be agreed upon between the parties. The real plan for this property is to sell it to one developer to redevelop the entire property. The applicant would still need to come back in with a site plan and possible standards requests, etc.

Mr. Thomas added that whether a person leases the property or purchases the property, the uses are still prohibited.

Mr. Fulcher stated the list of uses was made as a by-product of the conversations. The applicant tried to identify some of the applicable uses that would fit with the current improvements on the property, within reason, and to also select ones that were less offensive.

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

Mr. Chandler stated this item was scheduled for City Council on April 7th for first reading and April 21st for second reading. City Council is dependent on P&Z to vet this item so if the Commission is not comfortable, it can be continued until the next meeting, or, if the Commission is comfortable with the uses only, continue with that.

Commissioner Sears requested clarification on if P&Z approved the PD for the requested uses tonight and one of the applicant's clients wanted to come in and not have to do all the required landscaping, etc., the new applicant would then have the option to come back to P&Z to ask for those exceptions. Mr. Chandler confirmed this was correct. Not all of the uses require the same standards, such as screening and buffering, so in working with Staff a site plan could be developed to address the intent of the Overlay. If an agreement cannot be reached, the request would then come to P&Z and City Council as a defined appeal process in the ordinance.

Discussion regarding the percentage triggers of improvements in the Overlay.

Mr. Chandler stated the code amendments for I-35 and TMED are the current top priorities and would like to have them done at the earliest possible time. However, in order to do them properly they need to be addressed with various stakeholders first, including the real estate and design communities.

When asked to clarify the difference in uses requested by applicant and uses recommended by Staff, Mr. Chandler explained the following using the color chart discussed earlier:

Auto Storage or Auto Auction - Staff is not recommending allowing this use even with a CUP within the Freeway Retail Commercial Sub-District.

As long as the existing buildings are occupiable and safe on 1701 and 615, those uses listed in orange could apply to those buildings. Redevelopment would eliminate those uses unless overall code amendments address them, or, indicate that all uses indicated in orange require a CUP.

Chair Jones stated the motion options would be to accept as is, accept the use changes without any of the other development standards, to table all of it until the next scheduled P&Z meeting, or to deny the request (not to approve). Mr. Chandler agreed.

Commissioner Sears made a motion to approve Item 2, **Z-FY-16-10**, as proposed by Staff just for the proposed uses, and Commissioner Rhoads made a second.

Per Chair Jones request, Mr. Chandler restated Commissioner Sears' motion for the P&Z recommended approval of the request as follows which only address the uses:

1. Allow the following uses at 1701 Jack White Street, 1702 Bray Street and 615 N. General Bruce Drive by right:
 - a. Multiple-family dwelling (apartment)
 - b. Child care facility
 - c. Minor vehicle servicing (occurs inside the building by definition)
2. Allow the following uses at 1701 Jack White Street and 615 N. General Bruce Drive
 - a. By right in the existing buildings with some form of screening or buffering in the form of vegetative screening, a masonry wall or an ornamental metal fence with low profile shrubs (similar to Asco in Belton, TX):
 - b. With a Conditional Use Permit (CUP) if existing buildings are removed:
 - i. Boat sales, repair and storage of retail inventory
 - ii. Building material sales
 - iii. Contractor storage and equipment yard

- iv. Greenhouse or nursery (retail)
 - v. Heavy machinery sales, leasing, repair and storage of retail and rental inventory
 - vi. Major vehicle repair
- 3. Require a Conditional Use Permit (CUP) for the following uses at 1702 Bray Street:
 - a. Boat sales, repair and storage of retail inventory
 - b. Building material sales
 - c. Contractor storage and equipment yard
 - d. Greenhouse or nursery (retail)
 - e. Heavy machinery sales, leasing, repair and storage of retail and rental inventory
 - f. Major vehicle repair
- 4. Other recommendations by lot include:
 - a. 615 N. General Bruce Drive
 - i. Unless managed or operated by a property located within the Overlay, this property would be considered outside of the Overlay
 - ii. If determined to be located in the Overlay, basic interior and exterior improvements of the existing facilities, including painting, would not trigger Overlay Standards
 - iii. Complete redevelopment of the lot would trigger complete compliance with the existing I-35 Corridor Overlay standards at that time
 - b. 1701 Jack White Street
 - i. Basic interior and exterior improvements of the existing facilities, including painting, would not trigger Overlay Standards
 - ii. Complete redevelopment of the lot would trigger complete compliance with the existing I-35 Corridor Overlay standards at that time

Ms. Trudi Dill, Deputy City Attorney, explained that a joint work session for P&Z and City Council to discuss this item was possible; it just requires posting of the meeting. Commissioner Rhoads suggested stakeholders should also be included in the proposed work session.

Motion passed: (8:0)

Commissioner Pitts absent

There being no further business, the meeting was adjourned at 8:44 p.m.

Respectfully submitted,
Leslie Evans

**PLANNING AND ZONING COMMISSION
MONDAY, MARCH 7, 2016
5:00 P.M.
WORK SESSION**

PLANNING AND ZONING MEMBERS PRESENT

Chair David Jones

COMMISSIONERS:

Lydia Alaniz	Tanya Mikeska-Reed
Patrick Johnson	Greg Rhoads
Will Sears	Omar Crisp
Lester Fettig	

PLANNING AND ZONING MEMBERS ABSENT:

Blake Pitts

STAFF PRESENT:

Brian Chandler, Director of Planning
Trudy Dill, Deputy City Attorney
Tammy Lyerly, Senior Planner
Mark Baker, Senior Planner
Dessie Redmond, Planner
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, Chair Jones opened the work session at 4:58 p.m. and asked Mr. Brian Chandler, Director of Planning, to proceed.

City Council approved the climate controlled mini-storage at first reading per P&Z and Staff recommendation even though the height of the building was a main point of discussion.

Mr. Chandler's case, Item 2, Z-FY-16-10, is very complicated and involves the old Johnson Brothers facility and property located on north General Bruce Drive. The applicant requested additional uses to be permitted in the base zoning district of Commercial (C) but prohibited under the I-35 Overlay for all of their property. The request does not just include the property that includes existing old facilities, but also vacant property that is all part of the same lot, and separate undeveloped property

which all lie within the overlay district. The applicant is also requested numerous exceptions to the UDC related to landscaping and architectural standards. If approved, there may be potential long term implications involved.

Mr. Chandler has been working with the applicants for the last 8 to 10 months on this project on some of the issues. In particular, to get tenants for those existing facilities.

Code amendments are currently being developed, which this case could test some of the proposed PD amendments.

A detailed spreadsheet was given to the Commissioners covering the I-35 Overlay section of the UDC, including the applicants' various requests related to uses, along with the requested exceptions to the landscaping and architectural standards. Staff's recommendations are included for all of the items per lot: 615 North General Bruce, 1701 Jack White Street and 1702 Bray Street.

615 North General Bruce is the old auto shop for the pre-owned Johnson Brothers facility. If this parcel were by itself and not utilized by a car dealership within the overlay, and was not tied in any way to another lot that lies within the overlay, 615 would actually be considered out of the overlay. It is located adjacent to 31st Street.

1701 Jack White has a vacant portion adjacent to 31st Street. 1702 Bray is a completely undeveloped property.

Mr. Chandler stated Staff tried to propose some amendments or conditions allowed with a PD that would make sense for the property but would not compromise the ability to enforce other regulations throughout the corridor/overlay and are in line with some of the code amendment ideas that have been previously discussed.

Mr. Chandler informed the Commission there have been various inquiries from different potential tenants that have come into the office over the last year but has no idea of the current status.

Staff has not been given a site plan for the subject property. All Mr. Chandler has been given is the request. This item was triggered by applying for a PD which included a variety of exceptions and uses. Staff is obligated to process applications and notify adjacent property owners.

Mr. Chandler commented essentially the applicant wants to be removed from the Overlay. Commissioner Mikeska-Reed added everyone in the corridor wants to be removed. She also stated it was hard for her to give exceptions to a blanket piece of land that has no backup documentation.

Mr. Chandler's approach is to look at some of the code amendments discussed and also focus on the landscaping to get some options. The applicant would like credit for landscaping the right-of-way.

Mr. Chandler explained this item was very complicated and probably requires more time on what is proposed in order for P&Z to state whether they need more time or go ahead and address the uses portion only. At this point if P&Z Commissioners feel uncomfortable and need more time, the item could go to the next meeting if necessary or just address the two developed sites since those have been the focus of lengthy discussions. Mr. Chandler suggested that perhaps P&Z could broaden the uses for just

the existing facilities so when it is redeveloped with the PD it would be one of the conditions. There are several options.

Staff is challenged to see how this case can be a precursor for the code amendments and use this real life development to test future code amendments. What would work here, can greater uses be allowed, or can those uses be tied to the existing facilities?

Mr. Chandler referenced the ASCO building in Belton as a possible example for the subject site.

For the additional uses recommended by Staff for the undeveloped property, such as heavy machinery sales, Mr. Chandler recommended a CUP.

The upcoming code amendments will not be able to address every issue or question; however, they should help if they are done correctly and adopted.

It was suggested to change the order of the Agenda Items and move Z-FY-16-10 to the end of the Action Items list.

There being no further business, Chair Jones closed the meeting at 5:26 P.M.



PLANNING AND ZONING COMMISSION ITEM MEMORANDUM

03/21/16
Item 2
Regular Agenda
Page 1 of 3

APPLICANT / DEVELOPMENT: Ronald Carroll for Charles D. Amos, Jr.

CASE MANAGER: Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: Z-FY-16-17– Hold a public hearing to discuss and recommend action on a rezoning from Agricultural (AG) District to Commercial (C) District, 1.8 +/- acres out of 6.97 acres, Nancy Chance Survey, Abstract No. 5 in the City of Temple, Bell County, Texas, at 3404 South Kegley Road, located between Kegley Lane and South Kegley Road, north of Charter Oak Drive.

STAFF RECOMMENDATION: Staff recommends approval of a rezoning from Agricultural District (AG) to Commercial District (C) for the following reasons:

1. Compliance with the Future Land Use Plan;
2. Compliance with surrounding zoning and land uses;
3. Compliance with the Thoroughfare Plan; and
4. Public and private facilities are available to serve the subject property.

ITEM SUMMARY: The applicant requests a rezoning from Agricultural District (AG) to Commercial District (C) for continued use of the FedEx business at this site, located at 3403 South Kegley Road. The subject property is also part of a proposed plat known as Kegley Crossing Addition (P-FY-16-23), currently going through the platting process. The existing FedEx business is classified as a “distribution center” land use, which requires at least a Commercial zoning district.

The Commercial zoning district permits all retail and most commercial land uses, including auto dealerships with complete servicing facilities, building material sales, light manufacturing and heavy machinery sales and storage. Residential uses are allowed, except apartments. This district is intended to serve citywide or regional service areas.

The Commercial zoning district should be located at the intersection of major thoroughfares or highways. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. Adjoining zoning districts should be carefully selected to reduce environmental conflicts.

DEVELOPMENT REGULATIONS (C): Here are the nonresidential dimensional standards for the applicant’s requested **Commercial District (C)**:

- Minimum Lot Width – N/A
- Minimum Lot Depth – N/A
- Front Yard Setback – 0 feet, but must be at least 30 feet from street centerline
- Side Yard Setback – 10 feet adjacent to a residential zoning district. If the building exceeds 40 feet, the side yard setback must increase one foot for each three feet over 40 feet in building height.
- Side Yard Setback (corner) – 10 feet
- Rear Yard Setback – 10 feet adjacent to a residential zoning district or use.

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	AG	Distribution Center
North	Auto-Urban Commercial	AG	Undeveloped Property
South	Auto-Urban Commercial	AG & GR	Residential & Retail Property
East	Auto-Urban Residential	AG	Commercial Property
West	Agricultural / Rural	AG	Commercial Property

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

<u>Document</u>	<u>Policy, Goal, Objective or Map</u>	<u>Compliance?</u>
CP	Map 3.1 - Future Land Use and Character (FLUP)	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
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	Yes

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

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

The property is within the Auto-Urban Commercial character district of the *Choices '08* City of Temple Comprehensive Plan. The applicant’s requested rezoning to Commercial District is in compliance with this character district.

Thoroughfare Plan (CP Map 5.2) and Temple Trails Master Plan Map and Sidewalk Ordinance

The subject property fronts South Kegley Road, a proposed collector, which is appropriate for commercial uses. Kegley Lane, a local street, fronts the west property line of the subject property. **Kegley Lane does not have the minimum required street right-of-way width of 50 feet, but it is being addressed through the platting process.**

The sidewalk required along South Kegley Road, a collector, will function as part of the City’s overall trail system as outlined in the Citywide Trails Master Plan. This trail shall be 6-feet to 8-feet in width.

Upsizing of the sidewalk may be achieved with participation by the City. This is being handled through the platting process.

Availability of Public Facilities (CP Goal 4.1)

An existing 6-inch water lines are located on both sides of the property, along the rights-of-way of South Kegley Road and Kegley Lane. Sewer services in this area are provided through 4-inch and 8-inch sanitary sewer lines in the South Kegley Road right-of-way.

PUBLIC NOTICE: Six (6) 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 Thursday, March 17, 2016, No notices have been received in favor of the proposed rezoning and no notices have been returned in opposition to the proposed rezoning.

The newspaper printed notice of the public hearing on March 10, 2016, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Site and Surrounding Property Photos
Zoning & Notification Map
Location map with Aerial
Future Land Use and Character Map
Thoroughfare & Trails Map
Utility Map

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	Distribution Center	
			
East	AG	Commercial Property	 <p style="text-align: center;">S. Kegley Road</p>

Direction	Zoning	Current Land Use	Photo
West	AG	Commercial Property	 <p style="text-align: center;">Kegley Lane</p>
South	GR	Residential & Retail Property	
			

Direction	Zoning	Current Land Use	Photo
			 <p data-bbox="1175 1052 1365 1087">Kegley Lane</p>
North	AG	Undeveloped Property	

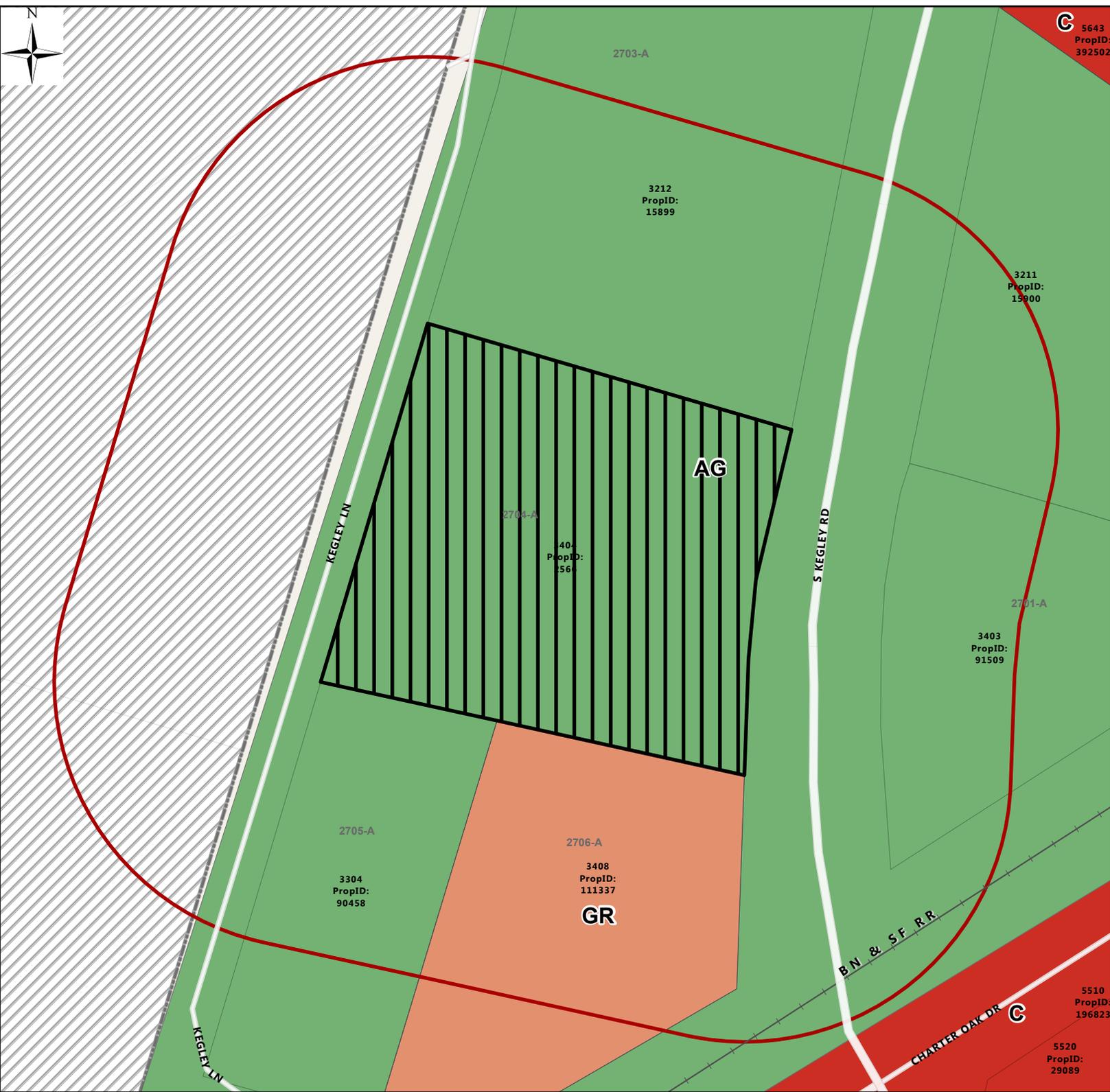


5643
PropID:
392502

AG to C 200' NOTIFICATION MAP

Zoning Case :
Z-FY-16-17

Address :
3404 South Kegley Road



CurrentZoning		
HI - CUP	O-1	AG - CUP
UE	O-1 - CUP	MH
UE - PD	O-1 - PD	MH - CUP
SF-1	O-2	MH - PD
SF-1 - CUP	O-2 - CUP	MU
SF-1 - PD	O-2 - PD	MU - CUP
SF-2	NS	SD-C
SF-2 - PD	NS - CUP	SD-C - CUP
SF-3	NS - PD	SD-H
SF-3 - PD	GR	SD-H - CUP
SF-3 - CUP, PD	GR - CUP	SD-T
SFA	GR - PD	SD-V
SFA-2	GR - CUP, PD	T4
SFA-2 - PD	CA	T4 - PD
SFA-3	CA - CUP	T4 - CUP
SFA-3 - PD	CA - PD	T5-C
2F	C	T5-C - CUP
2F - CUP	C - CUP	T5-C - PD
2F - PD	C - PD	T5-E
MF-1	C - CUP, PD	T5-E - CUP
MF-1 - CUP	LI	T5-E - PD
MF-1 - PD	LI - CUP	NO BASE
MF-2	LI - PD	CUP
MF-2 - CUP	LI - CUP, PD	PD
MF-2 - PD	HI	CaseArea
MF-3 - PD	HI - PD	Buffer
	AG	

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

tlyerly
Date: 2/24/2016



5510
PropID:
196823

5520
PropID:
29089



AG TO C

AERIAL MAP

Zoning Case :
Z-FY-16-17

Address :
3404 S. Kegley Road

- Streets
-  EXPRESSWAY
 -  MAJOR ARTERIAL
 -  COLLECTOR
 -  LOCAL STREET
 -  MINOR ARTERIAL
 -  PRIVATE
 -  RAMP
 -  Railroad
 -  Temple Municipal Boundary
 -  Parcels
 -  ETJ Parcels
 -  CaseArea

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tlyerly
Date: 2/24/2016





AG TO C FUTURE LAND USE MAP

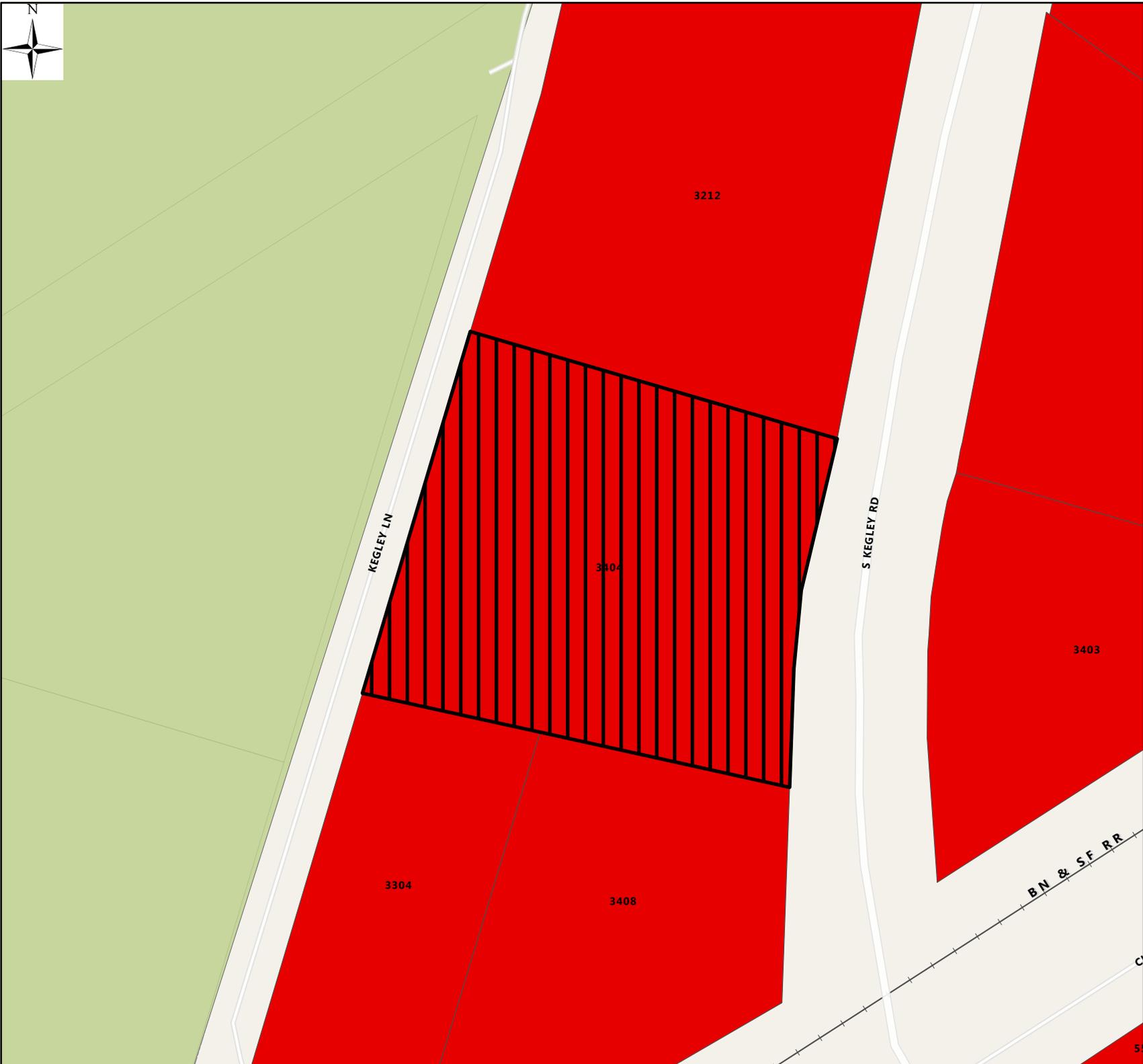
Zoning Case :
Z-FY-16-17

Address :
3404 S. Kegley Road

-  EXPRESSWAY
-  MAJOR ARTERIAL
-  COLLECTOR
-  LOCAL STREET
-  MINOR ARTERIAL
-  PRIVATE
-  RAMP
-  Parcels
- Future LUP
 -  Agricultural/Rural
 -  Auto-Urban Commercial
 -  Auto-Urban Mixed Use
 -  Auto-Urban Multi-Family
 -  Auto-Urban Residential
 -  Business Park
 -  Estate Residential
 -  Industrial
 -  Neighborhood Conservation
 -  Parks & Open Space
 -  Public Institutional
 -  Suburban Commercial
 -  Suburban Residential
 -  Temple Medical Education District
 -  Urban Center
 -  CaseArea

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tlyerly
Date: 2/24/2016

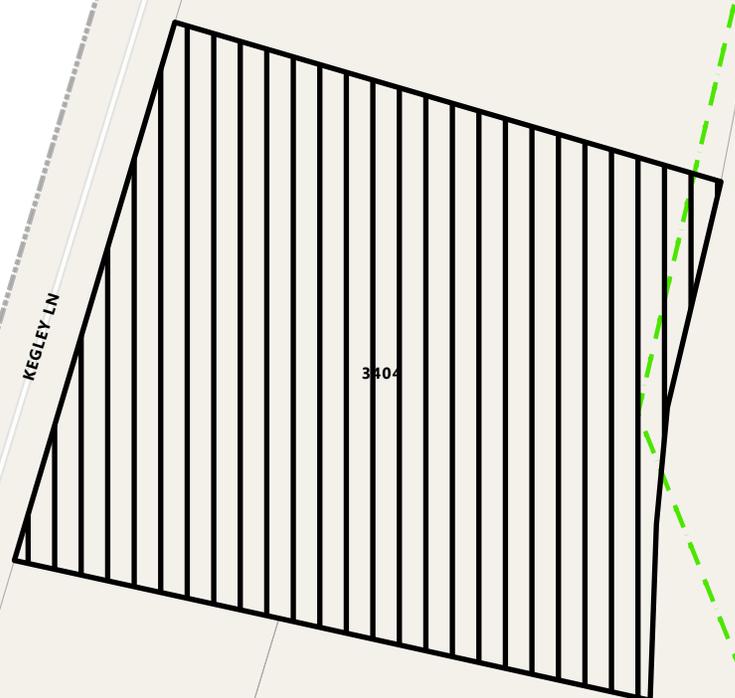




AG TO C THOROUGHFARE AND TRAILS MAP

Zoning Case :
Z-FY-16-17

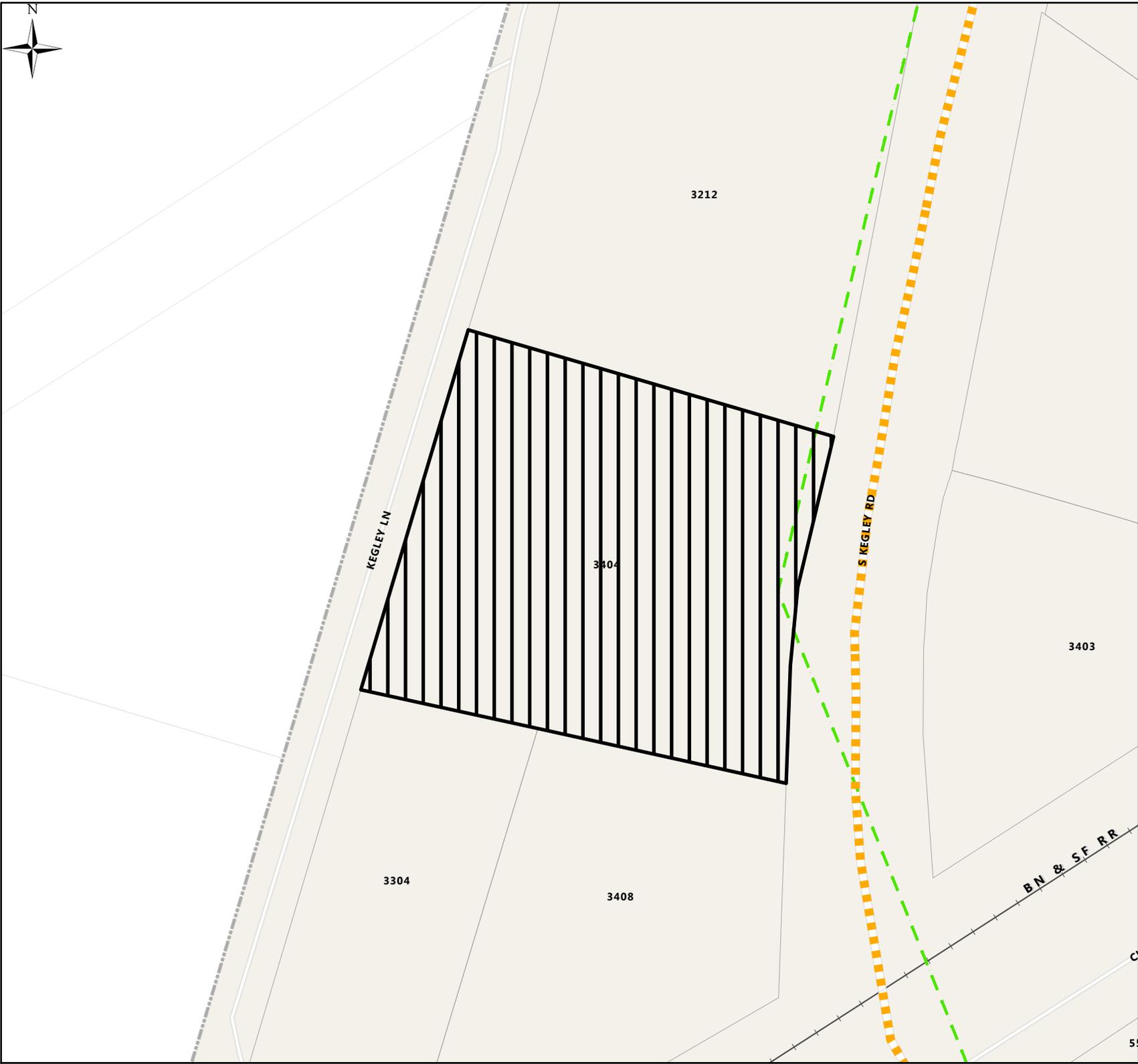
Address :
3404 S. Kegley Road

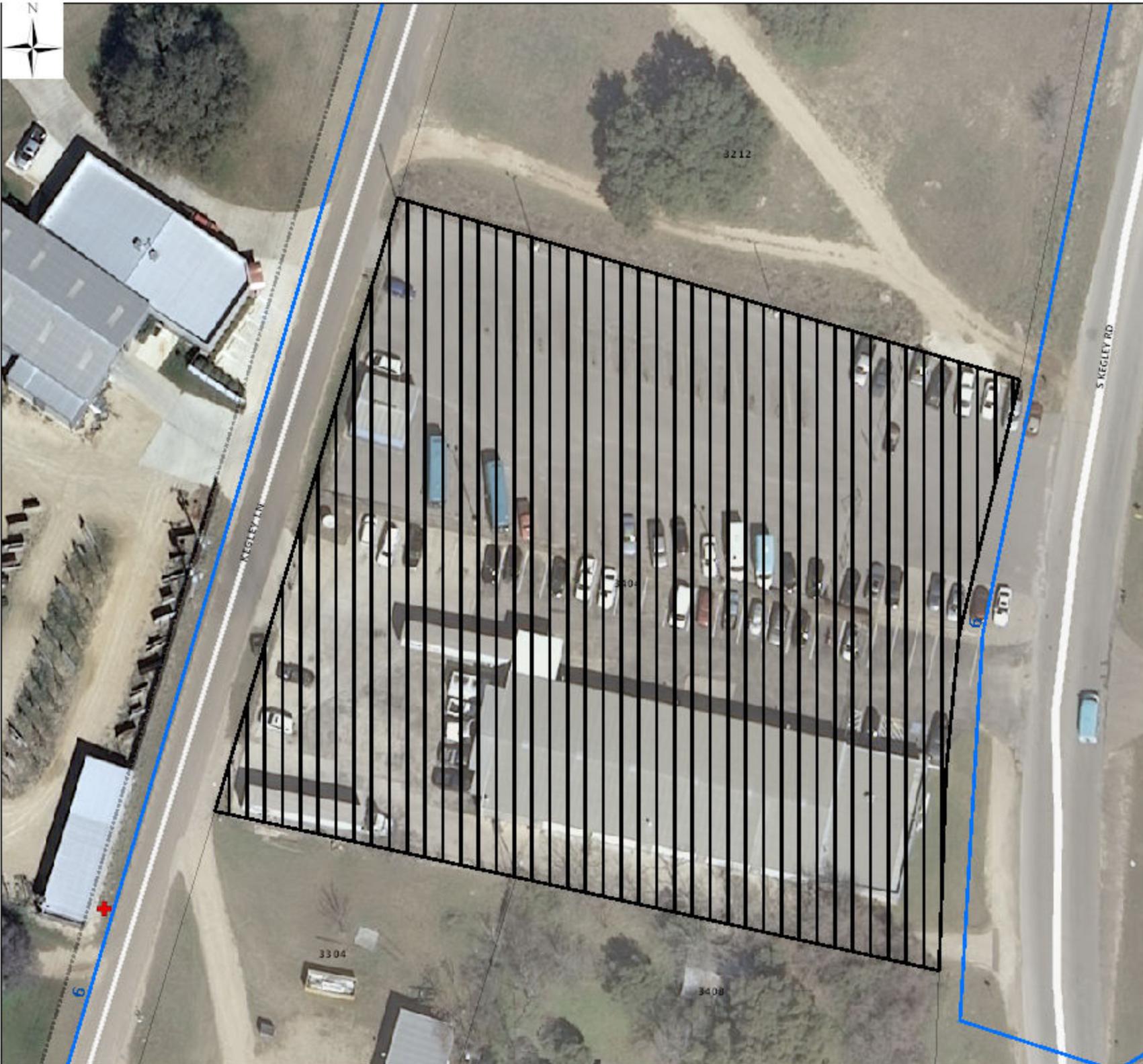


-  Parcels
-  Expressway
-  Major Arterial
-  Proposed Major Arterial
-  Minor Arterial
-  Proposed Minor Arterial
-  Collector
-  Proposed Collector
-  CaseArea
-  PROPOSED, COMMUNITY WIDE CONNECTOR
-  PROPOSED, LOCAL CONNECTOR
-  EXISTING, CITY WIDE SPINE
-  EXISTING, COMMUNITY WIDE CONNECTOR
-  EXISTING, LOCAL CONNECTOR
-  PROPOSED, CITY WIDE SPINE

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tlyerly
Date: 2/24/2016





AG to C

UTILITY MAP

Zoning Case :
Z-FY-16-17

Address :
3404 S. Kegley Road

-  Manhole
-  Gravity Main
-  Hydrant
-  Main
-  Parcels
-  CaseArea

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tlyerly
Date: 3/16/2016





PLANNING AND ZONING COMMISSION AGENDA ITEM

03/21/16
Workshop Agenda

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 (if any) 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	Project Mgr.
P-FY-15-27 - Consider and take action on the Final Plat of Legacy Ranch Phase Two, a 78.07 +/- acre, 156 lot, 8 block residential plat with 3 non-residential tracts (lots) subdivision, located at the northwest corner of FM 93 and FM 1741 (South 31st Street).	DRC 11/25/15 Awaiting Revisions from Applicant	All County Surveying	Tammy
P-FY-15-46 - Consider and recommend action on the Final Plat of Highline Addition, a 7-lot, 1-block, 12.59 +/- acre nonresidential subdivision, out of the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, located at the northwest corner of Scott Boulevard and South 31st Street.	DRC 11/25/15 Pending Prelim Plat	Advanced Surveying and Mapping	Tammy
P-FY-15-47 - Consider and take action on the Final Plat of Baylor Scott & White Distribution Center, a 64.62 +/- acres, a 1-lot, 1-block non-residential subdivision, being part of the Vincent Barrow Survey, Abstract No. 64, situated in Temple, Bell County, Texas, at the northeast corner of H.K. Dodgen Loop and north General Bruce Drive, located at 5141 N. General Bruce Drive.	Approved by P&Z and awaiting mylars for signatures	Ron Carroll	Tammy
P-FY-16-08 - Consider and recommend action for the Final Plat of Spurlock's Arbour Addition, in the southeastern ETJ, a 5.87 +/- acre, 2 lot, 1 block, residential subdivision, out of the MAXIMO MORENA SURVEY, Abstract No. 14, in Bell County Texas, with exceptions to UDC for fire hydrant and sidewalks (project manager look at exceptions on application), located south of Barnhart Road, west of State Highway 95, and north of State Highway 93.	Waiting for applicant's response to post- DRC comments	Advanced Surveying and Mapping	Dessie

<p>P-FY-16-16 - Consider and take action on the Final Plat of Las Colinas Replat, 5+ acres, Lots 9, 10, & 11, Block 1, and Lots 13 & 14, Block 3, Las Colinas Subdivision, located at 1710 & 1719 Las Lomas Court & 1545, 1605, 1615 Altavista Loop.</p>	<p>DRC 2/04/16 Awaiting revisions from applicants</p>	<p>Mark Rendon</p>	<p>Tammy</p>
<p>P-FY-16-17 - Consider and take action on the Final Plat of Angelica Acres, a 3.00 +/- acres, situated in the Baldwin Robertson Survey, Abstract 17, Bell County, Texas, embracing all of a called 2.00 Acre tract, conveyed as Tract One, and all of a called 1.00 Acre tract, conveyed as Tract Two, located at 9151 State Highway 317.</p>	<p>DRC 2/04/16 Awaiting revisions from applicants</p>	<p>Ronald & Angelica Cox</p>	<p>Mark</p>
<p>P-FY-16-18 - Consider and take action on the Preliminary Plat of Park Ridge Single Phase Residential Development, a 5.888 +/- acre, 12-lot, 1 Block, situated in the Mary Cherry Survey, Abstract 175, Bell County Texas, located at the northwest corner of Lyons Park Drive and Hickory Road.</p>	<p>DRC 2/25/16 Awaiting response to Post-DRC comments</p>	<p>Clark & Fuller</p>	<p>Mark</p>
<p>P-FY-16-20 - Consider and take action on the Final Plat of Carriage House Trails, Phase II, 25.089 +/- acres, 73-lot, 4-block residential subdivision, situated in the Baldwin Robertson Survey, Abstract 17, Bell County, Texas, located south of Skyview, and north and northeast of Thicket Trail and Broken Shoe Trail</p>	<p>DRC 2/25/16 Awaiting response to Post-DRC comments</p>	<p>All County Surveying</p>	<p>Mark</p>
<p>P-FY-16-21 - Consider and take action on the Final Plat of Lake Pointe Phase III, 67.69 +/- acres, 300-lot, 11-block residential subdivision, situated in, and being out of the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, located east of Lake Pointe Subdivision Phases II and II-A-2, west of the intersection of N. Pea Ridge and Prairie View Road.</p>	<p>Waiting on mylars and dedication of easements (Council)</p>	<p>Yalgo Engineering</p>	<p>Dessie</p>
<p>P-FY-16-23 - Consider and take action on the Final Plat of Kegley Crossing Addition, a 6.97 +/- acre, 4-lot, 4-block non-residential subdivision, situated in the NANCY CHANCE SURVEY, Abstract No. 5, situated in the City of Temple, in Bell County, Texas, located between Kegley Lane and South Kegley Drive, north of Charter Oak Drive.</p>	<p>DRC 3/10/16</p>	<p>Ron Carroll</p>	<p>Tammy</p>
<p>P-FY-16-24 - Consider and take action on the Final Plat of Long View Estates, a 13.06 +/- acre, 13-lot, 1-block residential subdivision, situated in the Henry Millard Survey, Abstract No. 552, Bell County, Texas, located northwest of Old Howard Lane and east of Cedar Creek Road in Temple's northwestern ETJ.</p>	<p>DRC 3/24/16</p>	<p>All County Surveying</p>	<p>Dessie</p>

<p>P-FY-16-25 - Consider and take action on the Final Plat of Cedar Ridge Crossing II, a 32.40 +/- acre, 7-lot, 1-block non-residential subdivision, situated in the Sara Fitzhenry Survey, Abstract 312, Bell County, Texas, located on the north side of the intersection at State Highway 36 and Moffat Road.</p>	<p>DRC 3/24/16</p>	<p>All County Surveying</p>	<p>Dessie</p>
<p>P-FY-16-26 - Consider and take action on the Final Plat of Highline Addition, a 40.389 +/- acre, 12-lot, 1-block non-residential subdivision, out of the Redding Roberts Survey, Abstract No. 692, in Bell County, Texas, located at the northwest corner of South 31st Street and Scott Boulevard</p>	<p>DRC 3/24/16</p>	<p>Advanced Mapping & Surveying</p>	<p>Tammy</p>
<p>P-FY-16-27 - Consider and recommend action on the Preliminary Plat of Circle C Ranch Estates, a 72.49 +/- acres, 51-lot, 3-block, residential subdivision, situated in the Lewis Walker Survey, Abstract 860, Bell County Texas, located in Temple's western ETJ at the southeast corner of Sparta Loop and Sparta Road, west of FM 439.</p>	<p>DRC 3/24/16</p>	<p>Clark & Fuller</p>	<p>Tammy</p>
<p>Z-FY-16-18 - Hold a public hearing to consider and recommend action on a Conditional Use Permit (CUP) to allow a restaurant where less than 50% of the total gross revenue may be from the sale of all alcoholic beverages with on-premise consumption on Lot 1, Block 1, of the proposed Highline Addition subdivision, located on the north side of Scott Blvd, west of its intersection with South 31st Street.</p>	<p>DRC 3/24/16 PZC 4/04/16</p>	<p>Wanda Jennings</p>	<p>Mark</p>
<p>Z-FY-16-19 - Hold a public hearing to discuss and recommend action on a rezoning from Agricultural (AG) to Light Industrial (LI), on 282.73 +/- acres of land, recently annexed into the City of Temple by Ordinance No. 2015-4733, located to the south of Little Flock Road and to the west of Bob White Road.</p>	<p>PZC 4/04/16</p>	<p>City Initiated</p>	<p>Dessie</p>

City Council Final Decisions	Status
<p>Z-FY-16-13 – Consider adopting an ordinance authorizing a rezoning upon annexation of a 0.278 acre tract of land from Agricultural District (AG) to Single-Family Two (SF-2) District, as part of the subdivision plat for Campus at Lakewood Ranch Phase X, located at the end of Richland Drive, between existing Campus at Lakewood Ranch Phases VIII and IX.</p>	<p>APPROVED at 2nd Reading on March 3, 2016</p>
<p>X-FY-16-05 – Consider adopting an ordinance authorizing annexation of 0.278 acres of land out of and part of the George W. Lindsey Survey, Abstract 513, Bell County, Texas</p>	<p>APPROVED at 2nd Reading on March 3, 2016</p>
<p>X-FY-16-09 – Consider adopting an ordinance authorizing the annexation of a 20.855 +/- acre tract of land out of the Sarah Fitzhenry Survey, Abstract 312, Bell County, Texas, and located adjacent to the Cedar Ridge Crossing subdivision.</p>	<p>APPROVED at 2nd Reading on March 3 2016</p>
<p>Z-FY-16-11 - Consider adopting an ordinance authorizing a Conditional Use Permit (CUP) for an indoor automotive window tinting use (classified in Sec. 6.7 of the Unified Development Code as “minor vehicle servicing”) on Lot 2, Block 1, Trantum Subdivision Phase VIII, located at 5806 South General Bruce Drive.</p>	<p>APPROVED at 1st Reading on March 3, 2016</p>
<p>Z-FY-16-12 - Consider adopting an ordinance authorizing amendments to Ordinance No. 2006-4090, to allow indoor climate controlled mini storage warehouses within a 4.801 +/- acre portion of a 10.202 +/- acre Planned Development – General Retail (PD-GR) District, subject to a Development Plan, with conceptual Development Plan for the remaining 5.401 +/- acres, being within the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located at 5015 South 31st Street.</p>	<p>APPROVED at 1st Reading on March 3, 2016</p>

P&Z COMMISSION ATTENDANCE

2016														P	A
	Jan 4	Jan 19	Feb 1	Feb 16	Mar 7	Mar 21	Apr 4	Apr 18	May 2	May 16	June 6	June 20			
Lydia Alaniz	P	P	P	P	P								5		
Tanya Mikeska-Reed	P	A	P	P	P								4	1	
Blake Pitts	A	P	P	P	A								3	2	
Patrick Johnson	P	P	P	A	P								4	1	
Omar Crisp	P	A	P	P	P								4	1	
David Jones	P	A	P	P	P								4	1	
Greg Rhoads	P	P	P	A	P								4	1	
Will Sears	A	A	P	P	P								3	2	
Lester Fettig	P	P	P	P	P								5		

	July 5	July 18	Aug 1	Aug 15	Sept 6	Sept 19	Oct 3	Oct 17	Nov 7	Nov 21	Dec 6	Dec 19	P	A
Lydia Alaniz														
Tanya Mikeska-Reed														
Blake Pitts														
Patrick Johnson														
Omar Crisp														
David Jones														
Greg Rhoads														
Will Sears														
Lester Fettig														

not a Board member