

**NOTICE OF MEETING
PLANNING AND ZONING COMMISSION
CITY MUNICIPAL BUILDING, 2 NORTH MAIN STREET
PLANNING CONFERENCE ROOM
NOVEMBER 16, 2015, 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, November 16, 2015.
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
NOVEMBER 16, 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 November 2, 2015.

B. ACTION ITEMS

Item 2: [P-FY-15-40](#) - Consider and recommend action on the Final Plat of Whitehall Road Addition, a 4.748 +/- acre, 1-lot, 1-block, residential subdivision, with an exception to UDC Section 8.1.3A.7 of the Unified Development Code (UDC) related to required fire hydrants, located on the north side of Whitehall Road, approximately 2900 feet east of its intersection with FM 2409.

Item 3: [P-FY-16-05](#) – Consider and take action on the Final Plat of Country Lane Commercial Phase II, a 4.930 +/- acre, 2-lot, 1-block, non-residential subdivision, being a Replat of Lot 1, Block 1, Country Lane Commercial Addition, located at approximately the southeast corner of Country View Lane and South Martin Luther King, Jr. Drive.

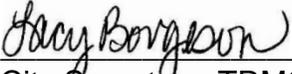
Item 4: [P-FY-16-06](#) - Consider and take action on the Final Plat of Heritage Place, Phase IV, Replat No 1, a 0.884 +/- acre, 3-lot, 1-block residential subdivision, being a

replat of Lots 60, 61, and 62, Block 6, Heritage Place, Phase IV, located on the south side of West Nugent Avenue, across from Eberhardt Drive.

Item 5: Z-FY-16-04 – Hold a public hearing to discuss and recommend action on amendments to Ordinance 2010-4413, Temple Unified Development Code, related to regulating Credit Access Businesses (commonly referred to as “Payday Lenders”) and the following specific Articles: Article 5-Use Standards, including specific locational standards; and Article 11-Definitions, providing a definition for Credit Access Businesses.

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.

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 4:30 p.m., November 12, 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 at _____ on the _____ day of _____ 2015.

Title: _____

**PLANNING AND ZONING COMMISSION
NOVEMBER 2, 2015
5:30 P.M.**

PLANNING AND ZONING MEMBERS PRESENT
David Jones

COMMISSIONERS:

Lydia Alaniz	Blake Pitts
Patrick Johnson	Greg Rhoads
Will Sears	Omar Crisp
Lester Fettig	

PLANNING AND ZONING MEMBERS ABSENT:

Tanya Mikeska-Reed

STAFF PRESENT:

Brian Chandler, Director of Planning
Trudi Dill, Deputy City Attorney
Tammy Lyerly, Senior Planner
Mark Baker, Senior Planner
Dessie Redmond, Planner
Mary Maxfield, Planning Technician
Kelli Tibbit, Administrative Assistant

The agenda for this meeting was posted on the bulletin board at the Municipal Building, October 29, 2015 at 4:00 pm. 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 5:31 P.M.

Invocation by Commissioner Rhoads; Pledge of Allegiance by Commissioner Fettig.

A. CONSENT ITEMS

Item 1: Approval of Minutes: Work session and the regular meeting of October 19, 2015.

Approved by general consent.

B. ACTION ITEMS

Item 2: Z-FY-16-01 – Hold a public hearing to discuss and recommend action on a rezoning from General Retail District (GR), Office 1 District (O-1) and Multiple-Family Dwelling 1

District (MF-1) to General Retail District (GR), on 6.414 +/- acres, being all of Lot 1, Block 1, G2K North Subdivision, located on the north side of West Adams Avenue, west of Holy Trinity Catholic High School and east of Hilliard Road.

Mr. Mark Baker, Senior Planner, stated this item was scheduled to go forward to City Council for first reading on December 3, 2015 and second reading on December 17, 2015.

An aerial/vicinity map of the subject property is shown.

The land area included in this rezoning was platted back in 2014. No further platting is anticipated in the immediate future.

The property contains three zoning districts: General Retail (GR, Single-Family One (SF-1) and Office One (O-1). Staff feels there is no conflict with the current zoning.

The request complies with the Future Land Use and Character Map which designate the property as Suburban-Commercial which is intended for retail and service uses. It does support O-1 as well as neighborhood service zoning, and GR is considered on a case-by-case basis typically based on arterial roads and surrounding GR zoning, both of which are in place.

For the Thoroughfare and Trails Plan an access easement provides access from the property to West Adams. There is an existing Citywide Spine Trail going up Hilliard and down West Adams. The request is in compliance with the Thoroughfare Plan and Trails Plan.

Utilities are available to serve the site. There is a 14-inch water line in Hilliard and a four-inch line in West Adams. There is an 18-inch sewer line located along the eastern property line of the subject property. The request is in compliance.

The subject property is currently undeveloped.

Surrounding properties include Holy Trinity Catholic Church (SF-1) to the north, retail uses and service uses (Family Dollar & Scott & White Medical Clinic (GR)) to the south, undeveloped property (GR) to the west, and undeveloped property (SF-1 and O-1) to the east.

Allowed and prohibited uses and Development Standards are cited for GR.

Seven notices were sent out with two returned in approval and zero returned for denial. The newspaper printed notice of the public hearing on October 21, 2015 in accordance with state law and local ordinance.

The request is in compliance with the Future Land Use Plan, the Thoroughfare Plan, is compatible with surrounding uses and zoning, and public facilities are available to serve the site.

Staff recommends approval of the request for a rezoning from General Retail (GR), Office One (O-1) and Multi-Family One (MF-1) to General Retail (GR.)

Commissioner Rhoads asked if there would be just one entrance along Adams and Mr. Baker responded he has not seen a site plan and no development plans have been provided. In terms of access, it would be through the access easement coming off of West Adams.

Chair Jones opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Rhoades made a motion to approve Item 2, **Z-FY-16-01**, as stated, and Commissioner Fettig made a second.

Motion passed: (8:0)

Commissioner Mikeska-Reed absent

Item 3: Z-FY-16-02 – Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (AG) to Single Family Three Dwelling District (SF-3) on a tract of land situated in the MAXIMO MORENO Survey, Abstract 14, Bell County, Texas, located at 902 East Nugent Avenue.

Ms. Tammy Lyerly, Senior Planner, indicated this item was scheduled to go forward to City Council for first reading on December 3, 2015 and second reading on December 17, 2015.

An aerial map is shown which shows the railroad tracks and Temple Machine Shop area on the west side of the subject property.

The majority of the subject property is currently zoned Agricultural (AG). A small section on the southern leg located by East Munroe and North 16th Street is zoned Single-Family Attached-Three (SFA-3).

The applicant is requesting a rezoning to Single Family-Three (SF-3) for the creation of a proposed 22-26 lot residential subdivision. Staff is recommending denial of the request due to infrastructure issues such as railroad crossing, only one ingress/egress to the property, and the condition of existing roadways.

The Future Land Use and Character Map designate the property as Auto-Urban Residential and the railroad area is Auto-Urban Commercial.

Auto-Urban Residential is suited for higher density uses such as attached and multiple housing, manufactured home communities, recreational vehicle parks, site built homes on small lots due to density, limited open space, and relative amount of impervious surface devoted to buildings and parking lots. The applicant's request is in compliance with this recommendation.

All the roads shown on the Thoroughfare Plan adjacent to the subject property are local streets which are for residential development such as an SF-3 district. On the west side of the railroad tracks, Nugent Avenue and North 14th Street are collector roads. As far as the Thoroughfare Plan compliance, the surrounding streets with local classification (East Munroe Avenue, North 16th Street, East Nugent Avenue and North 18th Street) do not currently meet compliance with standards of a local street: 31 feet measured back of curb to back of curb. The surrounding existing street widths range from 12 to 14 feet with no curbing, no two-way traffic, and do not meet the minimum street standards which is one of the factors Staff is recommending denial of the request.

The property is located east of the railroad tracks and only contains one entrance and exit into the entire area. Staff is concerned about only one ingress/egress for the proposed development and overall area.

There is existing water on the eastern side of the subject property to service the area and capabilities are available for connecting onto sewer if desired in the future. It is believed most of the properties in this area are currently on septic.

Surrounding properties include undeveloped land to the north (AG), rural residential uses to the east and south (AG), and the railroad to the west (LI).

Allowed and prohibited uses and Development Standards are cited for SF-3.

The request for rezoning complies with the Future Land Use and Character Map, is compatible with surrounding uses and zoning, and public facilities are available.

The request does not comply with the Thoroughfare Plan for the reasons mentioned above. Ms. Lyerly added that Staff is concerned that at times railroad trains block the only entrance into the subdivision/area which creates difficulty for current residents and possible emergency vehicle access, the streets do not meet the minimum width of local streets, and the streets do not allow for two way traffic.

Staff contacted the Fire and Police Departments who were both concerned about having access to the area in a timely manner during a possible emergency and whether emergency vehicles (fire trucks) would have enough room to maneuver in and out of the area.

The applicant submitted a concept plan which proposes approximately 22 to 26 lots which all border the existing street fronting the property, along with a common garden area in the rear of the homes. The average lot would be 40 feet by 120 feet.

Fifteen notices were mailed out with one notice returned in agreement and eight notices returned in opposition.

Staff recommends denial of the rezoning from AG district to SF-3.

Chair Jones explains the appropriate protocol for allowing everyone to speak.

Ms. Lyerly explains the applicant has requested to table this request until the next scheduled P&Z meeting on November 16, 2015.

Ms. Lyerly stated there was a sewer main in the area but it appears most everyone has a septic system. A gravity main is located to the east of the subject property. It is possible to connect for services which would be discussed during the platting process if approved.

There are two fire hydrants available in the area. Another hydrant is located on East Nugent.

Chair Jones asked the railroad representative to speak.

Mr. Brad Devault, Terminal Superintendent for BNSF Railroad, 2100 Baker Boulevard, Temple, Texas, approached and explained about trains blocking roads. If it is a Union Pacific

(UP) track he could not speak for the operation. As far as BNSF is concerned they interchange with a track just south of the subject location which can hold approximately 20 cars. They interchange with UP on Thursday and Saturday nights at this location so BNSF blocks the intersection two nights a week at that location. A three man crew operates in the area and the amount of work needed to do there takes approximately 30 to 45 minutes but the crew is constantly moving. If emergency vehicles approach and need access, Mr. Devault stated their crew/equipment could easily get in the clear.

Mr. Devault could not speak on behalf of the UP trains blocking the crossing but BNSF had a rule that if a crossing would be blocked for more than 10 minutes, the train crew is supposed to separate the crossing and this pertains to every Class 1 railroads which includes BNSF and UP. Mr. Devault stated regulations were the same for all carriers.

Should an emergency arise, Mr. Devault explained there is an emergency number located on the signal bungalows located at each crossing which contain all components that operate the crossing. The number typically goes immediately to a 24 hour call center which relays to the dispatcher and the dispatcher can contact the train crew. As far as Mr. Devault's crew being in the area, they handle a limited amount of cars and would also be able to see the lights and hear the sirens and take action quickly. If a much longer train were there, such as 100 cars, the crew could be three-quarters of a mile away from the intersection and they would have no idea it was blocked and would need to receive notification from a dispatcher.

Chair Jones asked how long it would take to break a train apart and Mr. Devault replied it would not be a quick process.

Mr. Devault's crew is normally there on Thursday and Saturday evenings between 8:00 p.m. to 11:00 p.m. to perform work and it takes approximately 30 to 45 minutes to perform the work.

Commissioner Rhoads stated it sounded more like a UP issue and Mr. Devault agreed.

Mr. David Mojica, Belton Engineering, 141 Chevy Drive, Troy, Texas, was present to represent the applicant in this request and would like to request the project be tabled. Mr. Mojica stated they just received within a day or so the concerns about the railroad tracks. Mr. Mojica admitted they do see the problem with the railroad and would like to table the project to work something out with the City to see if there are other options.

Chair Jones explained that for the project to be tabled a specific date would need to be part of the motion and not open ended. Mr. Mojica stated the next scheduled P&Z meeting, November 16th, but it would depend on the availability of the City Staff.

Commissioner Rhoads asked Staff if a UP representative and/or the Fire Department could be present at the next meeting and Ms. Lyerly confirmed.

Ms. Lyerly stated when she called about the responses regarding the train's blocking the entrance, the only access numbers given to her were for the Burlington Northern Santa Fe. Staff would research to locate a UP representative.

Chair Jones opened the public hearing.

Ms. Rhonda Juarez, 818 East Munroe Avenue, Temple, Texas, stated she had several concerns about the request. Back when the recycling plant caught fire she was stuck by a train that at no point was ever separated. The Fire Department was unable to get back to the area in order to protect their homes and properties. The community is close knit and look out for each other. The large trucks from the Fire Department have difficulty coming back where they are located and they are the first house. Ms. Juarez stated there have been days when people have been stuck for hours due to trains and over the last seven to eight years numerous calls have been made to the Police Department because of problems.

There is only one box located on the opposite side of the tracks coming into the neighborhood that provides the 1-800 number to contact the Fire Department. There is no contact information on the other side (their side).

The residents in this area cut the trees back from the roads so they can drive without damaging vehicles and they maintain the area the best they can. Ms. Juarez questions what type of City services would come back there that are different than what is currently there and why.

Even with all the obstacles of living there, it contains a lot of open land in the neighborhood with various wildlife, it is quiet, there are no street lights, and most of the residents are landowners. It would not be the same with a dense amount of homes included in the area and not understanding the area. The current residents have had to climb under and over trains to get to work and school. EMS and the Police provide good service when they can get to the area but sometimes obstacles interfere.

Ms. Wanda Owen, 904 E. Munroe Avenue, Temple, Texas, stated she has been stopped by a train from one to two hours and have missed doctor appointments and she has had two strokes. It took an ambulance 45 minutes to get to her daughter's husband and he died while waiting. The neighbors have to rely on a friend to call for help.

Ms. Myndie Hodge, 901 E. Munroe Avenue, Temple, Texas, stated she farms the area on approximately 11 acres. Ms. Hodge is trying to understand how she will transport her farming equipment on the back roads with all the proposed traffic. The current residents are very familiar with the area and know how to deal with the obstacles.

Ms. Hodge was concerned about where the increased traffic would try to go if they become blocked by a train. Ms. Hodge is disabled and wondered how she might be able to get out if needed should this become an issue. Ms. Hodge does not want people to trespass on her property to turn around and try something else. Safety would be a large issue.

Mr. Mark Butts, owns 904, 906, and 908 E. Munroe, Temple, Texas, and he is concerned about how narrow the roads are. Mr. Butts has a private drive and a lot of vehicles get lost and go down his driveway. The proposed development looks like the cars will back up into the street and onto his property to get out into the street because of how narrow it is. The area is not maintained, just caliche and asphalt. Additional homes in the area would be a problem.

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

Commissioner Pitts did not feel there was any reason to table the item since he did not see a resolution within two weeks; it was a much larger issue.

Commissioner Johnson agreed with Commissioner Pitts' comments.

Commissioner Rhoads agreed with both Commissioners.

Commissioner Sears asked about a denial versus tabling versus a withdrawal and the timelines involved.

Mr. Brian Chandler, Director of Planning, explained if the request were denied, the applicant would then have a six months' limitation before coming back with a similar request. Tabling would be time specific so re-notification would not be involved and the public would know when to return if needed. Should the applicant decided to withdraw the applicant would need to reapply and start over with a new case.

In reference to the roads, Mr. Chandler stated the local roads could be addressed during the platting stage. However, the primary concern was the at grade railroad crossing just to the west of the neighborhood would need to be addressed with the applicant, City, and the railroad. The road is approximately 14 feet wide.

Chair Jones stated P&Z could not do anything about the train. Before he could support this request, there would need to be more addressed infrastructure issues and did not see that this would be done in two weeks.

Mr. Chandler stated if the issues were not resolved within two weeks, the P&Z Commission would be given an update from Staff's perspective. The policy has been a limit of two times for continuing/tabling a case. Any new information discovered would weigh as to whether the request were tabled again or recommended for approval or denial.

Chair Jones offered the applicant the opportunity to change the request and the applicant's representative, Mr. Mojica, stated no.

Chair Jones stated the applicant has requested the item to be tabled for two weeks and Mr. Chandler confirmed.

Commissioner Pitts made a motion to deny Item 3, **Z-FY-16-02**, and Commissioner Rhoads made a second.

Discussion about clarification of the motion.

Ms. Trudi Dill, Deputy City Attorney, explained that unless the applicant withdraws, the item will move on to City Council with either a recommendation to deny or a recommendation to approve. There is no active motion for tabling on the floor, which means that a failed motion to deny, would result in a recommendation of approval to City Council.

Commissioner Pitts withdraws his motion to deny.

Commissioner Crisp made a motion to table Item 3, **Z-FY-16-02**, to November 16, 2015 and Commissioner Fettig made a second.

Commissioner Alaniz commented she agreed that this would not be resolved in two weeks but the process needs to be followed.

Motion failed: (3:5)

Commissioners Alaniz, Crisp and Fettig voted Aye; Commissioners Pitts, Rhoads, Sears, Vice-Chair Johnson and Chair Jones voted Nay.
Commissioner Mikeska-Reed absent

Commissioner Pitts made a motion to deny Item 3, **Z-FY-16-02**, as presented and Commissioner Rhoads made a second.

Motion passed: (2:6)

Commissioners Alaniz, and Crisp voted Nay; Commissioners Pitts, Rhoads, Sears, Fettig, Vice-Chair Johnson and Chair Jones voted Aye.
Commissioner Mikeska-Reed absent

Mr. Chandler explained to the audience that the motion was a six to two vote recommending denial of the application and would proceed to City Council in a month. A super majority will be required at City Council.

Item 4: P-FY-16-04 – Consider and take action on the Final Plat of Campus at Lakewood Ranch, Phase X, a 5.162 +/- acre tract, a 7-lot, 3-block residential subdivision, situated in the George W. Lindsey Survey, Abstract No. 513, Bell County, Texas, located at the end of Richland Drive, between existing Campus At Lakewood Ranch, Phase VIII and existing Campus At Lakewood Ranch, Phase IX, with a portion being in Temple's western E.T.J.

Ms. Lyerly stated the applicant was not requesting any exceptions to the Unified Development Code (UDC), so the Planning and Zoning Commission would be the final authority on this plat.

The subject property is located between Campus at Lakewood Ranch Phases VIII and IV, with a portion being in Temple's western Extra Territorial Jurisdiction (ETJ). Because a portion is located within the ETJ Bell County Commissioners Court signature(s) are required on the plat.

The Development Review Committee (DRC) reviewed the plat on October 19, 2015 and it was deemed administratively complete on October 28, 2015.

Water services will be provided through six-inch and eight-inch water lines and sewer services will be provided by septic.

Private park land dedication and development with trail and neighborhood park amenities within The Groves at Lakewood Ranch will fulfill the park land dedication requirements for this plat.

Staff recommends approval of the Final Plat of Campus at Lakewood Ranch, Phase X.

Chair Jones states this item does not require a public hearing.

Commissioner Pitts made a motion to approve Item 4, **P-FY-16-04**, as presented, and Commissioner Crisp made a second.

Motion passed: (8:0)

Commissioner Mikeska-Reed absent

There being no further business, the meeting was adjourned at 6:49 p.m.

Respectfully submitted,

Kelli Tibbit and
Leslie Evans

**PLANNING AND ZONING COMMISSION
MONDAY, NOVEMBER 2, 2015
4:45 P.M.
WORK SESSION**

PLANNING AND ZONING MEMBERS PRESENT

Chair David Jones

COMMISSIONERS:

Lydia Alaniz	Blake Pitts
Patrick Johnson	Greg Rhoads
Will Sears	Omar Crisp
Lester Fettig	

PLANNING AND ZONING MEMBERS ABSENT:

Tanya Mikeska-Reed

STAFF PRESENT:

Brian Chandler, Director of Planning
Trudi Dill, Deputy City Attorney
Tammy Lyerly, Senior Planner
Mark Baker, Senior Planner
Dessie Redmond, Planner
Kelli Tibbit, Administrative Assistant

The agenda for this meeting was posted on the bulletin board at the Municipal Building in compliance with the Open Meetings Law.

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

With a quorum present, Chair Jones opened the work session at 4:52 p.m.

Mr. Brian Chandler introduced the newest P&Z Commissioner, Mrs. Lydia Alaniz.

Mrs. Lydia Alaniz introduced herself and stated she is semi-retired after 34 years in her business of Amigo Vasquez Bail Bond and decided to help the community if possible.

Mr. Brian Chandler stated item 3 regarding 902 East Nugent received several response notices back. There were also responses to Chair Jones' questions regarding Fire and Police emergency services' access to the existing homes and the proposed development.

Both Police and Fire are extremely concerned about the limited single access point. This case is not just about the inadequate infrastructure but the single access point is also adjacent to a rail line that impedes access which is why Staff is recommending denial.

The applicant has submitted written request that this item be tabled for two weeks to consider other alternatives. Staff recommends the Commission still hear the case and open the public hearing. Mr. Chandler advised the Commission that, despite the request to table the case by the applicant, they are not obligated to do so and could still take action to recommend approval or denial after the public hearing.

Ms. Lyerly stated if the item were tabled it would only be to the next scheduled P&Z meeting on November 16th.

Mr. Chandler explains the tabling procedure for the Commissioners. The policy has been to allow only two postponements.

The Directors Report was briefly explained for Commissioner Alaniz.

Mr. Brian Chandler discussed the "Payday Lenders" Credit Access Businesses (CABs) presentation and the proposed code amendments coming to P&Z for the next meeting scheduled on November 16th. The code amendments would go to City Council the first and second meetings in December.

Along with zoning items, Ms. Kayla Landeros, City Attorney, will also be taking forward some Texas Municipal League (TML) regulations regarding Payday Lenders that many cities have chosen to adopt (from an operational perspective). This has been a statewide concern and the impact of Payday Lenders to the public.

There are an estimated 15 CABs listed within four location areas (as of the end of June 2015). A map is shown of the various areas.

1. Near I-35 and H K Dodgen Loop
2. Along West Adams (heading west primarily)
3. Along South 31st Street
4. Downtown

Some businesses that look like "Payday Lenders" may not fall into that category. They have different interest rate limitations that Payday Lenders do not and more of a cap on interest rates, etc.

Per TML these are the current Texas cities that have adopted the zoning regulations: Belton, Brownsville, Bryan, Corinth, Farmers Branch, Garland, Irving, Little Elm, Mesquite, Missouri City, Richardson, Saginaw, and Watauga.

The City of Bryan adopted zoning standards on May 27, 2014. One of the standards provided were existing CABs were considered legally non-conforming. They could continue to exist but not necessarily expand. Some spacing requirements were included: 1000 feet spacing between CABs and 200 feet from adjacent residentially used areas. They were prohibited from being located on major arterials or above (expressways) or being located within their specific overlay districts.

A conference call with the City of Bryan Planning Manager is scheduled on Thursday, November 5, 2015 to obtain more information.

CABs were also required to be located within a freestanding structure, essentially not to occupy within a retail strip center.

The City of Belton adopted their zoning ordinance on August 26, 2014 and used some of the same standards from Bryan as a model. Their ordinance states a Specific Use Permit is required for CABs. The CABs were also referred to as Alternative Financial Services. Belton did not propose to adopt the TML Model Ordinance regulating the operations of the business and came up with their own name and definition.

Belton did adopt the 1000 foot spacing requirements between Payday Lenders and the 200 feet minimum from residentially zoned or used property. They were prohibited in the Central Business District (CBD-downtown) area and were permitted only in the CA, C1 or C2 commercial districts (most intense commercial).

If Temple had proposed the locational standards (1000 feet between lenders and 200 feet from residential property/uses), and prohibited them from major arterials and expressways initially, it is believed most of the Payday Lenders would not be in existence today.

These recommendations were presented to City Council on October 15, 2015. Option 1 would be Staff's preference is to propose the distance requirement (1000 between lenders). The 200 foot distance is not going to make much difference since these businesses operate as an office, but this could be considered on a case-by-case basis—would it create a nuisance in a manner which is different than other office use.

Commissioner Rhoads suggested instead of making it a CUP, just leave it at 200 feet and keep it clean. Mr. Chandler stated this was another option. The CUP would allow for individual consideration and perhaps to provide an additional process of accountability in a public forum.

City Council would like to limit the clustering of these businesses especially in the front door corridors. There are two parts: whether to regulate the businesses and their operations versus where should they be located. The City needs to at least define what they are.

The CUP criteria already in the Code would apply if adopted.

Discussion about overlay restrictions.

Ms. Landeros explained the current pending litigation has to do with the model ordinance regulations and not within the zoning regulations that other cities have.

Chair Jones adjourned the meeting at 5:26 P.M.



PLANNING AND ZONING COMMISSION AGENDA ITEM

11/16/2015
Item #2
Regular Agenda
Page 1 of 2

APPLICANT / DEVELOPMENT: 1519 Surveying LLC (On Behalf of Jose Reyes)

CASE MANAGER: Mark Baker, Senior Planner

ITEM DESCRIPTION: P-FY-15-40 Consider and recommend action on the Final Plat of Whitehall Road Addition, a 4.748 +/- acre, 1-lot, 1-block, residential subdivision, with an exception to UDC Section 8.1.3A.7 of the Unified Development Code (UDC) related to required fire hydrants, located on the north side of Whitehall Road, approximately 2900 feet east of its intersection with FM 2409.

STAFF RECOMMENDATION: Staff recommends approval of the Final Plat of Whitehall Addition subdivision; and

Staff recommends approval of the requested exception to Section 8.1.3A.7 of the Unified Development Code relating to required fire hydrants because:

1. The proposed plat is not served by the City's Water Department;
2. The location of the proposed lot and the lack of water supply in the area; and
3. The Fire Marshal recommends approval of the Exception.

ITEM SUMMARY: The Development Review Committee reviewed the Final Plat for the Whitehall Road Addition on September 10, 2015. The plat was deemed administratively complete on November 2, 2015.

The Final Plat for Whitehall Road subdivision, a 1-lot, 1-block, residential subdivision is located on South Whitehall Road approximately 2900 feet east of its intersection with FM 2409.

This plat is required as result of several splits, creating this property and several adjacent lots, which occurred without the benefit of a subdivision plat. It is anticipated that subdivision plats will also be required of those adjoining properties in the future, if a building permit is desired to develop or expand use of the property. These anticipated plats will address existing deficiencies such as obtaining the minimum ROW along Whitehall Road. With respect to the current request, an address is required before utilities can be provided and the plat is required before a property address can be issued by the City.

There is no sewer service in the area and the proposed lot will require an on-site septic system. The County will not issue a septic permit unless it is a legally created lot. Although water service is provided by the Moffat Water Service Company through a 2-inch water line, the property is within the City's Fire District and fire hydrant placement is required.

A separate Exception to UDC Section 8.1.3A.7 for required fire hydrants has been submitted and is part of this request. The request for exception has been circulated to the Fire Department. The Fire Marshal concurs with the requested exception due to the location of the proposed lot and the lack of water supply in the area to support a hydrant. In addition, it was noted in the exception request letter that a significant upgrade would be necessary to the Moffat Water Supply Company's (WSC) infrastructure, in order to accommodate the hydrant. Planning staff has been in contact with Moffat WSC and no issues have been identified.

The subject property takes access from south Whitehall Road which is identified as a collector road and as such requires a 4-foot sidewalk. A separate Sidewalk Waiver has been submitted and is currently being reviewed by the Director of Planning.

Additionally, since Whitehall Road is a collector, a 55-foot ROW, the project's share would be 27.50-feet, is required. There is currently a ½ street ROW of 22.15-feet (44.30-feet total ROW), so a balance of 5.35 feet is required to be dedicated and is shown on the plat.

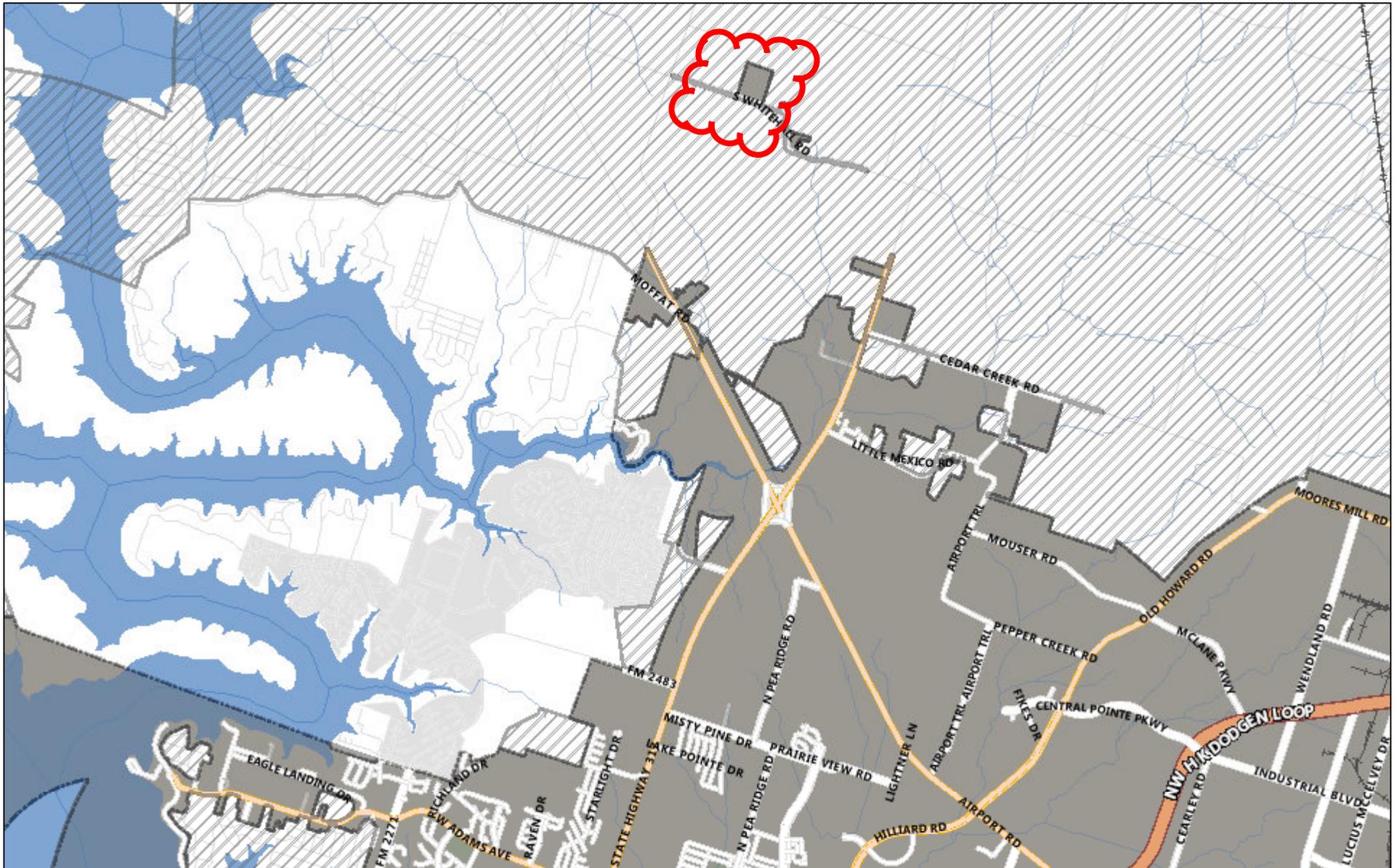
Since this final plat includes a request for an exception to the UDC, the City Council is the final plat authority. City Council consideration is anticipated for December 17, 2015.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Vicinity Map
Aerial & Street View Photos – Google Earth
Final Plat
Topo / Utility Plan
Requested Exception Letter

Vicinity Map



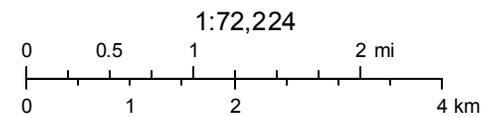
November 10, 2015

Street Labels

Railroad Labels

Park Labels

Outblock Numbers



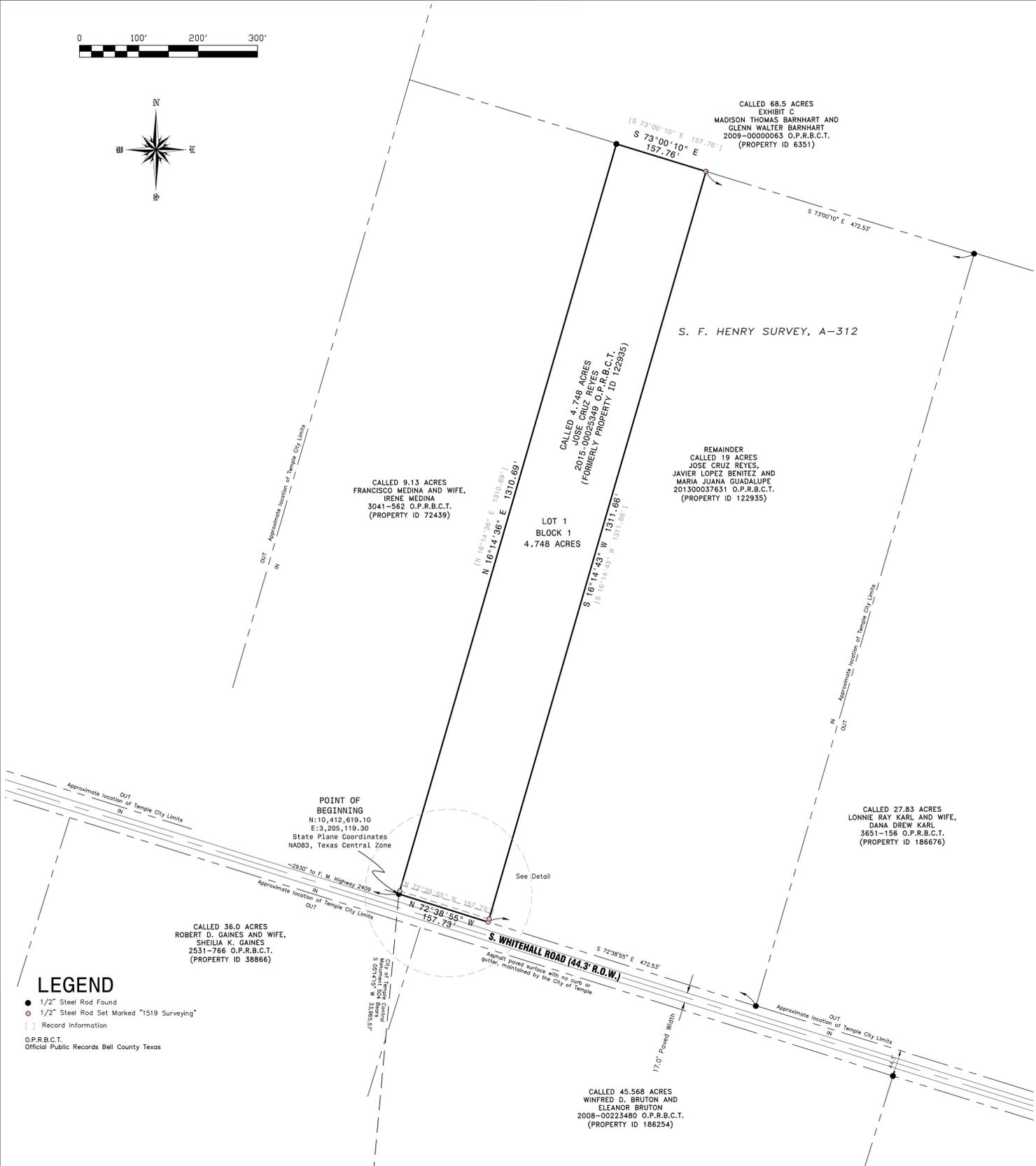
Aerial Photo & Street View



Aerial Vicinity / Site Photo: Google Earth Image



Street View: Looking West on S. Whitehall Road - Google Earth Image



LEGEND

- 1/2" Steel Rod Found
- 1/2" Steel Rod Set Marked "1519 Surveying"
- Record Information

O.P.R.B.C.T.
Official Public Records Bell County Texas

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 A. D.

By: _____
Bell County Tax Appraisal District

Recordation Information:
Plat recorded in Cabinet _____ Slide _____
Plat Records of Bell County, Texas

Dedication recorded in Volume _____ Page _____ Official Public Records of Real Property, Bell County, Texas

Filed this _____ day of _____, 2015.

Owner:
Jose Cruz Reyes
5740 Knob Creek Road
Temple, Texas 78469

Lots - One (1)
Blocks - One (1)
Area - 4.748 Acres TOTAL
Less 0.019 Acres Dedicated for R.O.W.
4.459 Acres NET

NOTES:

- No part of the subject tract lies within the special flood hazard area (SFHA) as scaled from F.I.E.M. Panel 4802700175E, dated September 26, 2008. No elevations run on the ground.
- BEARINGS, DISTANCES, AND ACREAGE ARE REFERENCED TO GRID NORTH, NAD83 STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE 4203.
- PERIMETER: 2937.84'
- AREA: 206,803.583 SQ. FT.
- CLOSURE DISTANCE: 0.005"
- CLOSURE PRECISION: 1 IN 630,914

OWNER'S STATEMENT

STATE OF TEXAS
COUNTY OF BELL

Jose Cruz Reyes, owner of the tract of land shown hereon, and designated as WHITEHALL ROAD ADDITION, within the city limits of the City of Temple, Bell County, Texas, and whose names are subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, watercourses, drains, easements, and public places shown hereon within the plat boundaries of this subdivision.

Jose Cruz Reyes
5740 Knob Creek Road
Temple, Texas 78469

STATE OF TEXAS
COUNTY OF BELL

Before me, the undersigned authority, on this day personally appeared, Jose Cruz Reyes, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein stated.

Given under my hand and seal of office this the _____ day of _____, 2015.

Notary Public, State of Texas
My Commission Expires _____

This plat has been submitted to and considered by the Planning & Zoning Commission of the City of Temple, Texas, and is hereby approved by such Commission.
Dated this _____ day of _____, 2015 A. D.

Chair, Planning & Zoning Commission _____ Secretary to the Planning & Zoning Commission _____

This plat has been submitted to and considered by the City Council of the City of Temple, Texas, and is hereby approved by such council.
Dated this _____ day of _____, 2015 A. D.

City Secretary _____

I, the undersigned, a registered sanitarian in the State of Texas, hereby certify that this subdivision, and its wastewater utility system has been reviewed for compliance with applicable state and other regulations governing such systems and is hereby approved for installation as indicated.

Approved: _____
Date: _____ day of _____, 2015 A. D.
Title: _____ BCH

I, the undersigned, General Manager of Moffat Water Supply Corporation, hereby certify that there is sufficient water supply available to service the subject property shown hereon, in accordance with the Moffat Water Supply Corporation Service Application and Agreement applicable to this property.

by: Mark Trulove, General Manger
Moffat Water Supply Corporation
5460 Lakeaire Blvd.
Temple, Texas 76502

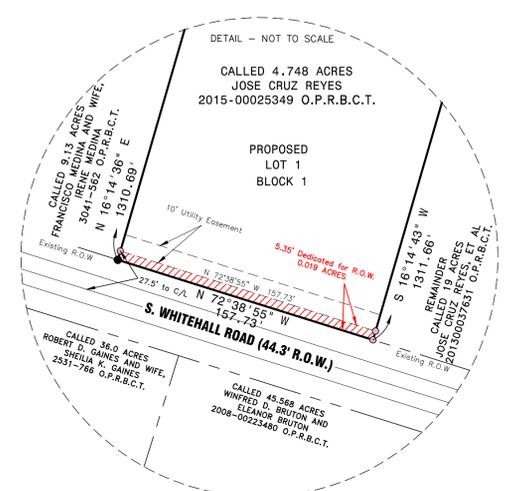
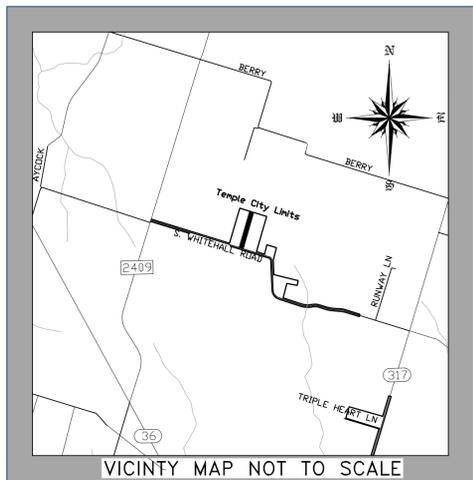
Date: _____ day of _____, 2015 A. D.

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.

H.A. Taylor
Harold Alexander Taylor
Registration No. 6176

Date Surveyed: September 10, 2015



FINAL PLAT
WHITEHALL ROAD ADDITION
LOT 1, BLOCK 1
WITHIN THE CITY LIMITS OF THE CITY OF TEMPLE
BELL COUNTY, TEXAS

(BEING out of the S. F. Henry Survey, Abstract Number 312, and being part of that called 4,748 acres of land described in a deed to Jose Cruz Reyes, recorded in County Clerk's File Number 201500025349 of the Official Public Records of Bell County, Texas)

1519 Surveying, LLC
504 Franklin Ave. Suite A, Waco, TX 76710 Ph: 254-776-1519 TBPUS Firm# 10159068
© Copyright 2015 1519 Surveying, LLC. The content, color, and style of this plat prepared by Copyright and all rights are reserved.

Rev.	Date	Description

1519 Job: 7803
Sheet 1 of 1
Property Address:
Whitehall Road
Temple, Texas

Drawn By: hat

FINAL PLAT
LOT 1, BLOCK 1
WHITEHALL ROAD ADDITION
CITY OF TEMPLE
BELL COUNTY, TEXAS

October 20, 2015

Mr. Mark Baker, Planner
City of Temple
2 North Main Street
Temple, Texas 76501
254-298-5668

Re.: "WHITEHALL ROAD ADDITION, LOT 1, BLOCK 1 to the City of Temple, Bell County, Texas, Case # P-FY-15-40"

Dear Mr. Baker:

1519 Surveying, LLC is requesting, on behalf of Jose Cruz Reyes, the following variance for the proposed Whitehall Road Addition, which is located on S. Whitehall Road approximately 2900 feet East of its intersection with F. M. Highway 2409, in the city limits of the City of Temple.

1) A variance is requested for fire hydrant installation in accordance with UDC Section 3.6.7. This area is located in a non-contiguous area of the City of Temple, and is served by Moffat WSC, which maintains a 2" line on the North side of S. Whitehall Road. Installation of a fire hydrant in this location would require significant upgrade of Moffat WSC infrastructure, over which neither Mr. Reyes nor the City of Temple have any control. Therefore, approval of this variance does not appear to be detrimental to the public safety, health, welfare or injurious to other property.

Please contact me if you have any questions or comments concerning this subdivision.

Alex Taylor
1519 Surveying, LLC



PLANNING AND ZONING COMMISSION ITEM MEMORANDUM

11/16/15
Item #3
Regular Agenda
Page 1 of 2

APPLICANT / DEVELOPMENT: Kenneth Mitchell

CASE MANAGER: Mark Baker, Senior Planner

ITEM DESCRIPTION: P-FY-16-05 Consider and take action on the Final Plat of Country Lane Commercial Phase II, a 4.930 +/- acre, 2-lot, 1-block, non-residential subdivision, being a Replat of Lot 1, Block 1, Country Lane Commercial Addition, located at approximately the southeast corner of Country View Lane and South Martin Luther King, Jr. Drive

STAFF RECOMMENDATION: Staff recommends approval of the Final Plat of Country Lane Commercial, Phase II.

ITEM SUMMARY: The Development Review Committee reviewed the Final Plat of Country Lane Commercial, Phase II Subdivision on November 5, 2015. It was deemed administratively complete on November 9, 2015.

The property is zoned Planned Development – Office 2 (PD-O2) which was approved by City Council on December 1, 2005 by Ordinance 2005-4049. The property is currently vacant and undeveloped but adjacent to a CEFCO convenience store under construction. Although the subject property is zoned PD-O2, the adjacent convenience store is zoned general retail (GR).

The project has frontage on three sides by Country View Lane, a local street, South Martin Luther King Jr. Drive, a minor arterial and SE H.K. Dodgen Loop, an expressway. Only South Martin Luther King Jr. Drive requires a 6-foot sidewalk. A note on the plat requiring the sidewalk has been provided. While no issues have been raised regarding trails, the Trails Master Plan identifies a proposed local connector trail along South Martin Luther King Jr. Drive.

Sewer is available to the subject property by a 10-inch sewer line along the southern boundary of the property. In addition, an 8-inch sewer line is available along the eastern property line. Water is available through an 8-inch waterline in Country View Lane along the northern property line and along the southern property line.

The Planning and Zoning Commission is the Final Plat authority for Country Lane Commercial, Phase II, since the applicant has not requested any exceptions to the UDC.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Aerial and Site Photos

Final Plat

Topo / Utility Plan

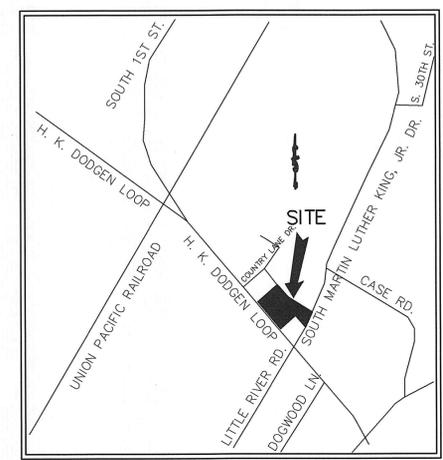
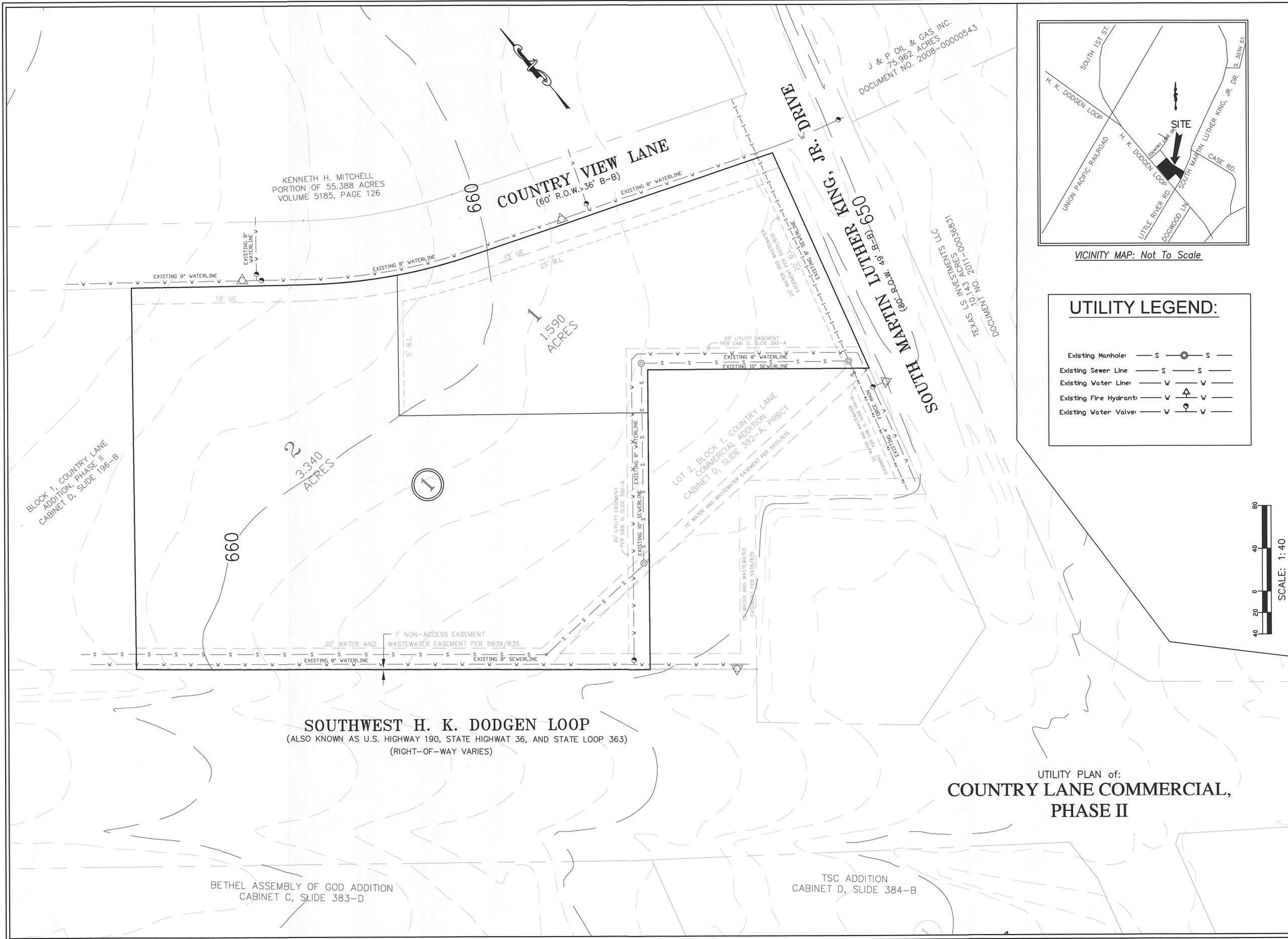
Aerial Photo & Street View



Aerial Vicinity / Site Photo: Google Earth Image



Site: Looking North (Photo Circa 2013)



VICINITY MAP: Not To Scale

UTILITY LEGEND:

- Existing Manhole: — S — (circle with cross) — S —
- Existing Sewer Line: — S — S —
- Existing Water Line: — W — W —
- Existing Fire Hydrant: — W — (triangle) — W —
- Existing Water Valve: — W — (circle with dot) — W —



J & P OIL & GAS INC.
75,962 ACRES
DOCUMENT NO. 2008-00000543

TEXAS LS INVESTMENTS LLC
10.43 ACRES
DOCUMENT NO. 2011-0009831

KENNETH H. MITCHELL
PORTION OF 55.388 ACRES
VOLUME 5185, PAGE 126

BLOCK 1, COUNTRY LANE
ADDITION, PHASE II
CABINET D, SLIDE 196-B

LOT 2, BLOCK 1, COUNTRY LANE
COMMERCIAL ADDITION
CABINET D, SLIDE 392-A, PRBCT

SOUTHWEST H. K. DODGEN LOOP
(ALSO KNOWN AS U.S. HIGHWAY 190, STATE HIGHWAY 36, AND STATE LOOP 363)
(RIGHT-OF-WAY VARIES)

BETHEL ASSEMBLY OF GOD ADDITION
CABINET C, SLIDE 383-D

TSC ADDITION
CABINET D, SLIDE 384-B

UTILITY PLAN of:
**COUNTRY LANE COMMERCIAL,
PHASE II**

ENGINEERING * PLANNING * SURVEYING * CONSTRUCTION MANAGEMENT
TURLEY ASSOCIATES, INC.
301 N. 3rd ST
TEMPLE, TEXAS
E-MAIL: MAIL@TURLEY-INC.COM
(254) 773-2400
FAX NO. (254) 773-3988

FIRM # F-1658

9-30-15

Jennifer Ryker

UTILITY PLAN of:
COUNTRY LANE COMMERCIAL, PHASE II
BEING A REPEAT OF LOT 1, BLOCK 1, COUNTRY LANE COMMERCIAL
ACCORDING TO THE PLAT OF RECORD IN CABINET D, SLIDE 392-A, PLAT
RECORDS OF BELL COUNTY, TEXAS

MAXIMO MORENO, SURVEY, ABSTRACT NO. 14
A SUBDIVISION IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS

PREPARED FOR:
KENNETH H. MITCHELL
1005 SHADY RIVER COURT, NORTH, BENBROOK, TEXAS 76126-2915

NO.	REVISIONS

DATE: 09/30/15
DRN. BY: MJK
REF.:

FB/LB
JOB NO.: 15-802
SHEET 1 OF 1
COMPUTER
DWG. NO. 15-802

13082-D
FILE NO.



PLANNING AND ZONING COMMISSION ITEM MEMORANDUM

11/16/15
Item #4
Regular Agenda
Page 1 of 1

APPLICANTS: John Kiella

CASE MANAGER: Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: P-FY-16-06 Consider and take action on the Final Plat of Heritage Place, Phase IV, Replat No. 1, a 0.884 +/- acre, 3-lot, 1-block residential subdivision, being a replat of Lots 60, 61, and 62, Block 6, Heritage Place, Phase IV, located on the south side of West Nugent Avenue, across from Eberhardt Drive.

STAFF RECOMMENDATION: Staff recommends approval of the Final Plat of Heritage Place, Phase IV, Replat No. 1.

ITEM SUMMARY: The Development Review Committee reviewed the Final Plat of Heritage Place, Phase IV, Replat No. 1 on November 5, 2015. It was deemed administratively complete on November 12, 2015.

Final Plat of Heritage Place, Phase IV, Replat No 1, 3-lot, 1-block residential subdivision, located on the south side of West Nugent Avenue, across from Eberhardt Drive. This replat does not increase the number of existing lots, but it does reflect lot line adjustments to allow for 50 feet of street right-of-way for Kingston Drive at the subdivision's entrance at West Nugent Avenue.

The Temple Heritage Place Property Owners' Association, Inc., will be the easement holder and maintain the area that is labeled landscape and signage easement, located along the east edge of Lot 3 at Kingston Drive. The covenants have been revised to reflect this and are currently being recorded.

Water and sewer services will be provided through existing 8-inch water and sanitary sewer lines

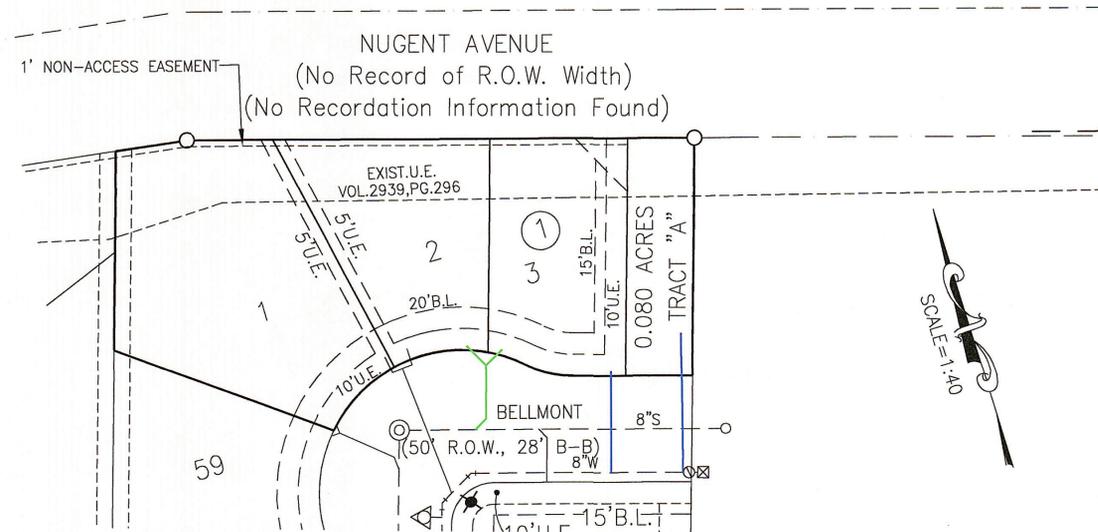
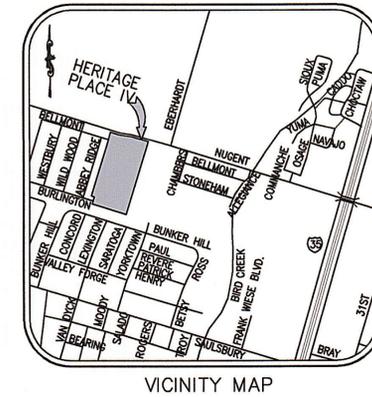
The Planning and Zoning Commission is the final plat authority since the applicant has not requested any exceptions to the Unified Development Code.

FISCAL IMPACT: N/A

ATTACHMENTS:

Plat
Topo Utility Sheet

NOTES:
 CONTRACTOR SHALL COMPLY WITH ALL CURRENT O.S.H.A. REQUIREMENTS REGARDING TRENCH SAFETY AND SHORING.



UTILITY LEGEND

- PROPOSED STREET LIGHT
- PROPOSED DUEL SEWER SERVICE
- EXISTING SEWER LINE WITH SIZE
- EXISTING SEWER MANHOLE
- EXISTING SEWER CLEAN-OUT
- PROPOSED SINGLE WATER SERVICE (1")
- EXISTING WATERLINE WITH SIZE
- EXISTING FIRE HYDRANT
- EXISTING WATER VALVE

GENERAL NOTES:
 ALL CONSTRUCTION TO COMPLY WITH CITY OF TEMPLE DETAIL SHEETS AND SPECIFICATIONS.
 ALL BENDS AND FITTINGS WILL BE DUCTILE IRON MECHANICAL JOINT (D.I.M.J.) MEETING THE SPECIFICATIONS OF ANSI/AWWA C-110-77 OR AWWA 153.
 CONTRACTOR IS RESPONSIBLE FOR DEVELOPING AND MAINTAINING A STORM WATER POLLUTION PREVENTION PLAN.
 SITE TO BE LEFT IN CONDITION EQUAL TO TO BETTER THAN PRE-CONSTRUCTION CONDITION.
 ALL DISTURBED AREAS TO BE SEEDED AND IRRIGATED UNTIL GRASS IS ESTABLISHED.
 CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ANY EXISTING UTILITIES.
 UTILITIES TO BE CONSTRUCTED IN ACCORDANCE WITH TCEQ REGULATIONS.

UTILITY PLAN for:
 HERITAGE PLACE, PHASE IV,
 REPLAT NO. 1

TURLEY ASSOCIATES, INC.
 ENGINEERING • PLANNING • SURVEYING
 CONSTRUCTION MANAGEMENT
 301 N. 3rd ST.
 TEMPLE, TEXAS 76501
 F-1658 (254) 773-2400
 E-MAIL: VDTURLEY@AOL.COM (254) 773-3998

10-13-15

 Jennifer Ryken

UTILITY PLAN for:
**HERITAGE PLACE, PHASE IV,
 REPLAT NO. 1**
 A.G. MOORE SURVEY, ABSTRACT #596
 A SUBDIVISION IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS
 DEVELOPED BY:
KIELLA DEVELOPMENT, INC.
 P.O. BOX 1344
 TEMPLE, TEXAS 76503

REVISIONS	

DATE: October 13, 2015
DRN. BY: JFB
REF.: 07515, 07550 11645-D, 11873-D
FB/LB: DATA COL.
JOB NO.: 15-956
SHEET 2
COMPUTER DWG. NO. 15-856.dwg
11856-D
FILE NO.



PLANNING & ZONING COMMISSION ITEM MEMORANDUM

11/16/15
Item 5
Regular Agenda
Page 1 of 4

APPLICANT: City of Temple

DEPT. /DIVISION SUBMISSION & REVIEW: Brian Chandler, Planning Director

ITEM DESCRIPTION: Hold a public hearing to discuss and recommend action on amendments to Ordinance 2010-4413, Temple Unified Development Code related to regulating Credit Access Businesses (commonly referred to as “Payday Lenders”) and the following specific Articles: Article 5-Use Standards, including specific locational standards; and Article 11-Definitions, providing a definition for Credit Access Businesses.

Credit Access Businesses, which are defined by Chapter 393 of the Texas Finance Code, are commonly referred to as “payday lenders.” Many cities throughout Texas have proposed regulations mirroring a “model ordinance” drafted by TML (Texas Municipal League) that would regulate the lending practices of CAB with the overall objective of providing some limitations on fees and overall interest rates, while other cities have adopted zoning regulations and a few have adopted both. The City of Temple has proposed to adopt both 1) regulations based on the TML model ordinance and 2) zoning standards due to the fact that 15 CABs (see attached list) have opened in Temple (as of June 29, 2015 per the Texas Office of Consumer Credit) and that there is a growing concern that these businesses are beginning to have a negative impact on the lower-income sectors of the community and on associated social service organizations. However, only the proposed zoning regulations would be reviewed by P&Z.

While Temple has 15 CABs, the city also has 22 Licensed Finance Companies (see attached list) that are often confused for being payday lenders; however, they are licensed under Chapter 342 of the Texas Finance Code and, unlike CABs, their fees are capped.

CITY COUNCIL AND P&Z WORKSHOPS

The Credit Access Business topic was discussed with City Council at their August 20th and October 15th workshops. The first presentation was led by Texas Appleseed, a nonprofit organization that advocates against payday lenders, while the second presentation was given by City staff on proposed code amendments related to the TML model ordinance and CAB zoning regulations. Planning staff followed up that discussion with the zoning half of the presentation at the November 2, 2015 P&Z workshop. During both zoning presentations, staff recommended adopting the following standards:

1. Allowing CABs in O-1 (Office 1), O-2 (Office 2), GR (General Retail), C (Commercial), Light Industrial (LI) and HI (Heavy Industrial) zoning districts;
2. Requiring 1000 feet between all CABs;
3. Prohibiting on Major Arterials and Expressways as shown on the Thoroughfare Plan; and
4. Requiring a Conditional Use Permit (CUP)

P&Z advised staff at the workshop to take a closer look at adopting a 200-foot distance requirement from adjacent residential-zoned property per the City of Bryan zoning regulations, rather than requiring a CUP. Staff has more closely evaluated the 200-foot distance requirement versus requiring a CUP, which included a conference call with the City of Bryan’s Planning Manager, Martin Zimmerman. Based on the additional research and conference call discussion, staff has revised the recommendation to accommodate the 200-foot distance requirement for the following reasons:

- CABs could still be located on an estimated 364 properties (that would still be subject to the 1000 feet distance requirement between them)
- However, adding the distance requirement, while eliminating the need for a CUP, combined with the other proposed regulations, CABs would be allowed by right in locations that are:
 1. Not abutting existing or proposed neighborhoods
 2. Not located within Temple’s most visible corridors; and
 3. Are separated from each other, therefore, preventing the future clustering of CABs that we currently have along W. Adams near downtown.
- By eliminating the CUP requirement, it also would also prevent putting P&Z and City Council in the awkward position of having to approve the CUP per the existing CUP criteria in Sec. 3.6, even if they wanted to deny the application.

Staff has reached out to Adam Burklund, who represents a payday lender advocacy organization called the Consumer Service Alliance of Texas, to give them an opportunity to comment on the proposed amendments. As of November 12, 2015, staff had not received a response from Mr. Burklund other than that they would review and let us know whether they had any comments.

The TML model ordinance and zoning regulations are proposed to be considered by City Council on December 3rd (Public Hearing – 1st Reading) and December 17th, 2015 (2nd Reading).

Staff is proposing amending the following articles of the UDC.

Article 5 Use Standards

Staff is proposing amending section 5.1, which currently does not address CABs.

P= Permitted by Right L = Permitted by Right Subject to Limitations
 [blank cell] = Prohibited C= Conditional Use Permit

Specific Use	AG	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	C	CA	U	HI	Standards
consumption, beer and wine store																						
Alcohol beverage sales, off-premise consumption, package store																	C	C	C	C	C	5.3.17
Antique shop														P	P	P	P	P	P	P	P	
Art supply store														P	P	P	P	P	P	P	P	
Bakery or confectionary shop (retail)														P	P	P	P	P	P	P	P	
Bank or savings and loan														P	P	P	P	P	P	P	P	
Barber shop or beauty shop														P	P	P	P	P	P	P	P	
<u>Credit Access Business</u>														<u>P</u>	<u>5.3.26</u>							
Cleaning, pressing and pick up shop														L	L	L	L	L	L	L	L	5.3.18
Cleaning plant (commercial)																	P	P				
Discount or department store																	P	P	P	P	P	
Drug store or pharmacy														P	P	P	P	P	P	P	P	
Exercise gym	C										C	C	C	P	C	P	P	P	P	P	P	

Sec. 5.3.26 Credit Access Business (Specific Use Standards)

A credit access business (commonly referred to as a “payday lender”) may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards:

- A. A credit access business may not be located:
 - 1. Within 1000 feet of another credit access business; or
 - 2. Within 200 feet of a residentially-zoned property (property located within a UE, SF-1, SF-2, SF-3, SFA-1, SFA-2, SFA-3, TH, 2F, MF-1, MF-2 or MF-3 zoning district), or
- B. For purposes of this section, measurements are made in a straight line, without regard to intervening structures or objects, from property line to property line.
- C. A credit access business may not be located on property abutting a Major Arterial road or an Expressway, as identified on the Thoroughfare Plan.

Article 11 Definitions has been amended to add a definition for Credit Access Business to match the language in the Texas Finance Code Chapter 393.221.

Credit Access Business. *Means a credit services organization that obtains for a consumer or assists a consumer in obtaining an extension of consumer credit in the form of a deferred presentment transaction or a motor vehicle title loan.*

PUBLIC NOTICE: The newspaper printed notice of the Planning and Zoning Commission public hearing on November 5, 2015, in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of the proposed amendments.

FISCAL IMPACT: NA

ATTACHMENTS:

[Attachment 1: Draft UDC Code Amendments](#)

[Attachment 2: Map of Potential CAB Locations per Recommended Code Amendments](#)

[Attachment 3: TML City Regulation of Payday and Auto Title Lenders](#)

[Attachment 4: List of Temple CABs](#)

[Attachment 5: List of Temple Licensed Financial Companies](#)

[Attachment 6: Email correspondence with Adam Burklund, Consumer Alliance of Texas](#)

[Attachment 7: Email correspondence with Ann Baddour, Texas Appleseed](#)

City of Temple, Texas



Appendix A of the City Code

Ordinance No. 2010-4413

Adopted 12/16/2010

(Repealed: Appendix to Chapter 32, Streets; Chapter 33, Subdivisions; and Appendix A, Zoning Ordinance, of the City Code)

Effective 12/16/2010

Last Modified 02/05/2015

Last Modified 04/16/2015

Unified Development Code

Article 5: Use Standards

Sec. 5.1. Use Table

P= Permitted by Right L = Permitted by Right Subject to Limitations

[blank cell] = Prohibited C= Conditional Use Permit

Specific Use	AG	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	C	CA	LI	HI	Standards
Rodeo grounds	C																	P		P	P	
Roller or Ice Rink	C																P	P	P	P	P	
Sexually oriented business																					P	Ordinance No. 99-2633
Shooting range (outdoor)	C																			C	C	5.3.16
Swimming pool, commercial	C																C	P	P	P	P	
Theater or playhouse (indoor)															P	P	P	P	P	P	P	
Theater or playhouse (open or drive-in)																		P		P	P	
Zoo	P																C	C	C	P	P	
RESTAURANT USES																						
Restaurant (not drive-in)															P	P	P	P	P	P	P	
Restaurant (drive-in)															P		P	P	P	P	P	
RETAIL SALES AND SERVICE USES																						
Alcohol beverage sales, off-premise consumption, beer and wine store																C	P	P	P	P	P	
Alcohol beverage sales, off-premise consumption, package store																	C	C	C	C	C	5.3.17
Antique shop															P	P	P	P	P	P	P	
Art supply store															P	P	P	P	P	P	P	
Bakery or confectionary shop (retail)															P	P	P	P	P	P	P	
Bank or savings and loan														P	P	P	P	P	P	P	P	
Barber shop or beauty shop															P	P	P	P	P	P	P	
<u>Credit Access Business</u>														<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>5.3.26</u>
Cleaning, pressing and pick up shop															L	L	L	L	L	L	L	5.3.18
Cleaning plant (commercial)																		P	P			
Discount or department store																	P	P	P	P	P	
Drug store or pharmacy															P	P	P	P	P	P	P	

Temple, Texas Unified Development Code

Effective 12/16/10 • Last Amended 04/16/15

5.3.24 Wrecking or Salvage Yard

A wrecking or salvage yard may be permitted in accordance with the use table in Sec. 5.1 provided that the buying and receiving area is set back a minimum of 50 feet from the public street right-of-way.

5.3.25 Kiosk

A kiosk is permitted in accordance with the use table in [Sec. 5.1](#) subject to the following standards:

- A. All of the Dimensional and General Development Standards in Article 4 and Article 7 of this UDC apply to a kiosk as if it were the principal use of the property.
- B. Drive-through kiosks must provide 3, 8-ft by 22-ft. queuing spaces per kiosk service window.
- C. Wall signs on the wall of a kiosk itself are the only sign type allowed for advertising the services of the kiosk. Wall signs on a kiosk are limited to a maximum of 25 percent of the surface area of each wall. Wall signs are permitted only on the sides of a kiosk that are visible from the public right-of-way.
- D. Pedestrian access to the kiosk use must be included from all pedestrian facilities, including but not limited to sidewalks.

Parking that serves as required parking for another use must not be used for either placement of the kiosk or for parking or vehicle maneuvering required by the kiosk unless additional parking exists for the adjacent use and a shared parking agreement is agreed upon by both property owners and submitted with the building permit application.

5.3.26 Credit Access Business (see Sec. 11.2 for definition)

A credit access business (commonly referred to as a “payday lender”) may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards:

- A. A credit access business may not be located closer than:
 1. Within 1000 feet of another credit access business; or
 2. Within 200 feet of a residentially-zoned property (located within the UE, SF-1, SF-2, SF-3, SFA-1, SFA-2, SFA-3, TH, 2F, MF-1, MF-2 or MF-3 zoning districts).
- B. For purposes of this section, measurements are made in a straight line, without regard to intervening structures or objects, from property line to property line.
- C. A credit access business may not be located on property abutting a Major Arterial or an Expressway, as identified on the Thoroughfare Plan.

Article 11: Definitions

Sec. 11.2. Defined Terms

Comprehensive Plan. The comprehensive plan of the City and adjoining areas adopted by the Planning and Zoning Commission and approved by the City Council, including all its revisions. The plan indicates the general locations recommended for various land uses, transportation routes, public and private buildings, streets, parks and other public and private developments and improvements, to include detailed plans for water, sewer, and other public services.

Conditional Use. A use permitted in a particular zoning district only upon showing that such use in a specified location will be compatible and can comply with all the conditions and standards for the location or operation of such a use as specified in this UDC.

Condominium. A building or group of buildings in which units are owned individually, while the structure and common areas and facilities are owned by all the owners on a proportional, individual basis.

Configuration. The form of a building, based on its massing, private frontage and height. [Ord. 2010-4415]

Copy. Letters, characters, illustrations, logos, graphics, symbols or writing designed to communicate information of any kind, to advertise or identify the purpose of a person or entity, to identify or advertise a business or to advertise the sale or lease of a premise.

Correctional Facility. A penal facility including buildings and structures that are inhabited by 6 or more persons who are under restraint or security and are generally incapable of self-preservation due to security measures not under the occupants' control. This definition includes, but is not limited to prisons, jails, reformatories, detention centers, correction centers, and prerelease centers.

Country Club. An area containing a golf course and a clubhouse and available only to private specific membership, such a club may contain adjunct facilities such as private club, dining room, swimming pool, tennis courts and similar recreational or service facilities.

Credit Access Business. Means a credit services organization that obtains for a consumer or assists a consumer in obtaining an extension of consumer credit in the form of a deferred presentment transaction or a motor vehicle title loan.

Cul-de-Sac. A local street with only one street outlet and having an appropriate terminal for the same and convenient reversal of traffic movement.

Curb Line. An imaginary line drawn along the outermost part or back of the curb and gutter on either side of a public street, or, if there is no curb and gutter, along the outermost portion of the paved roadway, or if there is no paved roadway, along the edge of the traveled portion of the roadway.

Dance Hall or Nightclub. An establishment offering to the general public facilities for dancing and entertainment for a fee and subject to licensing and regulation by the City.

Day Camp. A facility arranged and conducted for the organized recreation and instruction of children including outdoor activities on a daytime basis.

Density: The number of dwelling units within a standard measure of land area. [Ord. 2010-4415]

City Regulation of Payday and Auto Title Lenders

November 11, 2015

On October 30, the Office of Consumer Credit Commissioner (OCCC) published proposed administrative rules in the *Texas Register* regarding some aspects of payday and auto title lending. Among other things, the proposed rules outline: (1) the factors the OCCC will consider when reviewing criminal history information and grounds for denial, suspension, and revocation of a credit access business license; (2) OCC's examination and investigation authority regarding credit access businesses; and (3) the recordkeeping requirements applicable to credit access businesses.

Interested cities can review the proposed rules here

(<http://www.sos.state.tx.us/texreg/archive/October302015/Proposed%20Rules/7.BANKING%20AND%20SECURITIES.html#31>).

Comments on the proposal may be submitted to in writing to Laurie Hobbs, Assistant General Counsel, Office of Consumer Credit Commissioner, 2601 North Lamar Boulevard, Austin, Texas 78705-4207 or by email to laurie.hobbs@occc.texas.gov (mailto:laurie.hobbs@occc.texas.gov). To be considered, a written comment must be received at or before 5:00 p.m. on November 30, 2015.

August 12, 2015

On August 11, 2015, Corpus Christi became the 26th Texas city to adopt business regulations governing payday and auto title lenders. The ordinance will be effective 90 days from passage. During the weeks preceding the city's adoption of the ordinance, the Consumer Service Alliance of Texas (CSAT), the statewide trade association for credit access businesses in Texas, made numerous comments on the city's actions.

CSAT pointed out that the federal Consumer Finance Protection Bureau (CFPB) has made public their proposed rules (<http://www.consumerfinance.gov/newsroom/cfpb-considers-proposal-to-end-payday-debt-traps/>) for short term consumer lending across the country.

CSAT claimed in an email to the city that the ordinance (which is the example provided at the bottom of this page) "would be in direct conflict with many of the provisions being considered by the CFPB, and would make you the first city (to my knowledge) in Texas to adopt this flawed and capricious ordinance." In response, Corpus Christi Mayor Nelda Martinez stated that "many people who take out these loans get trapped and end up losing everything, it sets them up for failure. We are going to protect those who we were elected to protect." The CSAT comments and the city's response are available [here \(/p/Corpus%20Christi%20CSAT%20comment%20letter%20and%20City%20response.pdf\)](#).

To the best of TML's knowledge, the following cities have enacted "business regulations" over payday lenders that are similar to the example ordinance available from TML:

1. Austin
2. Amarillo
3. Angleton
4. Balcones Heights
5. Baytown
6. Bellaire
7. Bryan
8. Brownsville
9. College Station
10. Corpus Christi
11. Dallas
12. Denton
13. Dickinson
14. El Paso
15. Flower Mound
16. Galveston
17. Garland
18. Houston
19. Midland
20. Pharr
21. San Antonio
22. Sequin
23. Somerset
24. South Houston
25. Universal City
26. West University Place
27. Willis

The following cities have enacted land use regulations:

1. Austin
2. Belton
3. Brownsville
4. Bryan
5. Corinth
6. Farmers Branch
7. Garland
8. Irving
9. Little Elm
10. Mesquite
11. Missouri City
12. Richardson
13. Sachse
14. Saginaw
15. Watauga

The following cities have enacted a resolution calling on the legislature to leave municipal

authority in place:

1. Lubbock
2. Somerset

June 12, 2015

On June 4, the Fort Worth Court of Appeals issued a memorandum opinion in the case of *Ace Cash Express, Inc. v. City of Denton*. Ace Cash Express claimed that Denton's ordinance (which is essentially the same as the example available on this page) overwhelmed customers, increased default rates, caused a significant decrease in revenue, and could lead to the closure of at least one of its two Denton locations. It sought an injunction and declaratory judgment that the ordinance exceeded Denton's police power, violated due process, and exceeded the city's constitutional authority. The court disagreed, holding for the city on all claims. The opinion is available under "Denton" on the Lawsuit Pleadings (/payday-lawsuit-pleadings) page.

May 1, 2015

To the best of TML's knowledge, the following cities have enacted "business regulations" over payday lenders that are similar to the example ordinance available from TML:

1. Austin
2. Amarillo
3. Angleton
4. Balcones Heights
5. Baytown
6. Bellaire
7. Bryan
8. Brownsville
9. College Station
10. Dallas
11. Denton
12. Dickinson
13. El Paso
14. Flower Mound
15. Galveston
16. Garland
17. Houston
18. Midland
19. San Antonio
20. Sequin
21. Somerset
22. South Houston
23. Universal City
24. West University Place

25. Willis

The following cities have enacted land use regulations:

1. Belton
2. Brownsville
3. Bryan
4. Corinth
5. Farmers Branch
6. Garland
7. Irving
8. Little Elm
9. Mesquite
10. Missouri City
11. Richardson
12. Sachse
13. Saginaw
14. Watauga

The following cities have enacted a resolution calling on the legislature to leave municipal authority in place:

1. Lubbock
2. Somerset

If your city has adopted regulations and is not shown on this list, please email Scott Houston, TML general counsel, at shouston@tml.org (mailto:shouston@tml.org).

September 17, 2014, Update

To the best of TML's knowledge, the following cities have enacted "business regulations" over payday lenders that are similar to the example ordinance available from TML:

1. Austin
2. Amarillo
3. Balcones Heights
4. Baytown
5. Bellaire
6. Bryan
7. College Station
8. Dallas
9. Denton
10. Dickinson
11. El Paso
12. Flower Mound
13. Galveston
14. Garland
15. Houston

16. Midland
17. San Antonio
18. Somerset
19. South Houston
20. Universal City
21. West University Place

The following cities have enacted land use regulations:

1. Belton
2. Brownsville
3. Bryan
4. Corinth
5. Farmers Branch
6. Garland
7. Irving
8. Little Elm
9. Mesquite
10. Missouri City
11. Richardson
12. Sachse
13. Saginaw
14. Watauga

The following cities have enacted a resolution calling on the legislature to leave municipal authority in place:

1. Lubbock
2. Somerset

If your city has adopted regulations and is not shown on this list, please email Scott Houston, TML general counsel, at shouston@tml.org (mailto:shouston@tml.org).

May 15, 2014 Update

Style	Case/Cause No.	Court	Status
CSAT, et al. vs. City of Dallas	05-13-00255-CV	5 th Court of Appeals Dallas	Oral Argument: 3/25/14
TitleMax, et al. vs. City of Austin	D-1-GN-12-001780	98 th District Court Travis County	Pending
CSAT, et al. vs. City of Denton	2013-60479-393	393 rd District Court Denton County	4/1/14: Order granting City of Denton's Motion to Dismiss with Prejudice
ACE Cash, et al. vs. City of Denton	2013-1-564-16	16 th District Court Denton County	4/17/14: Order Granting Defendant's Plea to Jurisdiction Entered 5/7/14: N/Appeal filed by Ace; Case appealed to the 2 nd Court of Appeals – Ft. Worth
CSAT vs. City of San Antonio	2012-CI-20520	285 th District Court Bexar County	Pending

April 24, 2014, Update

To the best of TML's knowledge, the following cities have enacted "business regulations" over payday lenders that are similar to the example ordinance available from TML:

1. Austin
2. Balcones Heights
3. Bellaire
4. Bryan
5. College Station
6. Dallas
7. Denton
8. El Paso
9. Flower Mound
10. Garland
11. Houston
12. San Antonio
13. Somerset
14. Universal City
15. West University Place

The following cities have enacted land use regulations:

1. Baytown
2. Brownsville
3. Corinth
4. Garland
5. Irving
6. Little Elm
7. Mesquite
8. Missouri City

9. Richardson
10. Sachse
11. Watauga

The following cities have enacted a resolution calling on the legislature to leave municipal authority in place:

1. Lubbock

If your city has adopted regulations and is not shown on this list, please email Scott Houston, TML general counsel, at shouston@tml.org (mailto:shouston@tml.org).

April 3, 2014, Update

To the best of TML's knowledge, the following cities have enacted "business regulations" over payday lenders that are similar to the example ordinance available from TML:

1. Austin
2. Balcones Heights
3. Bryan
4. College Station
5. Dallas
6. Denton
7. El Paso
8. Flower Mound
9. Garland
10. Houston
11. San Antonio
12. Somerset
13. West University Place

The following cities have enacted land use regulations:

1. Irving
2. Little Elm
3. Mesquite
4. Richardson
5. Sachse
6. Watauga

The following cities have enacted a resolution calling on the legislature to leave municipal authority in place:

1. Lubbock

If your city has adopted regulations and is not shown on this list, please email Scott Houston, TML general counsel, at shouston@tml.org (mailto:shouston@tml.org).

Last February, the preemption lawsuit against the City of San Antonio was dismissed. The lawsuit may be back, but for now the dismissal is a victory for the city.

On March 25, the City of Dallas lawsuit was argued on appeal to the Fifth District Court of Appeals. The briefs are available under the “Lawsuit Pleadings” link on the left side of this page, and the following chart (provided by Joe Gorfida with Nichols, Jackson, Dillard, Hager & Smith, LLP) is an update on the status of the lawsuits:

Lawsuit Update

Style	Case/Cause No.	Court	Status
CSAT, et al. vs. City of Dallas	05-13-00255-CV	5 th Court of Appeals Dallas	Oral Argument: 03/25/14
TitleMax, et al. vs. City of Austin	D-1-GN-12-001780	98 th District Court Travis County	Pending
CSAT, et al. vs. City of Denton	2013-60479-393	393 rd District Court Denton County	Plaintiff’s non-suit granted; Defendant’s counterclaim is pending
ACE Cash, et al. vs. City of Denton	2013-1-564-16	16 th District Court Denton County	3/20/14: Hearing on Defendant’s Plea to Jurisdiction 04/28/14: Trial Setting
CSAT vs. City of San Antonio	2012-CI-20520	285 th District Court Bexar County	Pending

January 9, 2014, Update

Questions about state regulators have prompted recent press reports and correspondence from senators. The *El Paso Times* ran an [article](http://www.elpasotimes.com/news/ci_24816415/texas-governor-candidate-wendy-davis-calls-officials-removal?source=most_viewed) (http://www.elpasotimes.com/news/ci_24816415/texas-governor-candidate-wendy-davis-calls-officials-removal?source=most_viewed) on the subject, and three Texas senators sent a [letter](#) ([/p/Payday%20Letter.pdf](#)) to the Chairman of the Texas Finance Commission asking for his resignation.

October 25, 2013, Update

Some cities, in addition to or in lieu of lender transaction regulations, have enacted various land use measures to address the proliferation of the lender storefronts. An informal [survey](#) ([/p/SUMMARY%20OF%20TEXAS%20LOCAL%20%20ORDINANCES.pdf](#)) of Texas ordinances prepared by Texas Appleseed is now available, as well as a [report](#) (<http://www.consumerfed.org/pdfs/Resources.PDL.LocalOrdinanceManual11.13.12.pdf>) by national consumer groups.

August 23, 2013, Update

City officials interested in payday lending should know that, at the League's Annual Conference and Exhibition on Thursday, October 10, a panel will discuss the ins-and-outs of this type of regulation:

Payday Lending: Are Cities the Last Line of Defense?

City officials across the state have seen the proliferation of payday and auto title lender storefronts. How can these lenders negatively affect your citizens? What has the state done (or not done) to reign in predatory lending practices? What happened during the 2013 regular legislative session that leaves cities as the last line of defense? In this session, you'll earn the answers to these questions, how some cities are taking matters into their own hands, and about the lawsuits filed by the industry.

Moderator:

Scott Houston, Deputy Executive Director and General Counsel, Texas Municipal League

Panel Members:

The Honorable Bill Spelman, Councilmember, City of Austin

Meghan Riley, Litigation Division Chief, City of Austin

Jerry Drake, Deputy City Attorney, City of Denton

Laura Gordon, Deputy City Attorney, City of El Paso

To register for the League's Annual Conference and Exhibition, visit www.tmlconference.org (<http://www.tmlconference.org>).

August 2, 2013, Update

The Town of Flower Mound has become the seventh Texas city to adopt an ordinance. In addition, some cities asked about what fee is appropriate to charge for a permit under the League's example ordinance. The Flower Mound ordinance sets the registration fee at \$50, and that is common. Of course, the common law rule is that a fee should approximate the amount needed to administer the ordinance. Thus, the fee amount can be set by each city accordingly.

In addition, the Flower Mound ordinance provides that "any lot containing a credit access business establishment shall be located at least one thousand (1,000') feet from any lot containing another credit access business establishment, as measured in a straight line between the nearest points of one lot to the other lot." To view the ordinance, **click here ([/p/Flower%20Mound%20Payday%20Ordinance.pdf](#))**. To view the agenda cover sheet, **click here ([/p/FM%20Agenda%20Cover%20Sheet%20for%20Credit%20Access%20Businesses%20\(Payday%20Lenders\)%20Ordinance%207-3-13.pdf](#))**.

July 26, 2013, Update

"Our efforts to reform payday lending in the state legislature are at a stalemate. To make progress at the state level, we must act locally by encouraging our city leaders to pass city ordinances regulating predatory lending."

-- Rep. Mike Villarreal (D – San Antonio), Chairman of the Texas House Committee on Investments and Financial Services

While many other states have enacted laws to restrict predatory lending practices, meaningful reforms have failed to pass the Texas Legislature in the last three sessions. Free of any statewide cap on lending fees, limits on loan rollovers, and other restrictions, the number of payday and auto title loan stores in Texas has exploded with over 2,000 new storefronts opening in the last six years. In the absence of state action, Texas cities are stepping up to adopt ordinances to protect their citizens from some of the worst predatory practices of this industry.

Background

Payday lending is a practice where a person can walk into a store, typically located in a strip mall, and take a cash advance on his or her next paycheck. Most such businesses offer a similar cash advance with a car's title as collateral. The interest rates on the loans are very high. In fact, legal loopholes used by the lenders exempt them from the state's usury laws.

Interest rates, when fees are included, often exceed 500 percent APR. Fifteen states limit the APR to 36 percent. The products are marketed as two-week or one-month loans, but the vast majority of borrowers refinance, often six to ten times. In addition to the traditional short-term payday loan, companies have started to offer expensive longer term installment loans. One company offers a five-month installment loan for \$1500. Customers must pay back over \$3,862, an APR of 612 percent.

Borrowers who fall behind on payments can refinance multiple times; meanwhile, the interest and other fees keep piling up. It's not uncommon on the auto title lending side for people to lose their car altogether after multiple refinancings.

In Texas and across the country, the payday and auto title lender industry (also known as the "credit access business") has grown dramatically. The Texas Office of Consumer Credit Commissioner (OCCC) reports that there are an estimated 3,000 credit access business locations in Texas alone. With the proliferation of the credit access business industry comes increased concerns about the harmful effects of Texas citizens entering a cycle of debt and dependency. Some cities are also concerned about public safety and the effect the businesses may have on property values. As a result, both the state legislature and a handful of Texas cities have taken steps to regulate this industry.

In 2011, the legislature addressed some of these concerns by passing legislation that both requires credit access businesses to provide consumer disclosures regarding their loan products, fees, interest charges, and percentage rates, as well as requires them to obtain a license with the OCCC (operating under the oversight of the Finance Commission of Texas), which in turn has some ability to examine these businesses. Some Texas cities viewed the 2011 legislation as insufficient to address the growth in the credit access business industry in their communities, and have since adopted ordinances that place additional restrictions on these businesses. The ordinances that have been adopted include zoning restrictions, substantive business regulations such as a limitation on the total amount of the loan, or both.

Several bills were filed during the 2013 legislative session that would have increased regulation of the credit access business industry. Other bills were filed at the behest of the credit access business lobby that would have preempted all city ordinances regulating the industry, including (in some cases) generally-applicable zoning and other health and safety ordinances. In the

end, no legislation dealing with payday and auto title lenders passed in 2013. Consequently, under current law cities are not expressly prohibited from adopting ordinances regulating the credit access business industry in any way, including ordinances restricting business practices.

City Ordinances

In response to the state legislature's failure to adopt any substantive statewide regulation of credit access businesses, a handful of cities have adopted ordinances aimed at ending the cycle of debt and helping borrowers to be successful in paying back their loans. As of the spring of 2013, the cities that adopted ordinances were Austin, Balcones Heights, Dallas, Denton, El Paso, and San Antonio. There are likely to be more at the time of this publication. All of these cities – except for Balcones Heights – have been sued by the credit access business industry, with the industry claiming that the cities are preempted from regulating credit access businesses since the legislature gave the OCCC some authority to regulate in 2011. (Balcones Heights has suspended enforcement of its ordinance pending the outcome of the San Antonio lawsuit.)

When payday and auto title lenders argued before the legislature for preemption of all city ordinances regulating credit access businesses, chief among their policy arguments was the notion that it would be too administratively difficult to keep track of the different “patchwork of regulation” that exists from city to city. This argument falls flat in two ways. First, only six out of roughly 1,200 Texas cities have adopted ordinances. Second, the ordinances adopted by these six cities are all but identical in how they regulate the lending practices of credit access businesses. Key features of all six ordinances include the following provisions:

- A credit access business must apply for and receive a certificate of registration from the city.
- A credit access business must maintain complete records of all loans made by the business for at least three years and make the records available to the city for inspection upon request.
- The amount of a payday loan may not exceed 20 percent of the consumer's gross monthly income.
- The amount of an auto title loan may not exceed the lesser of three percent of the consumer's gross annual income or 70 percent of the retail value of the motor vehicle.
- Any loan from a credit access business that provides for repayment in installments may not be payable in more than four installments, and the proceeds from each installment must be used to repay at least 25 percent of the principal amount of the loan. No renewals or refinancing of installment-payment loans are permitted.
- Any loan from a credit access business that provides for a single lump sum repayment may not be refinanced or renewed more than three times, and the proceeds from each refinancing or renewal must be used to repay at least 25 percent of the principal amount of the loan.
- Any loan made to a consumer within seven days of a previous loan has been paid by the consumer constitutes a refinancing or renewal.

Cities contemplating the adoption of an ordinance regulating the lending practices of credit access businesses should consider adopting substantially similar regulations to those adopted by the six cities mentioned above. If Texas cities that wish to regulate in this area continue to adopt essentially uniform ordinances, credit access businesses will not be able to use the argument that city ordinances vary from city-to-city if they seek preemption legislation in 2015.

City officials should be aware that adoption of any ordinance regulating credit access businesses will likely cause stakeholders representing the payday and auto title lending industry to file a lawsuit. To assist cities that may be facing such a lawsuit, TML has created this "payday lending clearinghouse" webpage. This page includes the pleadings in each lawsuit that has been filed. In addition, it includes an example ordinance that consolidates the features of the similar city ordinances, as well as additional information.

Each city should consult with local legal counsel prior to adopting any ordinance. That is particularly true in this instance.

[Example Ordinance \(/payday-example-ordinance\)](#)

[Helpful Links \(/payday-helpful-links\)](#)

[Lawsuit Proceedings \(/payday-lawsuit-pleadings\)](#)

Texas Municipal League 1821 Rutherford Lane, Suite 400 Austin, Texas 78754 512-
231-7400 [Terms & Conditions of Use \(/p/TML%20Website%20Terms%20and%20Conditions%20of%20Use_7%2030%2013_SH.pdf\)](#) ([/p/10reasonsTMLAssociate.pdf](#))



(<http://www.facebook.com/TexasMunicipalLeague>)



(http://www.twitter.com/TML_Texas)

CABs

	Licensed Location Number	License DBA	License Address 1	License City	License Zip	License State	License Phone	License Status	License Licensed
1	61993	**EZPAWN	24 S 1ST	TEMPLE	76501	TX	2547736411	Active	3/30/2012
2	62010	**EZMONEY LOAN SERVICES	1205 W. ADAMS	TEMPLE	76501	TX	512-597-5856	Active	3/30/2012
3	60175		211 N GENERAL BRUCE DR	TEMPLE	76504	TX	2547733442	Active	3/16/2012
4	60356	ADVANCE AMERICA	2910 S 31ST STREET	TEMPLE	76502	TX	2547749143	Active	2/29/2012
5	60778	CHECK N GO	1616A SOUTHWEST H K DODGEN LOOP	TEMPLE	76504	TX	2548991161	Active	3/2/2012
6	61953	LOANSTAR TITLE LOANS	1303-1307 WEST ADAMS AVE	TEMPLE	76501	TX	2547420278	Active	3/16/2012
7	67530	TITLEMAX	1109 W ADAMS AVE	TEMPLE	76504	TX	912-525-2675	Active	12/20/2013
8	66566	TITLEMAX	2715 THORNTON LN	TEMPLE	76502	TX	912-525-2675	Active	10/4/2013
9	60841	FIRST CASH ADVANCE	2668 S 31ST STREET SUITE D	TEMPLE	76504	TX	2547421266	Active	12/31/2011
10	60937	FIRST CASH PAWN	3002 SW HK DODGEN LOOP	TEMPLE	76504	TX	2547746858	Active	12/30/2011
11	60962	FIRST CASH ADVANCE	110 N 27TH STREET	TEMPLE	76504	TX	2547711210	Active	12/31/2011
12	62714	STAR OF TEXAS FINANCIAL SOLUTIONS LLC	212 W ADAMS AVE	TEMPLE	76501	TX	2547741400	Active	5/10/2012
13	61490	ACE CASH EXPRESS #1519	2603 THORNTON LN STE 140	TEMPLE	76502	TX	2547749958	Active	2/15/2012
14	61590	ACE CASH EXPRESS #1520	1416 S 31ST ST	TEMPLE	76504	TX	2547919100	Active	2/15/2012
15	66677	PRESTO	1309 W ADAMS	TEMPLE	76504	TX	2547710700	Active	12/6/2013

*source: Texas Office of Consumer Credit (June 29, 2015)

**EZ Pawn has announced that they would be discontinuing their payday and auto title lending and just focusing on Pawn (possible they will no longer hold those licenses in the near future)

Notes: licensed under Chapter 393 of the Texas Finance Code, the Credit Services Organization Act

they are loan brokers

uncapped fee, resulting in APRs of 500% or higher for payday loan transactions

this method of operation was adopted by payday and auto title loan businesses in 2005 as a way around complying with rat and fee caps under Chapter 342

because the CSO Act was never intended to regulate consumer loans, there are a lot of areas related to consumer loans not addressed in the law

this leaves home rule cities significant authority to adopt ordinances to address problems in the CAB market

Definition: "Credit access business" means a credit services organization that obtains for a consumer or assists a consumer in obtaining an extension of consumer credit in the form of a deferred presentment transaction or a motor vehicle title loan.

Licensed Finance Companies

	License Number	License DBA	Location Address 1	Location City	Location Zip	Location State	Location Phone	License Status	License Licensed	License Canceled
1	56708	WORLD FINANCE CORPORATION	221 W ADAMS AVE	TEMPLE	76501	TX	2547712901	Active	4/12/2010	
2	10901		1005 MARLANDWOOD RD #111	TEMPLE	76502	TX	5126080035	Active	9/25/2012	
3	117		3809 S GENERAL BRUCE DR	TEMPLE	76502	TX	4103323000	Active	7/1/2011	
4	152830	TitleMax	1109 W ADAMS AVE	TEMPLE	76504	TX	254-774-1877	Active	4/17/2015	
5	152829	TitleMax	2715 THORNTON LANE	TEMPLE	76502	TX	254-774-6944	Active	4/17/2015	
6	151247	BELL FINANCE	1102 W ADAMS AVE STE C	TEMPLE	76501	TX	254-773-2333	Active	7/11/2014	
7	151150		2 SOUTH MAIN ST	TEMPLE	76501	TX	254-778-3678	Active	8/1/2014	
8	65866	PAYMENT 1 FINANCIAL	1229 B S 31ST ST	TEMPLE	76504	TX	555-555-5555	Active	4/26/2013	
9	55648		1412 W ADAMS AVE	TEMPLE	76504	TX	2547713442	Active	8/27/2009	
10	52803	REGIONAL FINANCE	2314 W ADAMS ST NEON SQUARE SHOPPING CENTER	TEMPLE	76504	TX	2547714145	Active	1/18/2008	
11	52090	FIRST FINANCE & FURNITURE	108 S MAIN	TEMPLE	76501	TX	2547734452	Active	10/12/2007	
12	8497		1408 S 31ST STREET STE F	TEMPLE	76504	TX	254-791-0305	Active	1/28/2013	
13	7620		108 N 27TH ST	TEMPLE	76504	TX	254-778-0189	Active	8/27/2009	
14	7563		1408 SOUTH 31ST STREET STE D	TEMPLE	76501	TX	254-742-0155	Active	3/19/1993	
15	7430		2 S FIRST ST	TEMPLE	76501	TX	254-778-0048	Active	8/21/1992	
16	6942	SUN LOAN COMPANY	916 S 31ST ST STE A	TEMPLE	76501	TX	254-770-1116	Active	4/13/2009	
17	6177	WESTERN FINANCE	8 E CENTRAL AVE	TEMPLE	76501	TX	2547713255	Active	4/11/2008	
18	5954	SERVICE LOAN COMPANY	215 W ADAMS ST	TEMPLE	76501	TX	254-778-0070	Active	7/3/2006	
19	5422	PREFERRED LOANS	11 E AVE B	TEMPLE	76501	TX	2547562081	Active	6/23/1989	
20	3732		6 1/2 E AVE A	TEMPLE	76501	TX	254-778-4777	Active	1/8/1990	
21	2284	FAMILY LOANS OF TEMPLE	10 E AVE A	TEMPLE	76501	TX	254-778-5241	Active	9/1/1976	
22	1265	WORLD FINANCE CORPORATION	1610 S 31ST ST STE 104	TEMPLE	76504	TX	2547785264	Active	11/16/1989	

*source: Texas Office of Consumer Credit (June 29, 2015)

Notes: licensed finance companies are finance companies licensed under Chapter 342 E or F of the Texas Finance Code
 both of these business types are direct lenders and are subject to fairly substantial regulatory oversight
 the CAB ordinances do not address this area of lending, as it is substantially regulated at the state level with rate and fee caps
 high caps, but still substantially lower than paybe and auto title charges.

342 E lenders are limited to a maximum of a \$100 fee plus 30% interest
 they are permitted to sell certain types of credit insurance along with a loan

342F lenders generally have their loans capped at around \$1300
 they can charge a 10% fee, plus a \$4 per \$100 borrowed per month
 they are not permitted to see certain types of credit insurance with a loan
 these loans are generally 6-month installment loans
 carry an APR of around 90%

Brian Chandler

From: Adam Burklund <adam@burklundconsulting.com>
Sent: Wednesday, November 11, 2015 9:25 AM
To: Brian Chandler
Subject: RE: Proposed Credit Access Business Zoning Regulations

Brian,

Thank you for the update. We will review it and be in touch with any questions.

Regards,

Adam Burklund
Burklund Consulting
1122 Colorado Street
Westgate Building, Suite 2320
Austin, TX 78701
Office: (512) 476-1117
Cell: (512) 787-1397

From: Brian Chandler [mailto:bchandler@templetx.gov]
Sent: Wednesday, November 11, 2015 9:15 AM
To: Adam Burklund <adam@burklundconsulting.com>
Subject: RE: Proposed Credit Access Business Zoning Regulations

Good morning, Mr. Burklund. I wanted to give you a quick update on our proposed zoning regulations for CABs. Based on feedback received from our Planning and Zoning Commission at a 11/2 workshop, staff's recommendation will be to not require a Conditional Use Permit for CABs, but instead to add the 200' distance requirement from residentially-zoned properties instead. As a result, it would certainly further limit where CABs could be located. However, it would also eliminate the uncertainty of a CUP process and would, therefore, allow CABs by right subject to location and distance requirements within the zoning districts listed below. I've attached the draft amendments for your review. Please let me know if you have any comments or concerns. Thank you.

Brian

From: Brian Chandler

Sent: Friday, October 30, 2015 9:43 AM

To: 'adam@burklundconsulting.com'

Subject: Proposed Credit Access Business Zoning Regulations

Good morning, Mr. Burklund. Kayla Landeros, City Attorney, provided me with your contact information. I understand that you have had contact with her regarding the City of Temple's proposed adoption of the TML model ordinance regulating CABs. During that City Council workshop in August regarding the CAB discussion, direction was given for to look into potential zoning regulations for CABs, which I have done and which I wanted to share with you. I have copied slides showing the following below:

- The proposed zoning standards proposed here in Temple to regulate CABs

Please review and perhaps we can discuss either by phone or in person next week. I'm in the process of drafting code amendments reflecting this concept that would go to our Planning and Zoning Commission on 11/16, followed by City Council on 12/3. In the meantime, please let me know if you have any questions. Thanks for your time.

Recommendations (Option 1)

1. Distance requirements

- 1000' between
- Originally considered 200' distance from residential zoning district or use, but would not recommend...
 - Determined that the direct impact on neighbors would be limited and could be addressed through CUP on a case-by-case basis

2. Allow in:

- O-1, O-2, GR, C, LI and HI Districts

3. Require a Conditional Use Permit (CUP) subject to the existing **UDC** criteria

3.5.4 CUP Review Criteria

- A. Compatible with and *does not significantly diminish or impair property values within the immediate vicinity*
- B. 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
- D. Provide for the safe and convenient movement of vehicular and pedestrian traffic
- E. Adequate nuisance prevention measures related to controlling offensive odors, fumes, dust, noise and vibration
- F. Directional lighting is provided so as not to disturb or adversely affect neighboring properties
- G. Sufficient landscaping and screening to insure harmony and compatibility with adjacent property

Recommendations (Option 1)

4. Prohibit on Major Arterials or Above

- I-35
- Adams Ave.
- Central Ave.
- S. 31st Street
- 1st and 3rd Streets
- FM 93
- SH 317
- Airport Rd.
- Outer Loop
- HK Dodgen Loop
- W. and E. Avenue H
- Canyon Creek Dr./Blackland Rd.

Note: Could be located along the following Minor Arterials, subject to the other proposed standards:

- FM 2271, FM 2438, Prairie View Rd., Poison Oak, Westfield Blvd., N. Kegley Rd., Mouser Rd., Central Pointe Pkwy, Charter Oak Dr., Midway Dr., Hickory Rd., S. 57th St., Marlandwood Rd., Little River Rd., MLK Jr. Dr., S. 25th St., W. Ave. M, N. 31st St., W. Nugent Ave., Wendland Rd., Eberhardt Rd., Lucius McElvey, Industrial Blvd., Zenith Ave.



Sincerely,
Brian

Dessie Redmond

From: Ann Baddour <abaddour@texasappleseed.net>
Sent: Thursday, October 08, 2015 3:03 PM
To: Dessie Redmond
Subject: RE: Payday Lender Locations in Temple

Licensed finance company is a finance company licensed under Ch. 342 E or F of the Texas Finance Code. These businesses are often confused with payday lenders—in my experience, even consumers don't necessarily know the difference. However, there are many substantive differences. The main differences are the transaction structure and the cost.

342 E lenders are limited to a maximum of a \$100 fee plus 30% interest. Springleaf and One Main Financial are some of the biggest operators in this space, though there are others as well. They are also permitted to sell certain types of credit insurance along with a loan.

342 F lenders generally have their loans capped at around \$1,300. They can charge a 10% fee, plus a \$4 per \$100 borrowed per month. They are not permitted to sell credit insurance. These loans are generally six-month installment loans and carry an APR of around 90%.

These businesses are direct lenders and are subject to fairly substantial regulatory oversight. The CAB ordinances do not address this area of lending, as it is substantially regulated at the state level with rate and fee caps—high caps, but still substantially lower than payday and auto title charges.

CABs are licensed under Ch. 393 of the Texas Finance Code, the Credit Services Organization Act. They are loan brokers and their fees are uncapped, resulting in APRs of 500% or higher for payday loan transactions. This method of operation was adopted by payday and auto title loan businesses in 2005, as a way around complying with the rate and fee caps under Chapter 342. Because the CSO Act was never intended to regulate consumer loans, there are a lot of areas related to consumer loans not addressed in the law, leaving home rule cities significant authority to adopt ordinances to address problems in the CAB market.

I hope this clarifies things.

Thanks,

Ann

From: Dessie Redmond [mailto:dredmond@templetx.gov]
Sent: Thursday, October 08, 2015 2:49 PM
To: Ann Baddour <abaddour@texasappleseed.net>
Subject: RE: Payday Lender Locations in Temple

Hi Ann-

This is great information it will be very useful as we dig into code amendments. Thank you very much!

Follow-up question: What is the difference between CABs and Licensed Finance companies? I pulled the definition of CABs the Texas Finance Code but couldn't find any definition for Licensed Finance companies. The "payday lenders" list we compiled before reaching out to you included some businesses on the 342-E and 342-F lists and I want to make sure we are amending the code so it affects the right business.

Thanks for your help. Very much appreciated!

Dessie

From: Ann Baddour [<mailto:abaddour@texasappleseed.net>]
Sent: Thursday, October 08, 2015 12:20 PM
To: Dessie Redmond
Subject: Payday Lender Locations in Temple

Hello Dessie,

Attached is data I received from the Texas Office of Consumer Credit Commissioner on June 29th of 2015. I created a new tab in the data set that includes all the active licensed store locations in Temple. The full list includes the entire state, with active, surrendered, canceled, and various other statuses. The other tab—342-E and 342 F lenders included licensed finance companies. It is not relevant to your inquiry, but wanted to share the original documents with you, so you can clearly see the source.

I noticed that two of the licensed CAB locations in Temple are with Texas EZ Pawn. They announced in August that they would be discontinuing their payday and auto title lending and just focusing on Pawn, so it is possible they no longer hold those licenses. Otherwise, it should be up to date.

Please let me know if I can be of any further help.

Sincerely,

Ann

----- Forwarded message -----

From: Dana Edgerton <Dana.Edgerton@occc.texas.gov>
Date: Mon, Jun 29, 2015 at 1:00 PM
Subject: Re: Number of CAB, 342 E and F licensees
To: Ann Baddour <abaddour@texasappleseed.net>

OR-15-221

Ms. Baddour:

Attached is the list responsive to your request for CABs and 342 E and F licensees. Please feel free to contact me if you have any other questions.

I hope this information is helpful to you as this correspondence completes and closes this request. Thank you.

Sincerely,

Dana D. Edgerton
Public Information Officer

Office of Consumer Credit Commissioner
2601 N. Lamar Blvd
Austin, Texas 78705

[512.936.7639](tel:512.936.7639) phone
[512.936.7610](tel:512.936.7610) fax
www.occ.state.tx.us

>>> Ann Baddour <abaddour@texasappleseed.net> 6/15/2015 10:26 AM >>>
Dana,

Could you share with me the latest data for CAB and 342 E and F licensees?

Thanks,

Ann

Ann Baddour

Director, Fair Financial Services Program

Texas Appleseed

1609 Shoal Creek Blvd, Suite 201

Austin, TX 78701

[512-473-2800](tel:512-473-2800) X104

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PLANNING AND ZONING COMMISSION AGENDA ITEM

11/16/15
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
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 Pending	All County Surveying
P-FY-15-28 - Consider and take action on the Final Plat of Heritage Crossing, a 9.587 +/- acre, 5-lot, 1 block, non-residential subdivision, located at the northeast corner of West Adams Avenue and Research Parkway, situated in the Nancy Chance Survey, Abstract No. 5, City of Temple, Bell County, Texas.	DRC 5/04/15 Awaiting revisions from applicant	Turley Associates
P-FY-15-36 - Consider and take action on the Final Plat of Morgan Ridge Estates, a 5.143 +/- acre 2-lot, 1-block residential subdivision within the E.T.J of the City of Temple. Bell County , Texas, being a portion of the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located at the southwest corner of the Morgan Drive and Hartrick Bluff Road intersection	DRC 7/06/15 (administrative approval) awaiting revisions from applicant	All County Surveying
P-FY-15-42 - Consider and take action on the Final Plat of Wilson Addition, a 3.530 +/- acre, 2-lot, 1-block subdivision situated in the Stephen P. Terry Survey, Abstract No. 812, Bell County, Texas, located on the south side of FM 2305, east of Arrowhead Point and west of Woodland Trails, partly in the Temple City limits and western ETJ.	DRC on 9/08/15 Awaiting Revisions from Applicant	Turley Associates
P-FY-15-44 - Consider and take action on the Final Plat of Marjorie Addition, a 5.32 +/- acre, 2-lot, 1-block residential subdivision, located at the northwest corner of Charter Oak Drive and Dusty Lane.	Released for recordation	All County Surveying

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	Advanced Surveying and Mapping
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.	DRC 10/19/15 Awaiting Revisions from applicant	Ron Carroll
P-FY-16-03 - Consider and take action on the Final Plat of Drive Time Addition, a 1.339 +/- acre, 1-lot, 1-block nonresidential subdivision, situated in the REDDING ROBERTS SURVEY, Abstract 692, Bell County, Texas, located at the southwest corner of the intersection of S. General Bruce Drive and Ira Young Drive.	DRC 10/19/15	All County Surveying
X-FY-16-01 - Consider a Voluntary Annexation Petition for Texas JB Investments, 20.855 +/- acre tract of land situated in the Sarah Fitzpatrick Survey, Abstract #312, Temple, Bell County, Texas, located on the north side of State Highway 36 and the intersection at Moffat Road	Awaiting revisions to petition before scheduling for City Council	Jennifer Beck
P-FY-16-07 - Consider and recommend action on the Preliminary Plat of Highline Addition, a 40-389 +/- acres, 9-lot, 1-block, nonresidential subdivision, being a part of the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, located on the northwest corner of South 31st Street and Scott Boulevard.	DRC 11-25-15	Advanced Surveying and Mapping
Z-FY-16-03 - Hold a public hearing to discuss and recommend action on a rezoning from TMED (T5-c) to PD-T5-c (Planned Development District-TMED TF-C) on 40.389 +/- acres of land being a part of the Redding Roberts Survey Abstract No. 692, Bell County, Texas, located at the northwest corner of South 31st Street and Scott Boulevard.	PZC 12-8-15	Advanced Surveying and Mapping

City Council Final Decisions	Status
Z-FY-15-24: Consider adopting an ordinance authorizing a rezoning from Two Family Dwelling District (2F) to Commercial District (C) on portions of Lots 1 and 2, Block 1, Country Club Heights Addition, located at 29 North 43 rd Street, at the southeast corner of North 43rd Street and West Adams Avenue.	APPROVED at 2 nd Reading on November 5, 2015
Z-FY-15-25: Consider adopting an ordinance authorizing a rezoning from Agriculture District (AG) to Single Family Dwelling District Three (SF3) on a 21.905 +/- acre tract of land situated in the Nancy Chance survey, Abstract No. 5, Bell County, Texas, located on the west side of Old Waco Road, south of Freedom Drive, east of Neuberry Cliffe.	APPROVED at 2 nd Reading on November 5, 2015

City Council Final Decisions	Status
<p>Z-FY-15-26: Consider adopting an ordinance authorizing a Conditional Use Permit allowing the sale of less than 50% of the total gross revenue being from the sale of all alcoholic beverages with on-premise consumption in Suite 70 of the Gateway Center, located at 4501 South General Bruce Drive.</p>	<p>APPROVED at 1st Reading on November 5, 2015 (variance tabled until 11-19-15); 2nd Reading presentation will be required</p>

P&Z COMMISSION ATTENDANCE

2015															P	A	
	Jan 5	Jan 20	Feb 2	Feb 17	Mar 2	Mar 16	Apr 6	Apr 20	Apr 27 Spec Mtg	May 4	May 18	June 1	June 15				
James Staats	P	No Meeting Held	P	P	P	P	P	No Meeting Held	P	P	P	P	P	11	2		
Blake Pitts	P		P	A	P	P	P		P	P	A	P	P	P	9	2	
Patrick Johnson	P		P	P	A	P	P		P	P	A	P	P	P	9	2	
Omar Crisp	P		P	A	P	A	P		P	P	P	P	P	A	8	3	
David Jones	P		P	A	P	P	P		P	P	P	A	P	P	9	2	
Greg Rhoads	P		P	P	P	A	P		P	P	A	P	P	P	9	2	
Will Sears	P		P	A	P	A	P		P	P	A	A	A	A	4	7	
Lester Fettig	P		P	P	P	A	P		P	P	P	P	A	P	9	2	
Tanya Mikeska-Reed	A		P	A	P	P	P		A	P	P	A	P	A	P	6	5

	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	P	A	No Meeting Held	P	P	P	P	P					17	1	
Lydia Alaniz									P					1	
Blake Pitts	P	P		P	A	P	P	P	P					16	3
Patrick Johnson	P	P		A	P	P	A	P	P					15	4
Omar Crisp	P	P		P	P	A	P	P	P					15	4
David Jones	A	P		P	P	P	P	P	P					16	3
Greg Rhoads	P	P		A	P	P	P	P	P					16	3
Will Sears	P	P		P	P	P	P	P	P					12	7
Lester Fettig	P	P		P	P	P	P	A	P					16	3
Tanya Mikeska-Reed	P	P		A	P	P	P	P	P	A				12	7

not a Board member

New Officers Elected:
Jones Chair, Johnson V-C