

**NOTICE OF MEETING
PLANNING AND ZONING COMMISSION
CITY MUNICIPAL BUILDING, 2 NORTH MAIN STREET
PLANNING CONFERENCE ROOM
APRIL 18, 2016, 4:45 P.M.
WORK SESSION AGENDA**

Staff will present the following items:

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Monday, April 18, 2016.
2. Discuss the 2015 Annual Report.
3. Receive and discuss the Planning Director's Report containing items for future meetings regarding subdivision plats, zoning cases, conditional use permits, annexations, and proposed text amendments (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
APRIL 18, 2016, 5:30 P.M.
REGULAR MEETING AGENDA**

1. _____ Invocation
2. _____ Pledge of Allegiance

A. CONSENT ITEMS

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

Item 1: [Approval of Minutes](#): Work session and the regular meeting of April 4, 2016.

B. ACTION ITEMS

Item 2: [P-FY-16-28](#) - Consider and take action on the Final Plat of Central Texas Mortuary Addition, a 0.891 +/- acres, 1-lot, 1-block non-residential subdivision, being part of the Maximo Moreno Survey, A-14, Bell County, TX and being part of a 16.13 +/- acre tract, located at 1313 S. Martin Luther King Jr. Drive.

Item 3: [Z-FY-16-19](#) – Hold a public hearing to discuss and recommend action on a rezoning from Agricultural (AG) to Light Industrial (LI), and to consider and recommend action on a Conditional Use Permit (CUP) to allow for landfill use in the Light Industrial zone on 282.73 +/- acres of land, recently annexed into the City of Temple by Ordinance No. 2015-4733, located to the south of Little Flock Road and to the west of Bob White Road.

Item 4: [Z-FY-16-20](#) - Hold a public hearing to discuss and recommend action on a Conditional Use Permit (CUP) to install a proposed 115' stealth monopole for Verizon Wireless at the Mueller building site on a tract of land, 0.0258 +/- acres,

situated in the S. Bottsford Survey, Abstract No. 118, Bell County, Texas, located at 7050 North General Bruce Drive. **(Staff requests postponement until the May 2, 2016 meeting to allow time to send notices to property owners within 500 feet per Sec. 5.4.4.D of the Unified Development Code, rather than those within 200 feet that were already sent)**

Item 5: Z-FY-16-23 – Hold a public hearing to discuss and recommend action on amendments to Temple Unified Development Code: Article 5 – Use Standards, deleting “tattoo parlor” as a prohibited use; allowing Body Piercing Studios and Tattoo Studios by right in Light Industrial, Heavy Industrial, General Retail, and Commercial zoning districts; providing certain limitations; Article 6 – Special Purpose and Overlay Zoning Districts, prohibiting body Piercing Studios and Tattoo Studios in the Interstate 35 Corridor Overlay; and Article 11 – Definitions, providing definitions for Body Piercing, Body Piercing Studio, Tattoo, and Tattoo Studio.

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

The agenda for this meeting was posted on the bulletin board at the Municipal Building in compliance with the Open Meetings Law at 3:45 PM on April 14, 2016.



Lacy Borgeson
City Secretary

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

_____ Title: _____

**PLANNING AND ZONING COMMISSION
APRIL 4, 2016
5:30 P.M.**

PLANNING AND ZONING MEMBERS PRESENT
David Jones

COMMISSIONERS:

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

PLANNING AND ZONING MEMBERS ABSENT:

Patrick Johnson	Blake Pitts
-----------------	-------------

STAFF PRESENT:

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

The agenda for this meeting was posted on the bulletin board at the Municipal Building, March 31, 2016 at 3:00 p.m. in compliance with the Open Meetings Law.

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

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

Invocation by Chair Jones; Pledge of Allegiance by Commissioner Fettig.

A. CONSENT ITEMS

Item 1: Approval of Minutes: Work session and the regular meeting of March 21, 2016.

Approved by general consent.

B. ACTION ITEMS

Item 2: Z-FY-16-18 – Hold a public hearing to consider and recommend action on a Conditional Use Permit (CUP) to allow a restaurant where less than 50% of the total gross revenue may be from the sale of all alcoholic beverages with on-premise

consumption on Lot 1, Block 1, of the proposed Highline Addition subdivision, located on the north side of Scott Blvd, west of its intersection with South 31st Street.

Mr. Mark Baker, Senior Planner, stated this item is scheduled to go forward to City Council for first reading on May 5, 2016 and second reading on May 19, 2016.

The subject property lies within the boundaries of The District subdivision. Ordinance 2016-4749, Mixed Use Planned Development (MU-PD), is in the Temple Medical and Educational District (TMED) T4 and T-5C zoning districts. A Conditional Use Permit (CUP) is required in PD – TMED T5-C.

This request is for an establishment to generate less than 50 percent of its total gross revenues from the sale of all alcoholic beverages with on-site consumption. The proposed item is a Rosa's Café restaurant and would be within the proposed subdivision plat Highline Addition (not part of this request – forthcoming to PZC). The request went to Development Review Committee (DRC) on March 24, 2016.

Vicinity map shown.

This request is subject to Chapter 4, Alcoholic Beverages, City Code of Ordinances and all provisions have been met.

The sale of alcoholic beverages has a 300 foot minimum distance from sensitive uses (place of worship, public school or public hospital). In the case of the Baylor Scott and White hospital, it is over 1000 feet to the east which would be the closest use listed in the sensitive uses.

The Unified Development Code (UDC) Sec. 5.3.15, Alcoholic Beverages for On-Premise Consumption, is met in the provisions for distance requirements from sensitive uses based on percentage of gross revenue generated by the type and percentage of anticipated gross generated income by establishment reiterates Chapter 4 requirements. This provides additional distances from a public park for bars.

Zoning map, site map, and surrounding area maps are shown.

Surrounding properties include undeveloped property and an unplatted portion of The District (TMED – T4 & T5-C) to the north, Baylor Scott and White Hospital (TMED- T5-C & SD-H) to the east, Candlewood Suites Hotel and scattered service uses (C & GR) to the west, and Hilton Garden Hotel Inn (C) and commercial, service and office uses (C) to the south.

Forty-six notices of were mailed out to property owners within 200 feet of the subject property with four notices returned in agreement of the request and one returned in opposition.

In terms of compliance with the UDC Section 5.3.15, Chapter 4 (Code of Ordinances), the use is compatible with Adjacent and Anticipated Retail and Service Uses. The request meets compliance.

Staff recommends approval of the request for a Conditional Use Permit (CUP) to allow an establishment where less than 50 percent of the total gross revenue may be from the sale of all alcoholic beverages with on-premise consumption, subject to the following three conditions:

1. That the sale of alcoholic beverages be restricted to on-premise consumption only, contained within the developed site of Lot 1, Block 1 of the Highline Addition Subdivision, located off of Scott Blvd, west of the intersection with South 31st Street;
2. The use is subject to compliance to Chapter 4 of the Code of Ordinances related to alcoholic beverages; and
3. That the conditional use complies with UDC Sec. 5.3.15, related to alcoholic beverage sales with on-premise consumption.

Site Plan shown.

Commissioner Sears stated a condition that all alcohol sales will be on-site. Mr. Baker confirmed.

Commissioner Crisp discussed Daiquiri Express which serves daiquiris to go. Mr. Brian Chandler, Director of Planning, stated this is a different category for the Texas Alcohol Beverage Commission (TABC) license and a different category of CUP. Mr. Baker explained this situation is considered an off-premise consumption of alcohol.

Commissioner Rhoads requested a timeline on the plat. Mr. Brian Chandler replied this item is being presented ahead of the platting.

Chair Jones opened the public hearing.

Mr. Ken Taft, 6832 Glen Meadow Drive, Fort Worth, Texas, stated he was the architect for Bobby Cox Companies. TACB governs them on liquor licenses. There will be no off-premise license for this request. The restaurant has a patio with four to six tables and 28 chairs and will be required to have a lockable gate. Mr. Taft explained there have been no problems with liquor leaving other facilities. Mr. Taft stated they would probably be ready to go within the next three to six months. Drive lanes will be available to enter on.

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

Commissioner Rhoads made a motion to approve Item 2, **Z-FY-16-18**, as stated, and Commissioner Crisp made a second.

Motion passed: (7:0)

Vice-Chair Johnson and Commissioners Pitts absent

Item 3: Z-FY-16-19 – Hold a public hearing to discuss and recommend action on a rezoning from Agricultural (AG) to Light Industrial (LI), on 282.73 +/- acres of land, recently annexed into the City of Temple by Ordinance No. 2015-4733, located to the south of Little Flock Road and to the west of Bob White Road.

Chair Jones stated Staff requested to postpone this item until April 18, 2016 P&Z meeting.

Chair Jones opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Sears made a motion to postpone Item 3, **Z-FY-16-19**, until the next scheduled P&Z meeting on April 18, 2016, and Commissioner Mikeska-Reed made a second.

Motion passed: (7:0)

Vice-Chair Johnson and Commissioners Pitts absent

There being no further business, the meeting was adjourned at 5:46 p.m.

Respectfully submitted,
Kelli Tibbit

**PLANNING AND ZONING COMMISSION
MONDAY, APRIL 4, 2016
5:00 P.M.
WORK SESSION**

PLANNING AND ZONING MEMBERS PRESENT

Chair David Jones

COMMISSIONERS:

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

PLANNING AND ZONING MEMBERS ABSENT:

Patrick Johnson	Blake Pitts
-----------------	-------------

STAFF PRESENT:

Brian Chandler, Director of Planning
Trudi Dill, Deputy City Attorney
Tammy Lyerly, Senior Planner
Mark Baker, Senior Planner
Dessie Redmond, Planner
Leslie Evans, Planning Technician

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

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

With a quorum present, Chair Jones opened the work session at 5:00 p.m. and asked Mr. Brian Chandler, Director of Planning, to proceed.

Mr. Chandler stated there are two items listed on the agenda.

In regards to Item 3, Z-FY-16-19, the landfill rezoning, Staff has requested to postpone this item until the next P&Z meeting scheduled for April 18, 2016 to allow for re-notification for the CUP requirement with the base rezoning. This is newly annexed property for expansion of the landfill located to the south of Little Flock Road and to the west of Bob White Road.

The applicant, City of Temple, is agreeable with delaying the item for two more weeks. If anyone wishes to speak, they can do so when the public hearing is open.

Item 1, Z-FY-16-18, is for Rosa's Restaurant CUP for alcohol sales of 50% or less of their total revenue. It is within "The District" which requires a CUP in TMED. The site

plan and project have been reviewed and they have submitted a more specific site plan that will be presented by Mr. Mark Baker, Senior Planner.

A number of Response Letters have been received and most of the responses are in agreement with the request. One letter had concerns with traffic flow, drunkenness and jeopardizing the peaceful sanctuary of each home in the area. These responses are why we have the process.

Mr. Baker explained since "The District" was not platted, Staff had to gather responses from a larger area. Forty-six properties were notified. The one property in disagreement is located on the far end of this boundary, which is several hundred feet away from where the site is proposed.

There was discussion regarding whether the property is residential or commercial. The property appears to be a residential rental property and the owner is in Belton, Texas.

Mr. Chandler stated that this is a 40-acre site. Essentially the notifications would have been limited to a few properties across Scott Boulevard, however the proper thing to do was to treat it as one lot.

Mr. Measles and Mr. Taft, the design team for "The District," came down from the Dallas area to be available for any questions during the public hearing.

Mr. Chandler discussed the Director's report and stated the next two P&Z meetings will be eventful. On April 18th the Landfill rezoning case and Code Amendments related to Tattoo and Body Piercing studios will be coming forward. Body Piercing is regulated under the Texas Health and Safety Code that would be allowed in all Commercial and Neighborhood Services zoning districts. Combining the two would make sense. Tattoo studios are currently prohibited in the City of Temple.

A proposed stealth cell tower requiring a CUP is located on Pegasus, on the back side of Lamar Sign property on South General Bruce, and on the edge of the I-35 Overlay. This will be the first case with the new standards within the I-35 Overlay.

The next P&Z workshop will start at 4:45 P.M. with the annual report presented by Mr. Chandler. Chairman Jones will present the annual report to City Council on May 5th at 5:00 P.M.

May 2nd will have a handful of plats and will be a heavy agenda.

The CUPs for window tinting (Chris McGregor's property) and the mini-storage on Waters Dairy was approved at second reading. The zoning case for Angelica Acres was approved at first reading. Johnson Brothers Ford will be going to City Council on Thursday, April 7, 2016.

Commissioner Crisp asked about the Cajun seafood mobile food unit located near SH 317 and 36 in front of the old Don's convenience store building. Commissioner Crisp explained the owner gutted the building and the mobile food unit owner wanted to move inside the building, however, the landscaping standards and necessities would be about \$400,000. This location is not within an overlay so general landscaping and masonry standards would apply. The square footage would not be increased.

Commissioner Rhoads asked about the rule on the food trailer in the parking lot.

Mr. Chandler stated that mobile food units are allowed in certain designated zoning areas and would need a letter of authorization from the owner of the subject property. Mobile Food Units need to apply for and receive a Mobile Food Vendor permit in order to operate within the City of Temple.

Commissioner Rhoads asked if tables could be put out for the mobile food units. Mr. Chandler replied they could but then it could get in to more of a permanent type of location issue. The actual zoning regulations are limited, however, these policies are stated within the application.

Commissioner Crisp did not believe the client has contacted the Planning department to date.

Chair Jones discussed the Gravel Pit on 317 and Tarver with whether the entrance could be moved to the stoplight. Mr. Chandler is still in the process of trying to set up a meeting with the owners of the quarry since Public Works and TCEQ have compliance questions. The quarry does have a truck wash area. Safety is an important issue.

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



www.templetx.gov



City of Temple Planning Department Fiscal Year 2015 Annual Report

Table of Contents

Letter from Planning & Zoning Commission Chairman.....3
Introduction.....4
Mission Statement.....5
Staff and Planning & Zoning Commission Summary.....6
Temple Population Estimate.....8
Fiscal Year 2015 in Review.....9
Conditional Use Permits.....9
Planned Developments.....10
Rezoning.....11
Residential Plats.....13
Non-Residential Plats.....16
Abandonments.....18
I-35 Corridor Overlay Appeals.....19
Variances.....20
Street Use Licenses.....21
Overlay Districts.....22
Code Amendments.....24
Fiscal Year 2016 Preview.....25
Fiscal Year 2015 Board Members & Planning Staff.....27

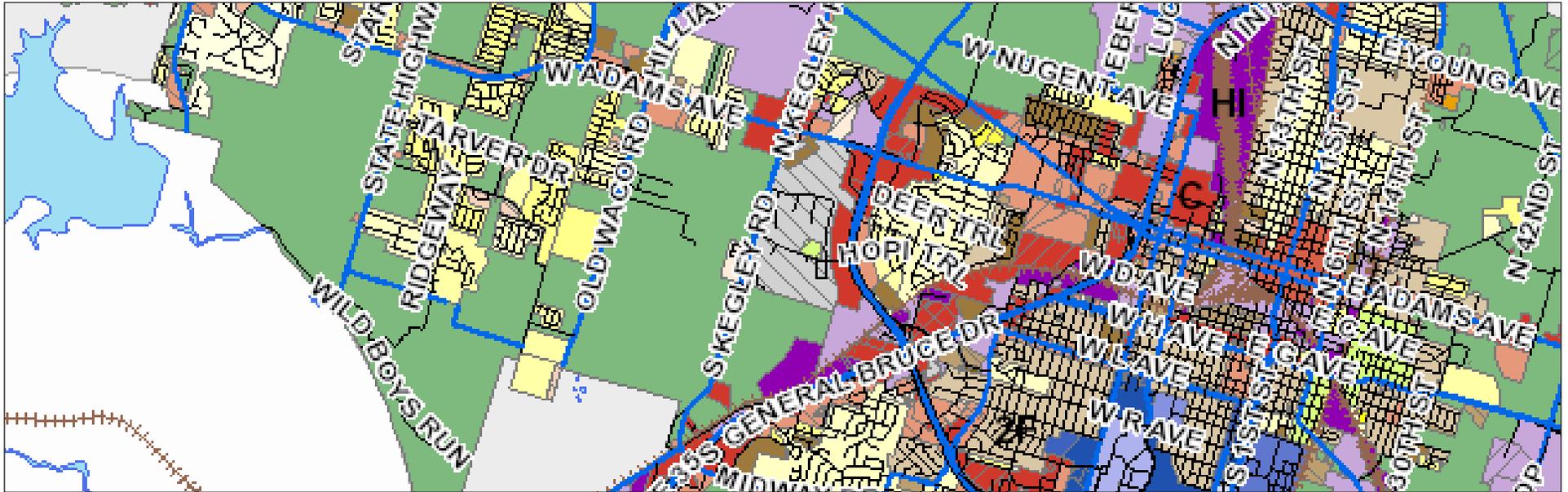
During the previous Fiscal Year, the Planning & Zoning Commission approved a number of projects that could change the face of our City, including the 225 acre Westfield Master Plan (mixed-use community), the apartment phase for Shoppes on the Hill in the Temple Medical Educational District (TMED) and a 167,000 square foot Baylor Scott and White distribution center.

Although the number of P&Z cases in 2015 decreased compared to 2014, the scale and quality should positively impact some of our major corridors. The number of Planning & Zoning cases through the first half of 2016 are up significantly compared to last year's total, which is consistent with the City's building permit trends through March 2016, as well. According to the Permitting Department, there were approximately 689 new residential building permits in 2015 compared to 534 in 2014 and we are currently on-pace to dramatically exceed that number in 2016, as well.

Temple continues its steady growth, the Planning & Zoning Commission continues to try to balance the needs of the individual property owner with those of the general public to create a dynamic place to live. The City, the local development community and other important stakeholders continue to work together to make Temple an enjoyable community in which to live and work.

Sincerely,

David Jones
Chairman, Planning & Zoning Commission



Temple Zoning Map Graphic

*The **Annual Report** is a summary of planning process activity for the City of Temple.*

This Annual Report is a summary of Planning & Zoning activity within the City of Temple and its Extraterritorial Jurisdiction (ETJ) for Fiscal Year (FY) 2015 (October 1, 2014 – September 30, 2015).

The Planning Department administers the following programs:

Administration

Program to professionally staff the Planning & Zoning Commission with staff reports, exhibits and presentations in public hearings and workshops.

Long Range Planning

Program to assist interagency efforts for the Temple Medical Education District (TMED), Strategic Investment Zone (SIZ) Corridors, and Transportation Planning.

Development Planning

Program to manage the Development Review Committee which includes City Staff review of Plats, Planned Developments, Conditional Use Permits, and Street Use Licenses.



Planning Department's Mission Statement

The Planning Department provides professional planning services related to urban growth and development issues to promote quality of place. The Department maintains an updated Comprehensive Plan and Unified Development Code (UDC) to provide policy recommendations and regulations related to land development. The staff works cooperatively with design professionals, property owners and developers from the concept stage to completion of the project.

Choices '08

CITY OF TEMPLE
COMPREHENSIVE PLAN
2008 - 2030



Comprehensive Plan Cover Page

- **Planning & Zoning Commission (P&Z)**

- The Planning & Zoning Commission serves in an advisory capacity to the City Council by making
- recommendations on land use proposals including rezonings, subdivision plats and conditional use
- permits. The Commission also works with City Staff, community members and the Council in the
- development and updating of the Comprehensive Plan and Area Plans for the City.



Development Review Committee (DRC)

This City staff group reviews plats, planned developments, concept plans for multi-phase projects, TMED warrants and provides preliminary review services for other projects at the conceptual stage of design. DRC members include staff from the following departments: Public Works (Engineering), Fire, IT (GIS), Legal, Parks and Recreation and Planning.

Elevation of Clubhouse for the 31st Street Apartments (Phase II of Shoppes on the Hill)

Population Estimates

The 2010 U.S. Census showed Temple’s population as 66,102. The City’s population estimate for 2015 (based on water accounts from the Business Utility Office and estimations from the Finance Department), was 73,248*. The Temple Population Table shows Temple’s population growth from 1960 to 2015.

Temple Population Table is a summary of historic population changes since 1960.

Year	Temple Population	Percent Change
1960	30,419	-
1970	33,431	9.01%
1980	42,483	21.31%
1990	46,109	7.86%
2000	54,514	15.42%
2006	60,518	9.92%
2007	61,755	2.00%
2008	62,790	1.65%
2009	63,524	1.16%
2010	66,102	3.90%
2011	67,036	1.39%
2012	68,315	1.87%
2013	70,274	2.79%
2014	71,761	2.07%
2015	73,248	2.03%

Temple Population Table

*The data was received from the Business Utility Office and estimations for the City’s Finance Department. There are other sources with different population statistics but the Planning Department believes this number to be the most accurate.

2015 Year in Review

On the following pages are lists of land use cases listed by type. The Planning Department staff utilizes the UDC, the Comprehensive Plan including the Future Land Use and Thoroughfare Plans, to help guide recommendations made on land use cases. All of these Plans and Maps can be found on the City’s website (www.templetx.gov).

Conditional Use Permits

A Conditional Use Permit (CUP) provides a means for developing certain uses in a manner in which the use will be compatible with adjacent property and consistent with the desired character of the area according to the Comprehensive Plan. These uses generally have unusual nuisance characteristics or are of a public or semi-public character often essential or desirable for the generally convenience and welfare of the community. Because of the nature of the use or possible adverse impact on neighboring properties of the use, review, evaluation and exercise of planning judgment relative to the location and site plan of the proposed uses is necessary. The Planning Department processed four CUP applications for FY 2015, and the City Council approved three with one denied. The CUPs Summary Table shows the case number, location, purpose, and outcome for each CUP application received in FY 2015.

CUPs Summary Table shows a summary of the CUPs the Planning Department processed in FY 2015.

Case Number	Location	Purpose	Staff Recommendation	P&Z Recommendation	City Council Action
Z-FY-15-14	5750 S General Bruce Drive Temple, Texas 76502	CUP for painting contracting business	Approval	Approval	Approved 2015-4713
Z-FY-15-19	7348 W Adams Avenue Temple, Texas 76502	CUP for on-premise alcohol beverage sales less than 75% of total gross revenue of establishment	Approval	Approval	Approved 2015-4718
Z-FY-15-21	4767 N General Bruce Drive Temple, Texas 76501	CUP for BS&W distribution center	Approval	Approval	Approved 2015-4721
Z-FY-15-23	111 S 33rd Street Temple, Texas 76504	CUP for substance abuse facility	Denial	Denial	Denied
Z-FY-15-26	4501 S General Bruce Drive Temple, Texas 76502	CUP for on-premise alcohol beverage sales less than 75% of total gross revenue of establishment	Approval	Approval	Approved 2015-4737

CUPs Summary Table



Z-FY-15-20 Westfield Market Site Photo

Planned Developments

A Planned Development (PD) is a flexible overlay zoning district designed to respond to unique development proposals, special design considerations and land use transitions by allowing evaluation of land use relationships to surrounding areas through development plan approval. Planning staff reviews the PD application and, with input from the DRC, makes a recommendation to the P&Z Commission and City Council. The P&Z Commission and City Council review of the PD application must follow the review process, public notice, public hearing, protest and limitation on resubmittal requirements. The Planning Department processed one PD application for FY 2015 and one PD Site Plan Review. The PDs Summary Table shows the case number, location, purpose, and outcome for the PD applications received in FY 2015.

Case Number	Location	Purpose	From	To	Staff Recommendation	P&Z Recommendation	City Council Action
Z-FY-15-20	7425 West Adams Avenue Temple, Texas 76502	Retail Development	NS	PD (NS) & CUP Alcohol	Approval	Approval	Approved 2015-4720
Z-FY-15-18	2304 S 31st Street Temple, Texas 76504	Site Plan review of apartments	TMED-T5-c	PD-T5-c	Approval	Approval	Approved 2015-4719

PDs Summary Table

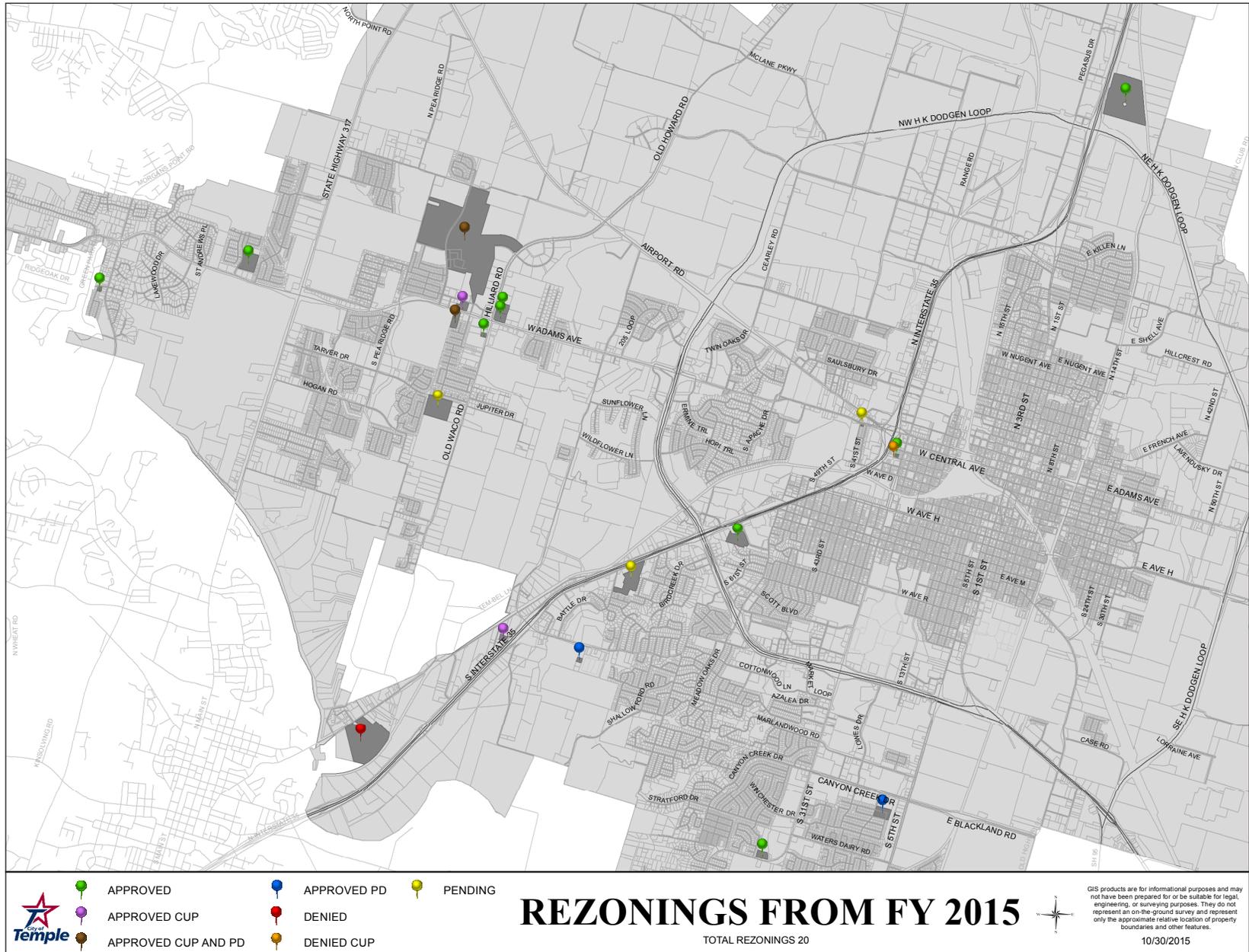
Rezoning

A Rezoning is a change in the existing zoning designation or a change to the boundaries of the existing zoning map. The change can be initiated by a land owner or by the City. The Planning Department processed 17 Rezoning applications for FY 2015, and the City Council approved 14. One application was denied and two were pending at the time of this report. The Rezoning Summary Table details the rezoning applications received in FY 2015.

Case Number	Location	Purpose	From	To	Staff Recommendation	P&Z Recommendation	City Council Action
Z-FY-15-01	108 Old Waco Road Temple, Texas 76502	Retail development	AG	GR	Approval	Approval	Approved 2015-4700
Z-FY-15-04	5238 S 31st Street Temple, Texas 76502	To allow for proposed retail (Lots A,B,C & D only)	PD-O-1	O-2	Approval	Approval	Approved 2015-4699
Z-FY-15-05	111 South 33rd St Temple, Texas 76504	Retail development	2-F	GR	Approval	Approval	Approved 2015-4704
Z-FY-15-06	110 & 116 Northcliffe Drive Temple, Texas	Potential single-family development	AG	SF-1	Approval	Approval	Approved 2015-4706
Z-FY-15-07	4831 Midway Drive Temple, Texas 76502	Approved with a condition to allow for an accessory dwelling unit on +/- 1 acres	AG	PD-AG	Approval	Approval	Approved 2015-4709
Z-FY-15-09	3009 Ira Young Drive Temple, Texas 76504	To make apartment density legally conforming	MF-1	MF-2	Approval	Approval	Approved 2015-4710
Z-FY-15-11	4321 Brutus Lane, A Temple, Texas 76502	Residential development	2F	PD-MF-1	Approval	Approval	Approved 2015-4711
Z-FY-15-12	5105 Charter Oak Drive Temple, Texas 76502	Residential development. Died on 1st reading for lack of second to motion	UE	PD-UE	Approval	Approval	No action (lack of second)
Z-FY-15-15	119 Hillard Road Temple, Texas 76501	Retail development	AG	GR	Approval	Approval	Approved 2015-4714
Z-FY-15-16	215 Hillard Road Temple, Texas 76501	Retail development	AG	GR	Approval	Approval	Approved 2015-4715
Z-FY-15-17	225 acres north of W Adams Ave & on either side of Westfield Blvd.	Mixed use development	AG/LI/GR	PD-GR/PD-SF-3/ PD-SFA-3	Approval	Approval	Approved 2015-4717
Z-FY-15-22	301 Clinete Grove Boulevard Temple, Texas 76502	For Lakewood Professional Park	MF-2	NS	Approval	Approval	Approved 2015-4723
Z-FY-15-24	29 N 43rd Street Temple, Texas 76504	Build a model house for applicants construction business	2F	O-1	Approval	Approval	Approved 2015-4735
Z-FY-15-25	1010 Old Waco Road Temple, Texas 76502	Residential development	AG	SF3	Approval	Approval	Approved 2015-4736

Rezoning Summary Table

Location Map for Rezoning Cases



Location Map for Rezoning Cases

Residential Plats

A plat is a map representing a tract of land, showing the boundaries and location of individual properties and streets, easements, parks and open space and sidewalks. A plat is required when the owner of the tract of land requests to divide the tract in two or more parts.

The Planning Department works with other City Departments and with the owner in reviewing plats within the City and ETJ boundaries. In total, the Planning Department processed 48 subdivision plats (residential and non-residential) for FY 2015, including one preliminary plat, 30 final plats, one concept plan plat, and 16 administrative plats. Nine plats were located within the ETJ boundary. The Residential Plats Summary Table shows the case number, subdivision, location, type of plat, acreage, number of lots and outcome for the Residential Plat applications received in FY 2015.

▶ A plat is a map representing a tract of land.

Case Number	Subdivision Name	Location	Type of Plat	Acres	Number of Lots	CC/PZC Approval
P-FY-15-01	Forbes Addition	9876 Airport Road 150 Temple, Texas 76502	Admin	2.3	1	N/A
P-FY-15-02	Saulsbury Sub Phase VII	2306 Valley Forge Avenue A Temple, Texas 76504	Admin	0.6	3	N/A
P-FY-15-04	Valley Ranch Addition Phase III	3801 W FM 93 Temple, Texas 76502	Final	16.2	39	PZC
P-FY-15-05	Dove Meadows Phase I	2566 Old Waco Road Temple, Texas 76502	Final	21.6	60	PZC
P-FY-15-07	Laird and Leon Addition	3235 FM 1123&7829 FM 436 ETJ Belton, Texas	Admin	9.7	2	N/A
P-FY-15-10	Goodman Addition	535 Kings Cove Belton, Texas 76513	Final	2.8	3	PZC
P-FY-15-13	Northcliffe HOA Addition	111 Chering Drive Belton, Texas 76513	Admin	0.7	3	N/A
P-FY-15-14	Hood Addition	7109 Asa Road ETJ Temple, Texas 76504	Final	18.7	2	PZC
P-FY-15-15	Las Lomas Addition (Formally Las Colinas Lot 11-A)	1720 Las Lomas Court Temple, Texas 76502	Admin	0.9	2	N/A

Residential Plats Summary Table

Residential Plats Continued

Case Number	Subdivision Name	Location	Type of Plat	Acres	Number of Lots	CC/PZC Approval
P-FY-15-16	Villas at Canyon Ridge	621 Ridgeview Drive, A Temple, Texas 76502	Admin	6	2*	N/A
P-FY-15-17	Canyon Ridge Phase III	920 Karey Drive Temple, Texas 76502	Final	29.7	129	PZC
P-FY-15-19	Dorsey II Subdivision	7622 Dorsey Way ETJ Temple, Texas 76502	Final	4	3	CC
P-FY-15-21	Hartrick Valley Estates	8491 Hartrick Bluff Road ETJ Temple, Texas 76502	Final	20.5	24/29	PZC
P-FY-15-22	Westfield Master Preliminary	1195 N Pea Ridge Road Temple, Texas 76501	Preliminary	224.6	749*	PZC
P-FY-15-23	Hills of Westwood Phase VII	8125 Iron Gate Drive Temple, Texas 76502	Final	3.9	16*	PZC
P-FY-15-24	Hills of Westwood Phase VIII	7805 Autumnwood Lane Temple, Texas 76502	Final	4.6	16	PZC
P-FY-15-25	Morrow Addition	5087 Comanche Drive ETJ Temple, Texas 76502	Admin	1.3	2*	N/A
P-FY-15-29	438 Loop Addition	438 Loop Addition Temple, TX 76502	Admin	5	3	N/A
P-FY-15-30	Lake Pointe Phase II-A2	1418 Fawn Lily Drive Temple, Texas 76502	Admin	0.3	2	N/A
P-FY-15-31	Tutor Subdivision	7031 FM 2086 ETJ Temple, Texas 76501	Admin	2.7	2	N/A
P-FY-15-33	The Meadows At Creekside	1805 Fawn Creek Street Temple, Texas 76504	Admin	41.9*	10*	N/A
P-FY-15-34	Woodbridge Creek Phase VI	608 Park Place Lane Temple, Texas 76504	Admin	.6*	3*	N/A
P-FY-15-35	Villages of Westfield Phase I	500 Westfield Boulevard Temple, Texas 76502	Final	18	7/94	PZC
P-FY-15-36	Morgan Ridge Estates	1160 Morgan Drive ETJ Temple, Texas 76502	Final	5.1	2	PZC
P-FY-15-37	Roush Addition	10957 Bigham Road Temple, TX 76502	Admin	10.1	1/2	N/A
P-FY-15-38	Mungia Subdivision	6283 Heidenheimer Road A ETJ Temple, Texas 76501	Final	40	6	PZC

Residential Plats Summary Table Continued

Case Number	Subdivision Name	Location	Type of Plat	Acres	Number of Lots	CC/PZC Approval
P-FY-15-40	Lot 1, Block 1, Whitehall Road Addition	10700 S Whitehall Road Temple, Texas 76504	Final	14.2/4.7	1	N/A
P-FY-15-41	Wyndham Hill Addition Phase V	6000 S 5th Street, A Temple, Texas 76502	Final	24.6	85	PZC
P-FY-15-42	Wilson Addition	12917 FM 2305 A ETJ Belton, Texas 76513	Final	3.5	2	N/A
P-FY-15-43	Cliffs of Canyon Creek Phase II Replat of Lots 46A to Lot 1	4317 Stonehill Court Temple, Texas 76502	Final	.9*	1	N/A
P-FY-15-44	Marjorie Addition	4904 Charter Oak Drive Temple, Texas 76502	Admin	5.3	2	N/A
P-FY-15-45	The Plains At Riverside Phase II	2828 Old Waco Road Temple, Texas 76502	Final	29.34	6	PZC
P-FY-15-46	Highline Addition	2401 S 31st Street, J Temple, Texas 76501	Final	12.6	1/7	pending

Residential Plats Summary Table Continued



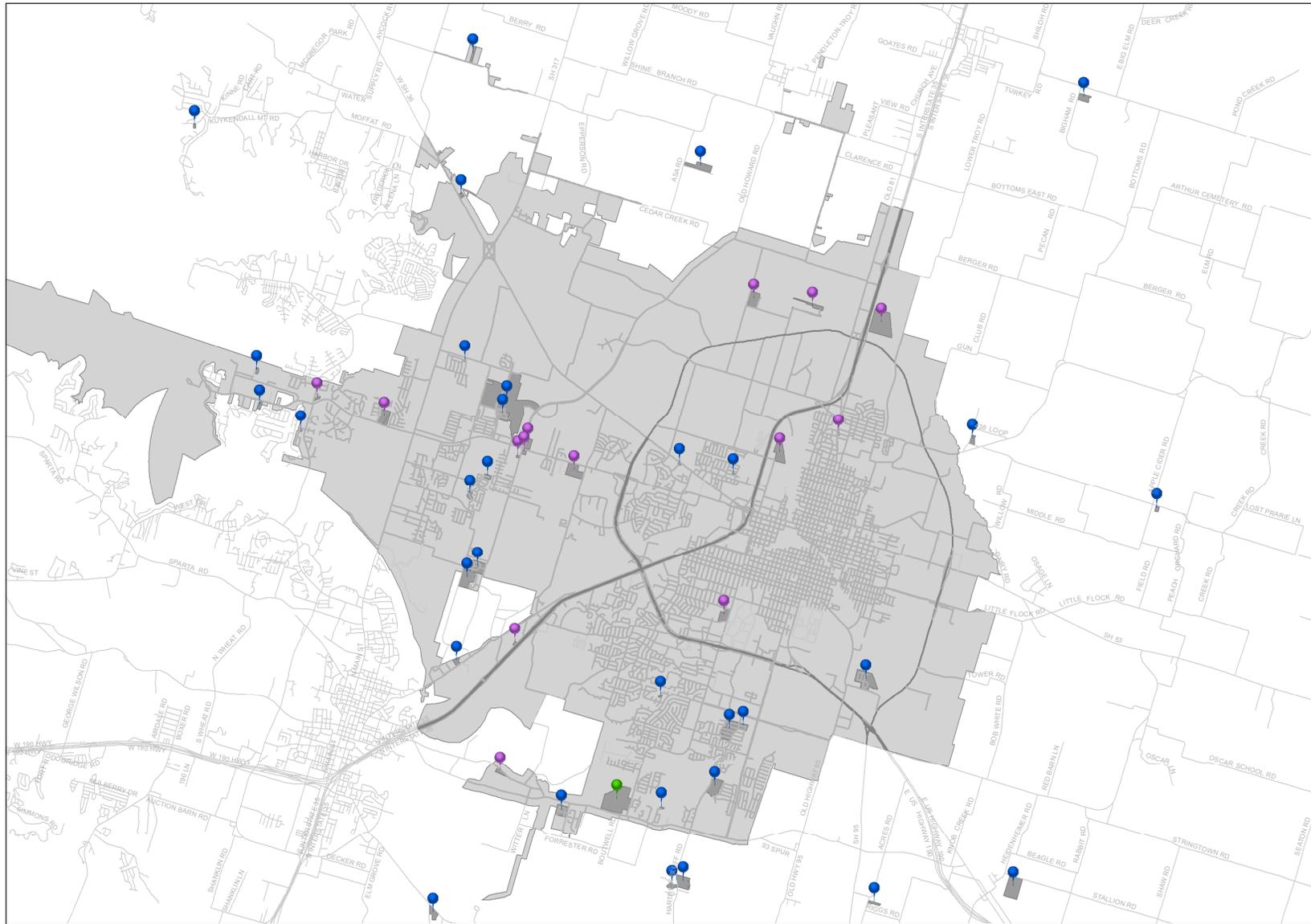
P-FY-15-22

Non-Residential Plats

Uses for “non-residential” plats include commercial, industrial, professional, mixed-use, retail, office or other types of non-residential uses. The Planning Department reviewed 14 non-residential plats for FY 2015. Three of them were pending at the time of this report and the others were either approved Administratively or by the Planning & Zoning Commission. The Non-Residential Plats Summary Table describes the applications received for FY 2015.

Case Number	Subdivision Name	Location	Type of Plat	Acres	Number of Lots	CC/PZC APPROVAL
P-FY-15-03	Abundant Life United Pentecostal Church Addition	2215 N 3rd Street Temple, Texas 76501	Admin	0.4	1	N/A
P-FY-15-06	Golden Valley Subdivision	5513 Taylors Valley Road Temple, Texas 76502	Final	4.3	3	PZC
P-FY-15-08	Nugent Development	1303 N 31st Street Temple, Texas 76501	Concept Plan	23.1	23	N/A
P-FY-15-09	Buzzi Addition	11401 NW H K Dodgen Loop Temple, Texas 76501	Final	13.1	1	PZC
P-FY-15-11	Brown Addition	4751 Wendland Road Temple, Texas 76501	Final	18.7	1	PZC
P-FY-15-12	Procter Addition	124 Old Waco Road Temple, Texas 76502	Admin	1	1	N/A
P-FY-15-18	Wessinger Commercial	6118 S General Bruce Drive Temple, Texas 76502	Admin	1.2	2	N/A
P-FY-15-20	Lake Belton Plaza Phase Two	37 Morgan's Point Road Temple, Texas 76501	Final	1.8	2/1	PZC
P-FY-15-26	Crescent View Commercial Replat of Lt 1, Blk 1	6935 W Adams Avenue Temple, Texas 76502	Final	2.6	2	PZC
P-FY-15-27	Legacy Ranch Phase Two	6400 S 31st Street Temple, Texas 76502	Final	78.1	156	pending
P-FY-15-28	Heritage Crossing	119 Hilliard Road Temple, Texas 76501	Final	9.6	5	PZC
P-FY-15-32	West Adams Addition Phase III	5707 W Adams Avenue Temple, Texas 76502	Final	5.1/24.3	3/4	PZC
P-FY-15-39	Lakewood Professional Park	301 Clinite Grove Boulevard Temple, Texas 76502	Final	18.1	21	PZC
P-FY-15-47	Baylor Scott & White Distribution Center	5141 N General Bruce Drive Temple, Texas	Final	64.6	1	pending

Non-Residential Plats Summary Table



- COMMERCIAL
- RESIDENTIAL AND COMMERCIAL
- RESIDENTIAL

PLAT CASES FY 2015

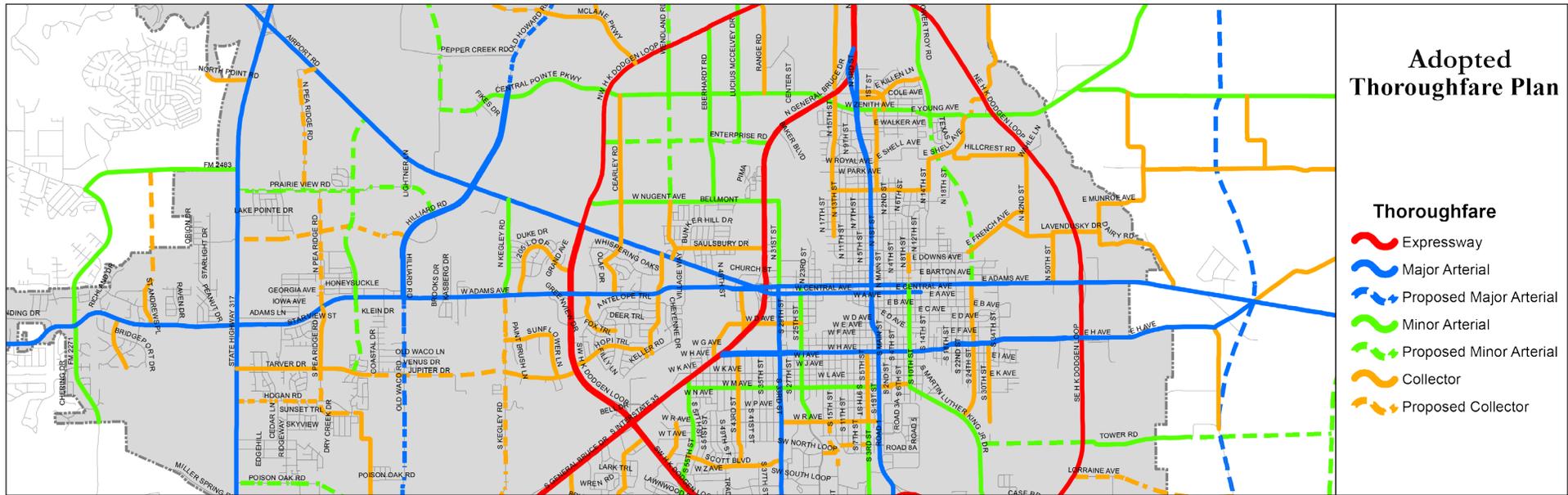
TOTAL PLAT CASES 47



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

10/30/2015

Location Map for Plats



Z-FY-15-10 Adopted Thoroughfare Plan Graphic

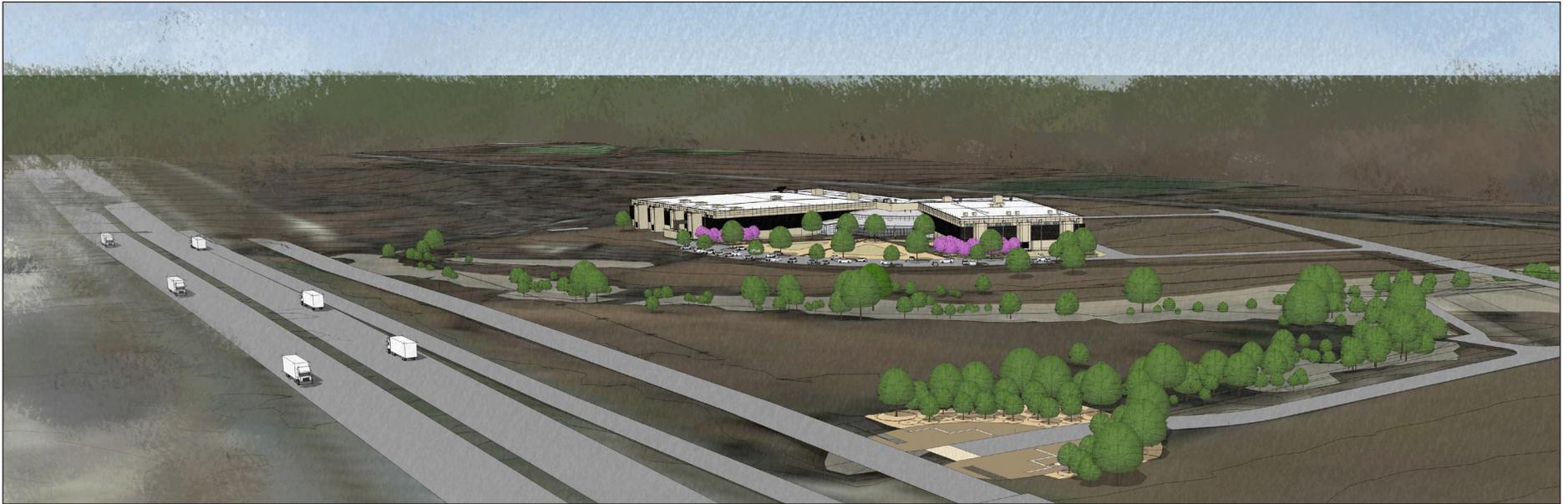
Code Amendments

A Code Text Amendment may be necessary when the Planning Department recognizes a section of existing UDC text that is inconsistent with City goals or when additional clarification is needed in the Code. The proposed amendments must be reviewed by the Planning & Zoning Commission with a recommendation to the City Council. The City Council heard and approved two sets of UDC Amendments. Council also heard a Thoroughfare Plan Map amendment which was also approved.

The Code Amendments Summary Table shows the Code type, case number, purpose and outcome for the Code Amendment applications initiated in FY 2015.

Code	Case Number	Purpose	Staff Recommendation	P&Z Recommendation	City Council Action
UDC Amendment	Z-FY-15-03	Amendments to the UDC: allowing for certain temporary sales	Approval	Approval	Approved
UDC Amendment	Z-FY-15-08	Amendments relating to lighted signs for alcoholic beverage sales for off premise consumption	Approval	Approval	Approved
T-Fare Amendments	Z-FY-15-10	Recommend action to amend the Thoroughfare Plan Map	Approval	Approval	Approved

Code Amendments Summary Table



I-FY-15-02 Perspective (Baylor Scott & White Distribution Center)

I-35 Corridor Overlay Appeals

The Interstate 35 (I-35) Corridor Overlay zoning district applies to the entire length of I-35 within the City limits. This includes land that abut or adjoin I-35 (General Bruce Drive) or land that is developed used, managed or marketed as a group that abut or adjoin I-35.

Any property located within the I-35 Overlay District is subject to UDC Section 6.7. The Planning Department processed four of these applications. The following table shows the case number, location, purpose and outcome for each Appeals application received in FY 2015.

Case Number	Location	Purpose	Staff Recommendation	P&Z Recommendation	City Council Action
I-FY-15-01	7777 S General Bruce Drive B Temple, Texas 76502	Section 6.7 related to parking, landscaping & screening	Approval	Approval	Approved 2015-7586-R
I-FY-15-02	5710 S General Bruce Drive Temple, Texas 76502	Sec 6.7.5(j), UDC related to maximum sign height of 25 ft for proposed 35-foot tall pylon sign for Caliber Collision	Approval	Approval	Denial
I-FY-15-03	7565 S General Bruce Drive Temple, Texas 76502	Section 6.7.5E & H, 6.7.8 (D)3 & 6.7.10(D)(3) of UDC, for landscaping, lighting, & building materials, located at 7565 S General Bruce Drive	Approval	Approval	Approved 2015-7689-R
I-FY-15-04	4767 N General Bruce Drive Temple, Texas 76501	Section 6.7.5E8f;6.7.8C;6.7.5E.8a; 6.7.5.E9 UDC for landscaping	Approval	Approval	Approved 2015-7833-R

I-35 Corridor Overlay Appeals Summary Table



O-FY-15-01 "Before" Site Photo (S. 1st Street - Auto Tex)



O-FY-15-01 "After" Site Photo (S. 1st Street - Auto Tex)

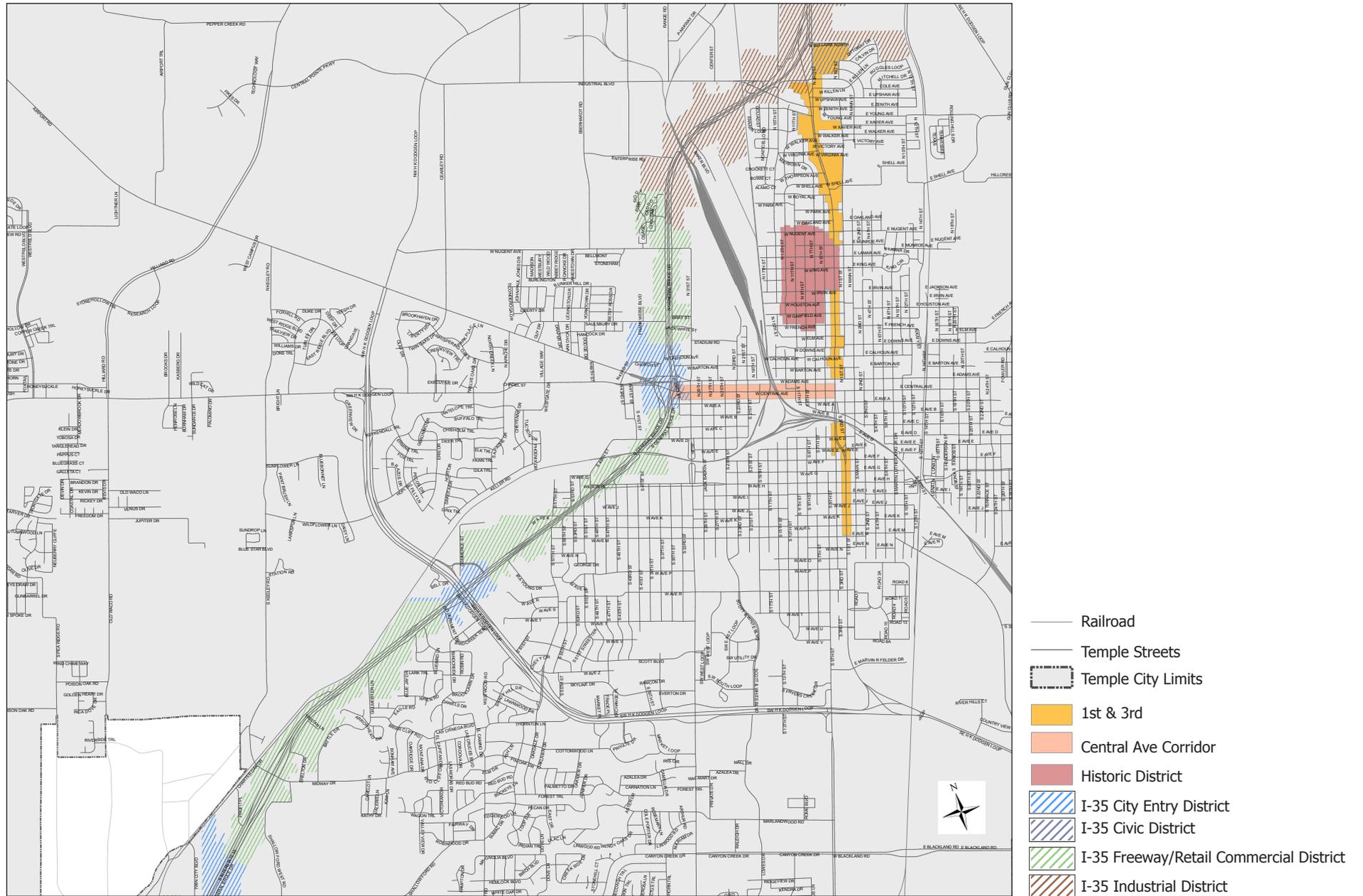
• **1st & 3rd Overlay Appeals**

The Overlay Districts Summary Table shows the case number, location, purpose and outcome for the Overlay applications received in FY 2015.

• In addition to the North Temple Historic District and the I-35 Corridor Overlay District, Temple also has the 1st & 3rd Overlay District. As is the case with properties in the 1st & 3rd Overlay District, an applicant for property located within the 1st & 3rd Overlay District may apply for an Appeal to the Overlay District standards, which is also reviewed by Planning & Zoning Commission followed by City Council. The Planning Department received two applications for Appeals in the 1st & 3rd Overlay District. The Planning & Zoning Commission recommended approval for both Appeals and the City Council voted to approve both Appeals by Resolution.

Case Number	Location	Purpose	Staff Recommendation	P&Z Recommendation	City Council Action
O-FY-15-01	1001 & 1003 S 1st Street Temple, Texas 76504	Appeal related to sidewalks, fences and landscaping	Approval	Approval	Approved 2014-7538-R
O-FY-15-02	420 N 3rd Street Temple, Texas 76501	Appeal related to landscaping, sidewalks and impervious cover for the renovation of an existing building	Approval	Approval	Approved 2015-7890-R

1st & 3rd Overlay Appeals Summary Table



*This map is for general representation of the Overlay Districts. I-35 Industrial District and I-35 Entry District extend further north than shown on this map and the I35 Entry District and I-35 Freeway/Commercial District extend further southwest than show on this map.



A-FY-15-05 Site Photo (Optimist Park)

Abandonments

The Planning Department processed six Abandonment applications. Four were approved, one is currently pending and one is on hold.

►The Abandonments Summary Table shows the case number, location, purpose and outcome for the Abandonment applications received in FY 2015.

Case Number	Location	Purpose	Staff Recommendation	City Council Action
A-FY-15-01	22514 SE H K Dodgen Loop Temple, Texas 76504	Release of a 0.189-acre portion of existing 15' wide W&WS easement	Approval	Approved 2015-7685-R
A-FY-15-02	3010 S General Bruce Drive Temple, Texas 76504	Abandon 31.60' wide of ROW	Approval	Approved 2015-4726-R
A-FY-15-03	2107 Ridgeway Temple, Texas 76502	Abandon 20' wide drainage easement	On Hold	On Hold
A-FY-15-04	1638 Case Road Temple, Texas 76501	Abandon existing sewer line which was rerouted through new UE per plat	Pending	Pending
A-FY-15-05	820 W Munroe Ave Temple, Texas 76501	Close the N 205' of public 20' wide alley in Optimist Park	Approval	Approved 2015-4729
A-FY-15-06	6818 Ambrose Circle Temple, Texas 76502	Portion of southern of PUE for house encroachment	Approval	Approved 2015-7886-R

Abandonments Summary Table

Street Use Licenses

A Street Use License (SUL) is required by a property owner when the owner (licensee) requests to utilize part of a City owned right-of-way or easement. The licensee is required to maintain the encroachment area at all times in a neat, attractive and orderly manner. The SUL may be granted for up to 15 years. The Planning Department processed nine SULs and one SUL renewal (RN-SUL) of which eight were approved and no action taken on one. The following table shows the location, purpose and status for each SUL.

Case Number	Location	Purpose	Status
SUL-FY-15-01	11 E Central Avenue Temple, Texas 76501	Construct a new balcony/patio at O'Brien's (but not constructed)	Approved
SUL-FY-15-02	5513 Taylors Valley Road Temple, Texas 76502	Existing buildings encroach 10.9' into Georgetown RR ROW	Approved
SUL-FY-15-03	2215 North 3rd Street Temple, Texas 76501	6.4' fence encroaches into south ROW of W Victory/existing building extends 1.5' into south ROW of W Victory Avenue	No Action Taken
SUL-FY-15-04	678 Marlandwood Road Temple, Texas 76502	Construct 8' high by 15' long residential subdivision entry sign for Villas at Friars Creek	Approved
SUL-FY-15-05	3801 W FM 93 Temple, Texas 76502	Construct 20' long x 9' 6" high monument entry sign for Wicker Drive/Dubose Road entrance	Approved
SUL-FY-15-07	4 S Main Street Temple, Texas 76501	Create a covered, outdoor dining space at Wes's Burger Shack	Approved
SUL-FY-15-08	10 W B Avenue Temple, Texas 76501	Construct a 4' wrought iron railing to section off 8' area of sidewalk at Nathan Paul's Rations	Approved
SUL-FY-15-09	10601 NW H.K. Dodgen Loop Temple, Texas 76504	Install three steel 2" LP pipelines crossing a public utility easement that houses a sewer line	Approved
SUL-FY-15-10	2303 Taylors Valley Road Temple, Texas	Encroachment into Georgetown RR by and existing building for Belco Manufacturing	Approved
RN-SUL-FY-15-01	103 Tanglewood Road Temple, Texas 76502	Encroachment of 5'+/- into the 10' utility easement located at the rear of the property	Approved

SULs Summary Table



Wes's Burger Shack

Three downtown restaurants utilized the SUL process to create outdoor dining space to enhance street life and create a place where people can have an urban dining experience in downtown Temple. Two other downtown restaurants, amended existing SULs and installed covered dining areas.

Variations (non Planning & Zoning Cases)



B-FY-15-03 Site Photo

► **The Variance Summary Table** shows the case number, location, purpose and outcome for the Variance applications received in FY 2015.

Variations

The Zoning Board of Adjustment (ZBA) has the authority to hear and take final action on requests for a Variance from standards to the height, yard, area, coverage, sign, landscaping and parking regulations as may be necessary to secure appropriate development of a parcel of land. The ZBA may approve a Variance based on the existence of unique circumstances on the property.

Case Number	Location	Purpose	Staff Recommendation	ZBA Recommendation
B-FY-15-01	1016 S 27th Street Temple, Texas 76504	Variance from UDC requiring 60' lot to allow a duplex on a 50' lot	Denial	Denied
B-FY-15-02	1120 N 13th Street Temple, Texas 76501	Encroachment of estimated 10' into setback on sideyard along Lamar Ave for construction of proposed attached covered carport	Denial	Denied
B-FY-15-03	1701 N 11th Street Temple, Texas 76501	Variance for an existing partially enclosed carport with a 2' encroachment into the sideyard setback	Denial	Denied
B-FY-15-04	2605 W P Avenue Temple, Texas 76504	Variance to enclose an existing carport with a encroachment into the sideyard setback	Denial	Withdraw application prior to notifications.

Variance Summary Table



Z-FY-2016-03 Site Photo "The District"

Fiscal Year 2016 Planning Department Preview

The Planning Department is excited about FY 2016 as we will be finishing up some major projects from FY 2015 and there will be other major projects in-store. Development across from the Baylor Scott & White hospital is proposed that will include additional restaurants, retail, a hotel, apartments along with a trail system around a detention pond. This will be called the District and will complement Shoppes on the Hill, which is adjacent to the District south of Scott Boulevard.

The Department is also working on a number of Zoning Code Amendments related to TMED, the I-35 Corridor Overlay and downtown while the number of cases for 2015 decreased by 12% from 2014, the projected number of cases for 2016 is on pace for a 26% increase. Development is looking good in Temple for 2016!

		2014	2015	2016 (projected)
P&Z CASES	CUPs	8	4	6
	PDs	11	2	12
	Rezoning	16	15	22
	Residential Plats	19	33	32
	Non-residential Plats	30	14	24
	Code Amendments	0	3	5
	I-35 Appeals	6	4	2
	1st and 3rd Appeals	0	2	1
	Sub-total	90	77	104
OTHER CASES	Variances	9	4	4
	SULs	6	11	10
	Abandonments	7	6	5
	Total	112	98	123
	% Change from previous year		-13%	26%

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12						
Development Approval	<p>Get Started Right! Meet with staff to determine first steps. Make sure your project is feasible!</p> <p>Contact the Planning Department (254) 298-5668</p> <p>Visit our website at Planning Website</p>	<p>Zoning Make sure your zoning is right. Contact the Planning Department (254) 298-5668</p> <p>Check city maps: Temple GIS Maps</p> <p>Submit to the Planning Department: • Application • Digital and hard copies • Field notes if needed • Other documents • Fees</p> <p>Rezoning Schedule Universal Application</p> <p>Attend Public Hearing Attend a Planning and Zoning Commission Meeting</p> <p>Attend Public Hearing Attend a City Council Meeting</p> <p>City Council Second Reading Ordinance requires two readings for final approval</p> <p>Check Section 3.3: Rezoning, of the Unified Development Code (UDC) UDC</p>	<p>Preliminary Plat (if applicable see UDC Section 3.6.5) Submit to the Planning Department: • Application • Digital and hard copies of plans • Field notes • Dedication instrument • Utility provider transmittal letter • Drainage plan/letter • Other documents (see checklist below) • Fees</p> <p>Plat Checklist Universal Application Plat Review Schedule</p> <p>Planning Department: (254) 298-5668 Engineering Department (254) 298-5624</p> <p>Check UDC Section 3.6: Subdivision Plat Review UDC</p>	<p>Attend Development Review Committee (DRC) Meeting Staff meets to discuss their comments with the applicant at DRC review. Applicant submits digital revisions until plat is deemed complete.</p> <p>More than one DRC meeting may be required.</p> <p>Plat Review Schedule</p> <p>Check UDC Section 2.5 Development Review Committee UDC</p>	<p>Attend a Planning and Zoning Commission Meeting</p> <p>Additionally: attend City Council meeting if exceptions to Article 8: Subdivision Design Improvements are requested</p> <p>Plat Review Schedule</p> <p>Check UDC Article 8: Subdivision Design and Improvements UDC</p>	<p>Final Plat: Application Submit to the Planning Department • Application • Digital and hard copies of plans • Field notes • Dedication instrument • Utility provider transmittal letter • Drainage plan/letter • Other documents (see checklist below) • Fees Plat Checklist</p> <p>Universal Application Plat Review Schedule</p> <p>Planning Department: (254) 298-5668 Engineering Department (254) 298-5624</p>	<p>Attend Development Review Committee (DRC) Meeting Staff meets to discuss their comments with the applicant at DRC review. Applicant submits digital revisions until plat is deemed complete.</p> <p>More than one DRC meeting may be required.</p> <p>Plat Review Schedule</p> <p>Check UDC Section 2.5 Development Review Committee UDC</p> <p>If plat is eligible for administrative approval proceed to recordation and close out. Check UDC Section 3.8: Minor or Amending Plat</p>	<p>Attend a Planning and Zoning Commission Meeting Additionally, attend City Council meeting if exceptions to Article 8: Subdivision Design & Improvements are requested</p> <p>Check UDC Article 8: Subdivision Design and Improvements UDC</p>	<p>Recordation and Close Out Pre-Recordation Submit to the Planning Department • 2 mylars to be signed by city officials • Original executed Dedication Instrument with original field notes to be signed by legal dept. • One digital CAD file of plat</p> <p>Post-Recordation • 1 mylar of recorded plat • 5 hard copies of recorded plat • Original recorded dedication instrument • Original recorded easement agreements (if applicable)</p> <p>See Procedures for Plat Recordation Procedures for Plat Recordation</p>	<p>Building Permit Submit to Permitting and Inspections: • Universal Commercial/ Residential Application • All plans (see requirements below) • Fees</p> <p>Permitting and Inspections will provide comments within 10 business days</p> <p>Applications Residential Permit Requirements Commercial Permit Requirements New Commercial Packet</p> <p>Email questions and applications to: permitapplications@templetx.gov</p> <p>Check UDC Section 3.13: Building Permit UDC</p>	<p>Submit to Permitting and Inspections: • Electronic revised plans per comments • Other requested documents Check Permit Status</p> <p>If permit is approved proceed with construction. Schedule inspections as needed with: • Building /Mechanical Inspectors • Electrical Inspector • Plumbing Inspector • Fire • Development Review Coordinator (for commercial)</p> <p>Contact Inspections Hotline to schedule inspections (254) 298-5640</p>	<p>Schedule Certificate of Occupancy Inspection (254) 298-5640</p>						
													Public Infrastructure Permit	<p>Residential Plat Submit to the Planning Department (as applicable): • Civil construction plans (always) • Storm water Management Plan • Drainage Report • Geotechnical Report • Floodplain Development Application • Other documents • Fees Floodplain Dev. App.</p>	<p>Residential Plat Submit to Public Works/ Engineering: • Storm water Prevention Plan • Revisions per comments provided by Public Works/ Engineering until plans are approved for construction permit</p>	<p>Residential Plat Schedule final walk through with Public Works/ Engineering Pay Park Fees</p> <p>Request Letter of Acceptance (254) 298-5640</p>	<p>Residential Plat Schedule final walk through with Public Works/ Engineering until plans are approved for construction permit</p> <p>Schedule inspections with Public Works Department for commercial infrastructure improvements (254) 298-5640</p>	<p>Schedule final walk through with Public Works/ Engineering Pay Park Fees Request Letter of Acceptance (254) 298-5640</p>
<h2>City of Temple Development Review Guide</h2>																		

Development Review Guide which provides applicants with an interactive tool to navigate through the application process for plats and zoning cases.

Temple City Council

Danny Dunn, Mayor
Russell Schneider, District 4, Mayor Pro Tem
Tim Davis, District 1
Judy Morales, District 2
Perry Cloud, District 3

Planning & Zoning Commission

David Jones, Chair
Patrick Johnson, Vice-Chair
Lydia Alaniz
Omar Crisp
Lester Fetting
David Jones
Tanya Mikeska- Reed
Blake Pitts
Greg Rhoads
Will Sears

Planning Staff

Brian Chandler, AICP, Director of Planning
Tammy Lyerly, Senior Planner
Mark Baker, Senior Planner
Dessie Redmond, Planner
Barbara Morgenroth, Development Review Coordinator
Mary Maxfield, Planning Technician (retired January 2016)
Leslie Evans, Planning Technician
Kelli Tibbit, Administrative Assistant



PLANNING AND ZONING COMMISSION ITEM MEMORANDUM

04/18/16
Item #2
Regular Agenda
Page 1 of 1

APPLICANT / DEVELOPMENT: Quintero Engineering - Central Texas Mortuary Addition

CASE MANAGER: Mark Baker, Senior Planner

ITEM DESCRIPTION: P-FY-16-28 Consider and take action on the Final Plat of Central Texas Mortuary Addition, a 0.891 +/- acres, 1-lot, 1-block non-residential subdivision, being part of the Maximo Moreno Survey, A-14, Bell County, TX and being part of a 16.13 +/- acre tract, located at 1313 S. Martin Luther King Jr. Drive.

STAFF RECOMMENDATION: Staff recommends approval of the Final Plat of Central Texas Mortuary Addition.

ITEM SUMMARY: The Development Review Committee reviewed the Final Plat of Central Texas Mortuary Addition subdivision on March 24, 2016. It was deemed administratively complete on April 14, 2016. The property is currently zoned Light Industrial (LI) and is anticipated to be developed for a mortuary use by the owner, Central Texas Mortuary, who is currently located at 11 N. 6th Street.

While the plat is proposed as a one lot subdivision, which typically does not require Planning & Zoning Commission review, right-of-way (ROW) dedication is required along South 30th Street for 5.45 feet and is triggering the Planning & Zoning Commission's review. Since the project takes frontage along South 30th Street, a proposed arterial, a 6-foot sidewalk is normally required. However, a Sidewalk Waiver has been submitted and approved administratively.

Sewer is available to the subject property by a 6-inch sewer line in South 30th Street. Water is available through a 6-inch waterline in South 30th Street.

The Planning and Zoning Commission is the Final Plat authority for Central Texas Mortuary Addition, since the applicant has not requested any exceptions to the UDC.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Aerial and Site Photos
Final Plat
Sewer Plan / Water Plan

Aerial Photo & Street View



Aerial Photo: Google Earth Image – Boundary is Approx.

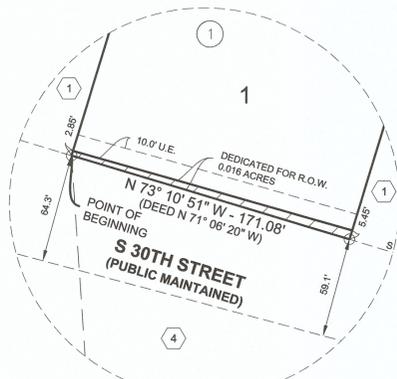


Site / Street View: Google Earth Image

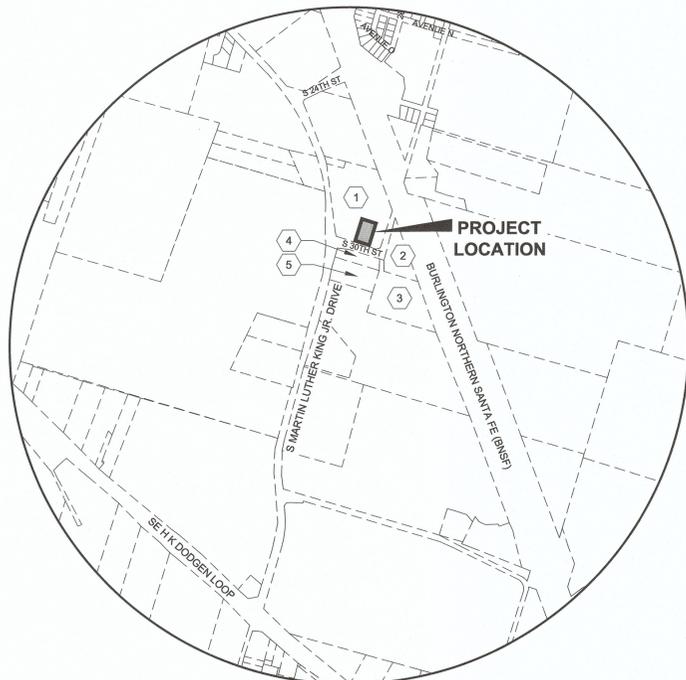
FINAL PLAT
CENTRAL TEXAS MORTUARY ADDITION
LOT 1, BLOCK 1
WITHIN THE CITY LIMITS OF THE CITY OF
TEMPLE, BELL COUNTY, TEXAS
 (BEING OUT OF THE MAXIMO MORENO SURVEY, ABSTRACT NUMBER 14, AND BEING PART OF THAT CALLED 16.13 ACRES OF LAND IN A DEED TO RAG ASSETS, LLC, RECORDED IN DOCUMENT NUMBER 2015-45785 OF OFFICIAL PUBLIC RECORDS OF BELL COUNTY, TEXAS.)

LEGEND

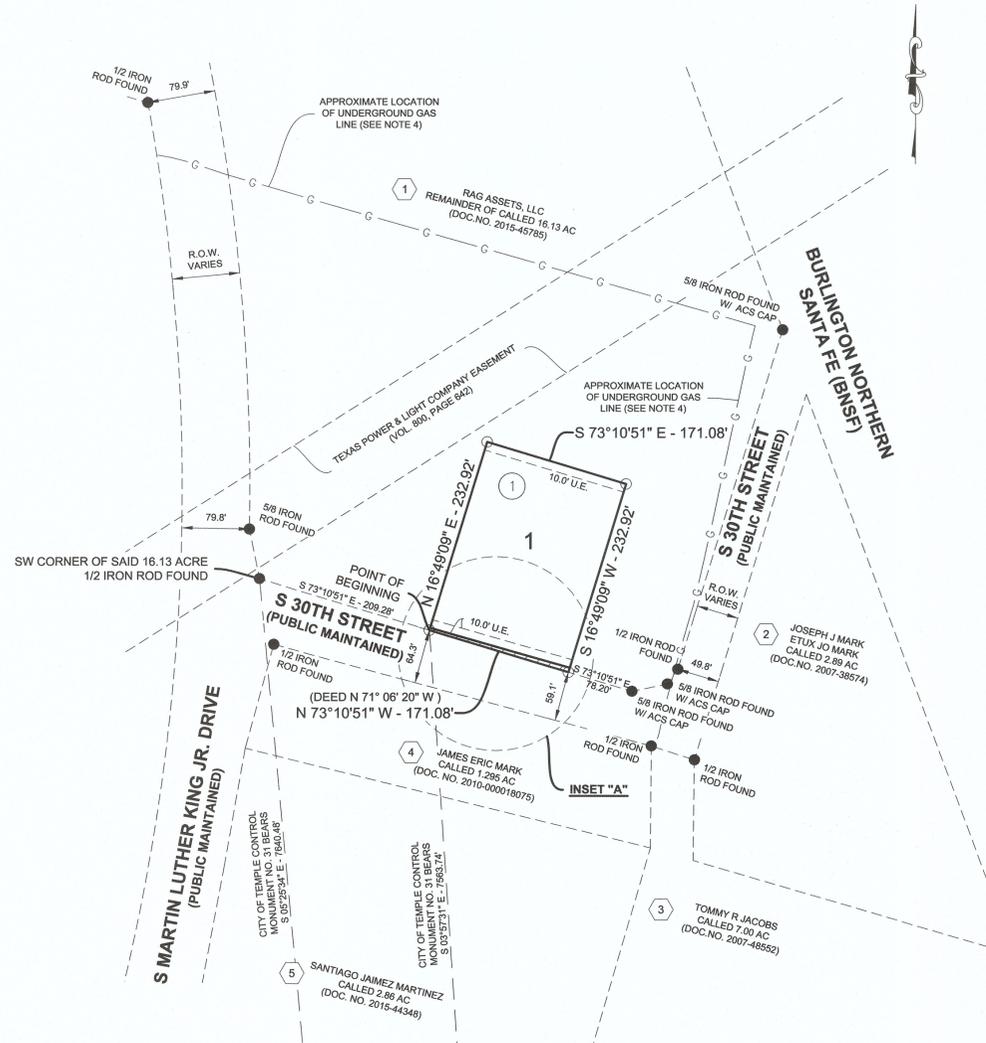
- PROPERTY BOUNDARY
- - - - - EASEMENT LINES
- - - - - ADJOINING TRACT PROPERTY LINES
- G - G - GAS LINE
- IRON ROD FOUND
- IRON ROD SET
- **UNLESS OTHERWISE NOTED**
- ① BLOCK NUMBER



INSET "A"
 SCALE: 1"=50'



LOCATION MAP
 SCALE: NTS



NOTES:

- THE BUILDING SETBACK LINES FOR THIS TRACT SHALL BE DETERMINED AS REQUIRED BY THE APPLICABLE ZONING SECTION OF THE CITY CODE OF ORDINANCES AS RELATED TO THE DEVELOPMENT OF THIS TRACT UNLESS SHOWN HERON.
- ALL CORNERS ARE 1/2 IRON ROD SET W/ QUINTERO CAP, UNLESS OTHERWISE NOTED.
- NO PORTION OF THIS PROPERTY LIES WITHIN THE FEMA 100 YEAR FLOODPLAIN AS SHOWN ON THE FLOOD INSURANCE RATE MAP, FEMA MAP 48027C0355E WHICH BEARS AN EFFECTIVE DATE OF SEPTEMBER 26, 2008.
- THIS TRACT APPEARS TO BE SUBJECT TO BLANKET-TYPE EASEMENT LONE STAR GAS COMPANY, RECORDED IN VOLUME 382, PAGE 540 AND VOLUME 496, PAGE 439, BELL COUNTY DEED RECORDS.
- THIS PROJECT IS REFERENCED IN NAD 1983 CENTRAL TEXAS STATE PLANE, CENTRAL ZONE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS. ALL COORDINATES ARE REFERENCED TO CITY MONUMENT No. 31. THE THETA ANGLE AT CITY MONUMENT No. 31 IS 01° 32' 47". THE COMBINED CORRECTION FACTOR (CCF) IS 0.999851. GRID DISTANCE = SURFACE DISTANCE x CCF. GEODETIC NORTH = GRID NORTH + THETA ANGLE. REFERENCE TIE FROM CITY MONUMENT No. 31 TO THE POINT OF BEGINNING OF THE 0.915 ACRE TRACT IS S 03° 57' 31" E, 7,563.74 FEET. REFERENCE TIE FROM CITY MONUMENT No. 31 TO THE SW CORNER OF SAID 16.13 ACRE TRACT IS S 05° 25' 34" E, 7,640.48 FEET. PUBLISHED CITY COORDINATES FOR PROJECT REFERENCE POINT 31 ARE NORTHING = 10,360,310.53, EASTING = 3,236,600.50.

RAG ASSETS, LLC, BEING THE OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED AS **CENTRAL TEXAS MORTUARY ADDITION**, WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS, DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN WITHIN THE PLAT BOUNDARIES OF THIS SUBDIVISION.

RAG ASSETS, LLC

BY: MICHEAL GASKINS, SOLE MANAGER

STATE OF TEXAS
 COUNTY OF BELL

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 2016, BY MICHEAL GASKINS, IN HIS CAPACITY AS SOLE MANAGER OF RAG ASSETS, LLC, A TEXAS LIMITED LIABILITY COMPANY, ON BEHALF OF SAID LIMITED LIABILITY COMPANY.

NOTARY PUBLIC, STATE OF TEXAS

PLANNING AND ZONING COMMISSION

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

APPROVED THIS _____ DAY OF _____, 20____

CHAIRPERSON, PLANNING AND ZONING COMMISSION

SECRETARY, PLANNING AND ZONING COMMISSION.

SURVEYORS' CERTIFICATE:

I, A. W. KESSLER, DO HEREBY CERTIFY THAT AN ACTUAL AND ACCURATE SURVEY WAS MADE ON THE GROUND OF THE PLATTED LAND, AND THAT THE CORNER MONUMENTS SHOWN ON THE FOREGOING PLAT WERE FOUND OR PLACED, IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF THE CITY OF TEMPLE, TEXAS.

A. W. Kessler 4-14-16
 A. W. KESSLER
 R. P. L. S. NO. 1852
 415 E. AVENUE D
 KILLEEN, TX 76541



AFFIDAVIT:

THE TAX APPRAISAL DISTRICT OF BELL COUNTY DOES HEREBY CERTIFY THERE ARE CURRENTLY NO DELINQUENT TAXES DUE TO THE TAX APPRAISAL DISTRICT OF BELL COUNTY ON THE PROPERTY DESCRIBED BY THIS PLAT.

DATED THIS THE _____ DAY OF _____, 20____, A.D.

By: _____
 BELL COUNTY TAX APPRAISAL DISTRICT

COUNTY CLERK INFORMATION:

FILED FOR RECORD THIS _____ DAY OF _____, 20____, IN YEAR _____, PLAT # _____
 PLAT RECORDS OF BELL COUNTY, TEXAS, AND DEDICATION INSTRUMENT # _____, OFFICIAL RECORDS OF REAL PROPERTY, BELL COUNTY, TEXAS.

By: _____

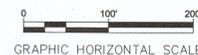
SURVEY:	MAXIMO MORENO SURVEY, A-14	OWNER:	RAG ASSETS, LLC 7304 BRANDON DR. TEMPLE, TEXAS 76502
NUMBER OF BLOCKS:	1		
NUMBER OF LOTS:	1		
TOTAL ACREAGE:	0.915 Ac.	SURVEYOR:	A.W. KESSLER 415 E. AVENUE D KILLEEN, TEXAS 76541 (254) 493-9962
DATE:	MARCH, 2016		

QC
QUINTERO ENGINEERING LLC
 415 E. AVENUE D KILLEEN, TEXAS 76541
 PHONE: (254) 493-9962 FAX: (254) 432-7070
 T.B.P.E. FIRM NO.: 14709 T.B.P.L.S. FIRM NO.: 10194111

FINAL PLAT
CENTRAL TEXAS MORTUARY ADDITION
 TEMPLE, BELL COUNTY, TEXAS

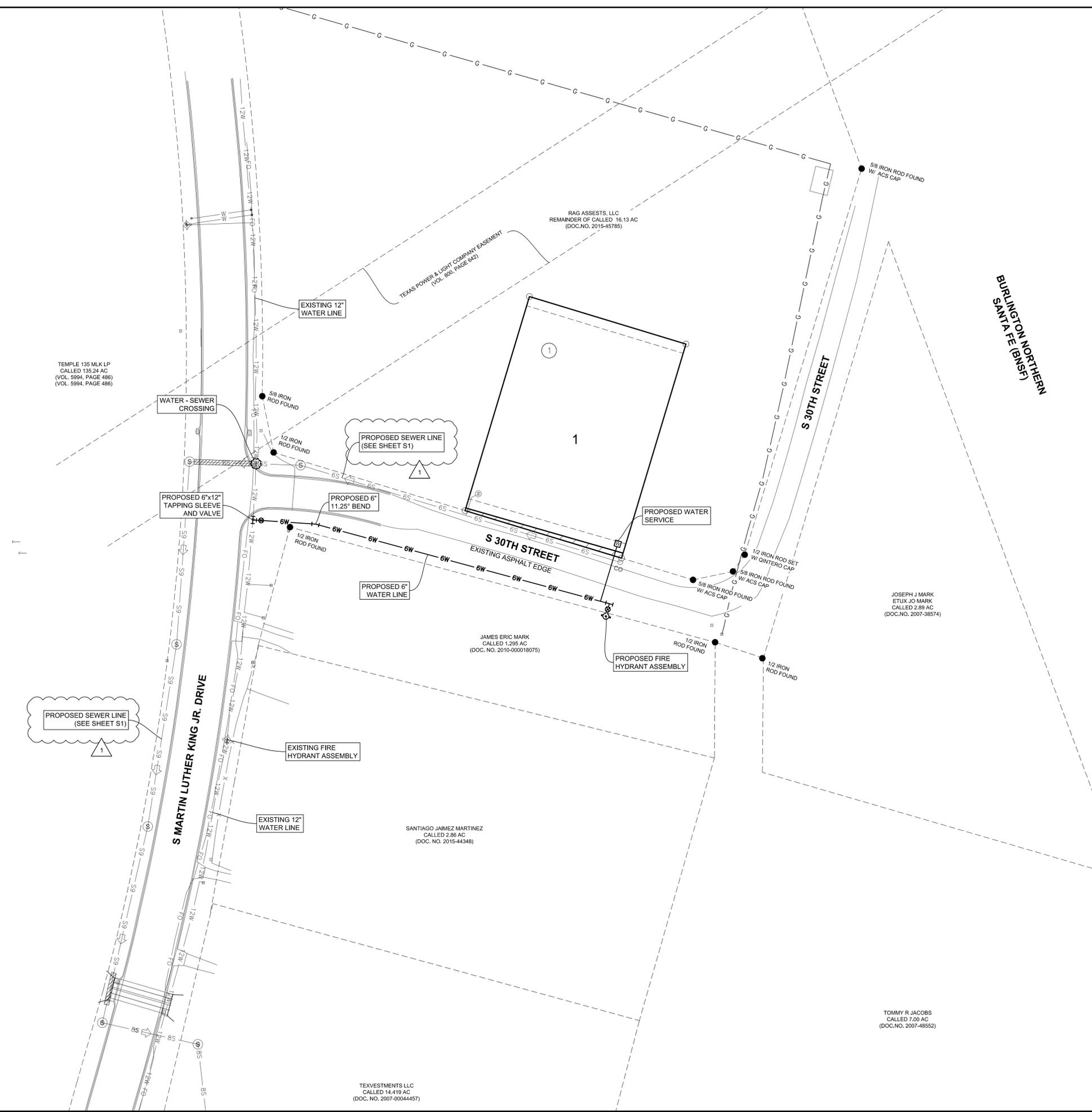
0.915 ACRE TRACT, MAXIMO MORENO SURVEY,
 ABSTRACT No. 14
 TEMPLE, BELL COUNTY, TEXAS

DRAWING NO.:
P1



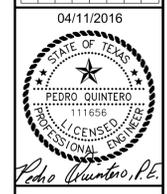
LEGEND

-  12W EXISTING 12" WATER LINE
-  6W PROPOSED 6" WATER LINE
-  EXISTING FIRE HYDRANT
-  PROPOSED TEE
-  PROPOSED 11.25° BEND
-  PROPOSED GATE VALVE
-  PROPOSED FIRE HYDRANT ASSEMBLY
-  PROPOSED SINGLE WATER SERVICE
-  WATER - SEWER CROSSING



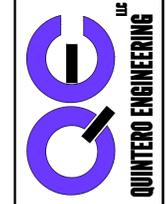
- WATER NOTES:**
1. ALL WATERLINES SHALL BE AWWA C900 PVC PIPE UNLESS OTHERWISE NOTED.
 2. ALL CONSTRUCTION SHOWN HEREIN SHALL BE PER CITY OF TEMPLE STANDARDS AND SPECIFICATIONS.
 3. EXISTING UTILITIES SHOWN HEREIN HAVE BEEN LOCATED BY VISIBLE APPURTENANCES AND RECORD DRAWINGS. CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING AND PROTECTING ALL UTILITIES REGARDLESS OF THERE DEPICTION HEREIN.
 4. ALL WATER MAINS SHALL HAVE A MINIMUM DEPTH OF COVER OF 42" BELOW FINISH GRADE.
 5. FIRE HYDRANT SYMBOLS ARE FOR REPRESENTATION ONLY. FIRE HYDRANT ORIENTATION SHALL BE PER CITY OF TEMPLE STANDARD DETAIL.
 6. ALL FIELD BENDS SHALL BE PER PIPE MANUFACTURER RECOMMENDATIONS.
 7. WATER SERVICES TO BE PROVIDED BY THE TEMPLE.
 8. WATER - SEWER CROSSING SHALL MEET THE MINIMUM CURRENT REQUIREMENTS PER TCEQ AND CITY CODE.
 9. WATER SERVICES TO BE PROVIDED BY THE CITY OF TEMPLE.
 10. WATER LINE EXTENSION IMPROVEMENTS SHALL BE THE RESPONSIBILITY OF THE DEVELOPER AND NOT THE CITY OF TEMPLE.

No.	DATE	REVISIONS	REMARKS	BY
1	04/11/16		Revisions per City Comments received, dated 03/24/16.	



ISSUED FOR REVIEW, COMMENT
PROJECT NO.: 16-009
DATE: April 2016

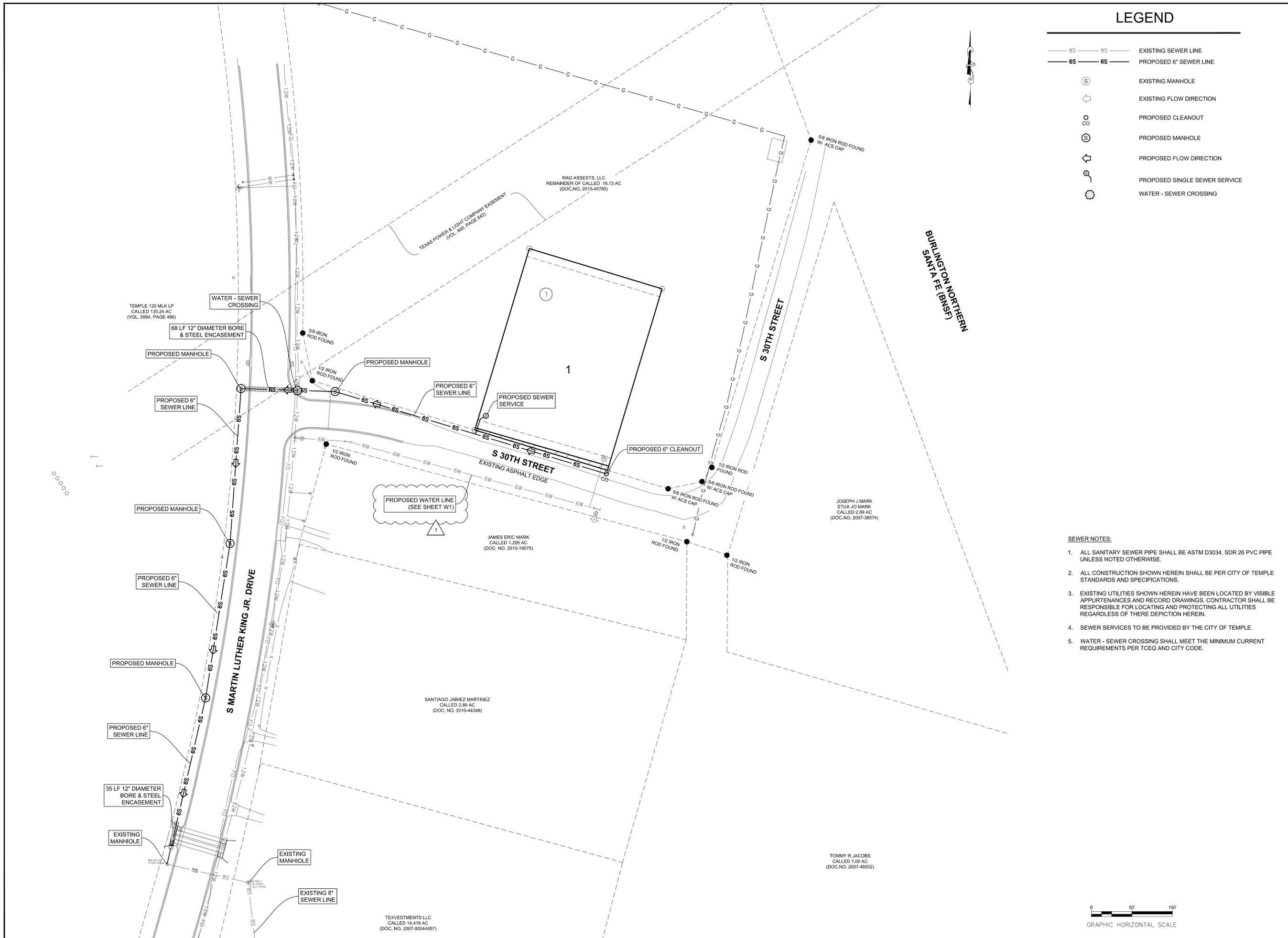
QUINTERO ENGINEERING, LLC
415 E. AVENUE D
KILLEEN, TEXAS 76541
PHONE: (254) 493-9982
FAX: (254) 432-7070
T.B.P.E. FIRM NO.: 14709
T.B.P.E. FIRM NO.: 10194111



CENTRAL TEXAS MORTUARY ADDITION
TEMPLE, BELL COUNTY, TEXAS
WATER LAYOUT

DRAWING NO.:
W1





LEGEND

- 8S — 8S — EXISTING SEWER LINE
- 6S — 6S — PROPOSED 6" SEWER LINE
- ⊙ EXISTING MANHOLE
- ⇨ EXISTING FLOW DIRECTION
- ⊙ PROPOSED CLEANOUT
- ⊙ PROPOSED MANHOLE
- ⇨ PROPOSED FLOW DIRECTION
- PROPOSED SINGLE SEWER SERVICE
- ⊙ WATER - SEWER CROSSING

SEWER NOTES:

1. ALL SANITARY SEWER PIPE SHALL BE ASTM D3034, SDR 26 PVC PIPE UNLESS NOTED OTHERWISE.
2. ALL CONSTRUCTION SHOWN HEREIN SHALL BE PER CITY OF TEMPLE STANDARDS AND SPECIFICATIONS.
3. EXISTING UTILITIES SHOWN HEREIN HAVE BEEN LOCATED BY VISIBLE APPURTENANCES AND RECORD DRAWINGS. CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING AND PROTECTING ALL UTILITIES REGARDLESS OF THERE DEPICTION HEREIN.
4. SEWER SERVICES TO BE PROVIDED BY THE CITY OF TEMPLE.
5. WATER - SEWER CROSSING SHALL MEET THE MINIMUM CURRENT REQUIREMENTS PER TCEQ AND CITY CODE.



No.	DATE	REVISIONS	REMARKS	BY
1	04/11/16		Revisions per City Comments received, dated 03/24/16.	



ISSUED FOR REVIEW, COMMENT

PROJECT NO.: 16-009
DATE: April 2016

QUINTERO ENGINEERING, LLC
415 E. AVENUE D
KILLEEN, TEXAS 76541
PHONE: (254) 493-9982
FAX: (254) 432-7070
T.B.P.L.E. FIRM NO.: 14799
T.B.P.L.S. FIRM NO.: 10194111



CENTRAL TEXAS MORTUARY ADDITION
TEMPLE, BELL COUNTY, TEXAS

SHEET TITLE:
SEWER LAYOUT

DRAWING NO.:
S1



PLANNING & ZONING COMMISSION ITEM MEMORANDUM

04/18/16
Item #3
Regular Agenda
Page 1 of 5

Applicant: City of Temple, Public Works Department

Case Manager: Dessie Redmond, Planner

Item Description: Z-FY-16-19 Hold a public hearing to discuss and recommend action on a rezoning from Agricultural (AG) to Light Industrial (LI), and to consider and recommend action on a Conditional Use Permit (CUP) to allow for landfill use in the LI zone on 283.73 +/- acre tract of land, recently annexed into the City of Temple by Ordinance No. 2015-4733.

Staff Recommendation: Based on the following, staff recommends approval for a rezoning from AG district to LI district. Staff also recommends approval with the conditions on a CUP to allow for landfill use in the LI zone. These recommendations are based on for the following reasons:

1. The proposed rezoning is in compliance with the does comply with the overall purpose of the Comp Plan.
2. The proposed zoning is compatible with surrounding zoning; and
3. The request complies with the Thoroughfare Plan.
4. The landfill use is compatible with the adjacent landfill use to the west of the property.
5. The request has demonstrated compliance to Section 3.5.4 of the Unified Development Code (UDC).

The conditions are the same conditions as the CUP on the existing landfill and are as follows:

- A. The use of the property shall conform to the Light Industrial District standards.
- B. The development of the property shall conform to the Light Industrial Zoning District standards and the generalized site plan which is attached hereto as "Site Plan".
- C. The landfill shall comply with all applicable State and Federal regulations.
- D. The operator shall develop a fencing plan for the site.
- E. Future expansion of the landfill is allowed, subject to proper permit application procedure with the appropriate agencies.
- F. The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter, and odors on the establishment or in the surrounding area and shall operate the establishment in such a manner as to minimize disturbance to surround property owners.
- G. A conditional use permit issued under this sections runs with the property and is not affected by a change in the owner or lessee of a permitted establishment.
- H. The City Council may revoke, suspend or modify a conditional use permit after notice to property owner and hearing before the city Council if the City Council fins evidence of fraud or deception, violation of conditions of the conditional use permit, or as provided in Section 7-609 and 7-610 of the Zoning Ordinance.

Item Summary: The applicant has requested a rezoning of approximately 283.73 acres from AG to LI with a CUP to allow for the use of landfill. The subject property includes land that was recently annexed into city limits by Ordinance No. 2015-4733. The annexation of the property was conducted in accordance with Chapter 42 of the Texas Local Government Code. The subject property includes properties to the south of Little Flock Road, to the west of Bob White Road, to the north of Tower Road and to the east of the existing landfill. The subject property will be developed for the purpose of expanding the landfill. The LI zoning district requires the applicant obtain a CUP for a landfill use.

It is proposed the property will be developed as a landfill use, there are other uses allowed in the LI zoning district. The uses allowed in the LI, include but are not limited to:

Permitted & *Conditional Use Table – Light Industrial (LI)	
Residential Uses	Boarding house Convent or monastery *Family or group home
Agricultural Uses	Animal shelter Farm, Ranch, orchard or garden Poultry Hatchery Kennel without veterinary hospital
Commercial Uses	Building material sales Cabinet shop Flea market (indoor and outdoor) Heavy machinery sales, storage and repair Open storage of furniture, appliances or machinery Welding or machine shop
Education & Institutional Uses	Art gallery or museum *Cemetery, crematorium or mausoleum College, university or seminary *Emergency shelter Place of worship School, business *Substance abuse treatment facility
Industrial Uses	*Asphalt or concrete batching plant (permanent) *Compost operations Distribution center
Office Uses	Office Warehouse office
Overnight Accommodations Uses	Hotel *Recreational vehicle park
Recreational & Entertainment Uses	Alcoholic beverage sales for on-premise consumption: Beer and wine only less than 75% revenue from alcohol *All alcoholic beverages 75% or more revenue from

	alcohol Amusement, commercial (indoor and outdoor) Country club Roller or Ice Rink *Shooting range (outdoor) Zoo
Restaurant Uses	Restaurant (not drive-in) Restaurant (drive-in)
Retail Sales and Service Uses	Antique shop Barber shop Medical appliances, fitting, sales or rental
Transportation and Related Uses	Airport or landing field Railroad freight terminal Parking lot or structure (commercial autos)
Utility and Service Uses	Electrical energy generating plant Personal wireless facility *Sewage treatment plant Water treatment plant
Vehicle Sales and Services Uses	Auto leasing, rental Car wash Truck stop

Prohibited uses include Cleaning plant (commercial), animal feedlot, and cement or hydrated lime plant.

The Unified Development Code:

The Unified Development Code (UDC) Section 3.5.4 Review Criteria states,

In determining whether to approve, approve with conditions or deny a CUP application, the review bodies in Sec. 3.5.2 above must consider the following criteria.

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

UDC Section 3.5.5, states the Planning & Zoning Commission may recommend and the City Council may impose additional conditions of approval.

Surrounding Property and Uses: The following tables provide information regarding the subject property and surrounding properties on Future Land Use Plan (FLUP) designations, existing zoning and current land uses:

Surrounding Property & Uses			
<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Agricultural/Rural	AG	Annexed into city limits in 2015
North	Agricultural/Rural	ETJ*	Existing Residence and Rural
South	Agricultural/Rural	ETJ	Existing Residence and Rural
East	Agricultural/Rural	ETJ	Existing Residence and Rural
West	Industrial	LI	Landfill

*ETJ – Extraterritorial Jurisdiction

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

<u>Document</u>	<u>Policy, Goal, Objective or Map</u>	<u>Compliance?</u>
Comp Plan	Map 3.1 - Future Land Use Plan (FLUP)	Yes
Comp Plan	Map 5.2 - Thoroughfare Plan	Yes
Comp Plan	Goal 4.1 - Growth and development patterns should be consistent with the City’s infrastructure and public service capacities	Yes
Trails Plan	Temple Trails Master Plan Map	N/A

Future Land Use Plan (FLUP) (Comp Plan Map 3.1)

The subject property is located in the Agricultural/Rural character district according to the Comp Plan. The propose zoning is not compatible with the Agricultural/Rural character district as described in the Choice '08 Comprehensive Plan (Comp Plan) – Future Land Use Map. This designation is meant to protect areas in active farm and/or ranch use. However, it should be noted, due to the proximity of the existing landfill, the proposed landfill use does comply with the overall purpose of the Comp Plan. The Comp Plan lays out a “big picture” vision for the growth of the community. The landfill use is a necessary component of a community. As Temple grows, the expansion of the landfill is inevitable and is therefore, part of the “big picture” vision for the growth of the community.

Thoroughfare Plan (Comp Plan Map 5.2)

The subject property is bounded to the north by Little Flock Road (major arterial), to the east by Bob White Road (collector road) and to the south by Tower Road (minor arterial). There is a proposed major arterial that runs just east of the property and abuts the property at the south east corner.

Availability of Public Facilities (Comp Plan Goal 4.1)

There are no existing utilities in the subject properties because it was recently annexed into city limits. There are also no existing utilities in the existing landfill as depicted in the Utility Map.

Temple Trails Master Plan Map and Sidewalks Ordinance

There are no proposed trails in or around the subject property as shown in as shown in the Thoroughfare and Trails Map.

Development Regulations: The request does not propose to develop the property. However, staff has included non-residential setbacks in the Agriculture (AG) & Light Industrial (LI) districts:

	Current (AG)	Proposed (LI)
Minimum Lot Size	N/A	N/A
Minimum Lot Width	N/A	N/A
Minimum Lot Depth	N/A	N/A
Front Setback	50'	30' from the centerline
Side Setback	20'	0'
Side Setback (corner)	15'	10'
Rear Setback	10'	0'
Max Building Height	3 Stories	ALH*

*ALH: any legal height not prohibited by other laws

Public Notice: 21 notices to property owners within 200-feet of the subject property were sent notice of the public hearing as required by State law and City Ordinance. As of Friday, April 14, 2016, one notices has been received in disagreement with the request. An update regarding additional notices, will be provided at the Planning & Zoning Commission meeting, if necessary.

The newspaper printed notice of the public hearing on April 7, 2016, in accordance with state law and local ordinance.

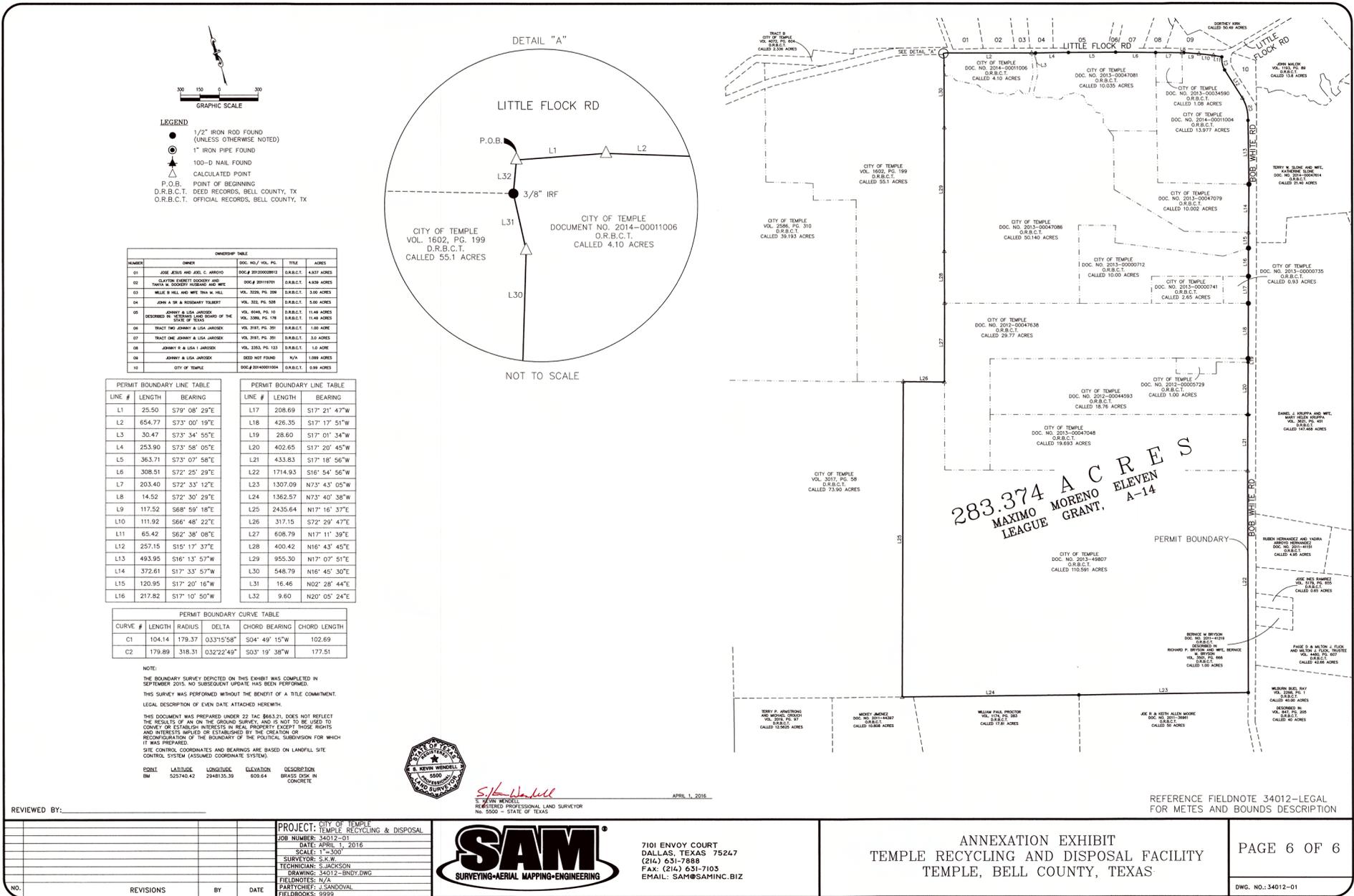
Proposed City Council meeting Schedule: This rezoning is scheduled for the 1st Reading on May 19, 2016 and a 2nd Reading on June 2, 2016.

Fiscal Impact: Not Applicable

Attachments:

- | | | |
|--|---------------------------|--------------------------|
| Site Plan | Future Land Use Map | Notification Map |
| Site Photos | Thoroughfare & Trails Map | Returned Property Notice |
| Location Map | Utility Map | |
| Existing Zoning District vs Proposed Zoning District | | |

Site Plan



- LEGEND**
- 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
 - 1" IRON PIPE FOUND
 - ▲ 100-D NAIL FOUND
 - △ CALCULATED POINT
 - P.O.B. POINT OF BEGINNING
 - D.R.B.C.T. DEED RECORDS, BELL COUNTY, TX
 - O.R.B.C.T. OFFICIAL RECORDS, BELL COUNTY, TX

OWNERSHIP TABLE

NUMBER	OWNER	DOC. NO./ VOL. PG.	AREA	ACRES
01	JOSE ARIZO AND JOEL C. ARIZO	DOC # 2012002812	D.R.B.C.T.	4.537 ACRES
02	CLAYTON EVERETT SODDY AND TRACY M. SODDY REBECCAH AND WIFE	DOC # 20118701	D.R.B.C.T.	4.539 ACRES
03	MILIE B. HILL AND WIFE TRINA W. HILL	VOL. 3226, PG. 208	D.R.B.C.T.	3.00 ACRES
04	JOHN A. ORR & ROSEMARY TALLENT	VOL. 322, PG. 328	D.R.B.C.T.	5.00 ACRES
05	JOHNNY & LISA JAROSSEK	VOL. 6944, PG. 10	D.R.B.C.T.	11.48 ACRES
06	DESCRIBED IN 33789 OF LAND RECORDS OF THE	VOL. 3285, PG. 178	D.R.B.C.T.	11.48 ACRES
07	TRACT ONE JOHNNY & LISA JAROSSEK	VOL. 3387, PG. 351	D.R.B.C.T.	1.00 ACRE
08	TRACT ONE JOHNNY & LISA JAROSSEK	VOL. 3387, PG. 351	D.R.B.C.T.	3.0 ACRES
09	JOHNNY & LISA JAROSSEK	VOL. 2383, PG. 123	D.R.B.C.T.	1.0 ACRE
10	JOHNNY & LISA JAROSSEK	DEED NOT FOUND	N/A	1.089 ACRES
11	CITY OF TEMPLE	DOC # 2014001006	D.R.B.C.T.	4.10 ACRES

PERMIT BOUNDARY LINE TABLE

LINE #	LENGTH	BEARING
L1	25.50	S79° 08' 29"E
L2	654.77	S73° 00' 19"E
L3	30.47	S73° 34' 55"E
L4	253.90	S73° 58' 05"E
L5	363.71	S73° 07' 58"E
L6	308.51	S72° 25' 29"E
L7	203.40	S72° 33' 12"E
L8	14.52	S72° 30' 29"E
L9	117.52	S68° 59' 18"E
L10	111.92	S66° 48' 22"E
L11	65.42	S62° 38' 08"E
L12	257.15	S15° 17' 37"E
L13	493.95	S16° 13' 57"W
L14	372.61	S17° 33' 57"W
L15	120.95	S17° 20' 16"W
L16	217.82	S17° 10' 50"W

PERMIT BOUNDARY LINE TABLE

LINE #	LENGTH	BEARING
L17	208.69	S17° 21' 47"W
L18	426.35	S17° 17' 51"W
L19	28.60	S17° 01' 34"W
L20	402.65	S17° 20' 45"W
L21	433.83	S17° 18' 56"W
L22	1714.93	S16° 54' 56"W
L23	1307.09	N73° 43' 05"W
L24	1362.57	N73° 40' 38"W
L25	2435.64	N17° 16' 37"E
L26	317.15	S72° 29' 47"E
L27	608.79	N17° 11' 39"E
L28	400.42	N16° 43' 45"E
L29	955.30	N17° 07' 51"E
L30	548.79	N16° 45' 30"E
L31	16.46	N02° 28' 44"E
L32	9.60	N20° 05' 24"E

PERMIT BOUNDARY CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	104.14	179.37	033°15'58"	S04° 49' 15"W	102.69
C2	179.89	318.31	032°22'49"	S03° 19' 38"W	177.51

NOTE:
 THE BOUNDARY SURVEY DEPICTED ON THIS EXHIBIT WAS COMPLETED IN SEPTEMBER 2015. NO SUBSEQUENT UPDATES HAVE BEEN PERFORMED.
 THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
 LEGAL DESCRIPTION OF EVEN DATE ATTACHED HEREWITH.
 THIS DOCUMENT WAS PREPARED UNDER 22 TAC §863.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.
 SITE CONTROL COORDINATES AND BEARINGS ARE BASED ON LANDFILL SITE CONTROL SYSTEM (ASSUMED COORDINATE SYSTEM).

POINT	LATITUDE	LONGITUDE	ELEVATION	DESCRIPTION
BM	523740.42	2948135.39	609.64	BENCH MARK IN CONCRETE



S. Kevin Wendell
 S. KEVIN WENDELL
 REGISTERED PROFESSIONAL LAND SURVEYOR
 No. 5500 - STATE OF TEXAS
 APRIL 1, 2016

REVIEWED BY: _____

NO.	REVISIONS	BY	DATE



7101 ENVOY COURT
 DALLAS, TEXAS 75247
 (214) 631-7888
 FAX: (214) 631-7103
 EMAIL: SAM@SAMINC.BIZ

ANNEXATION EXHIBIT
 TEMPLE RECYCLING AND DISPOSAL FACILITY
 TEMPLE, BELL COUNTY, TEXAS

PAGE 6 OF 6

DWG. NO.: 34012-01

Site Photos



Standing on Bob White Road at the central east boundary looking south into the property.



Standing on Little Flock Road at the northwest corner of the property looking south into the property.

Site Photos



Existing landfill abutting the west boundary of the subject property.



Standing on Little Flock Road looking south into the property.

Location Map



Ag to Lt Ind
LOCATION MAP
 Zoning Case :
 Z-FY-16-19
 Address: south of
 Little Flock Rd and
 west of Bob White Rd

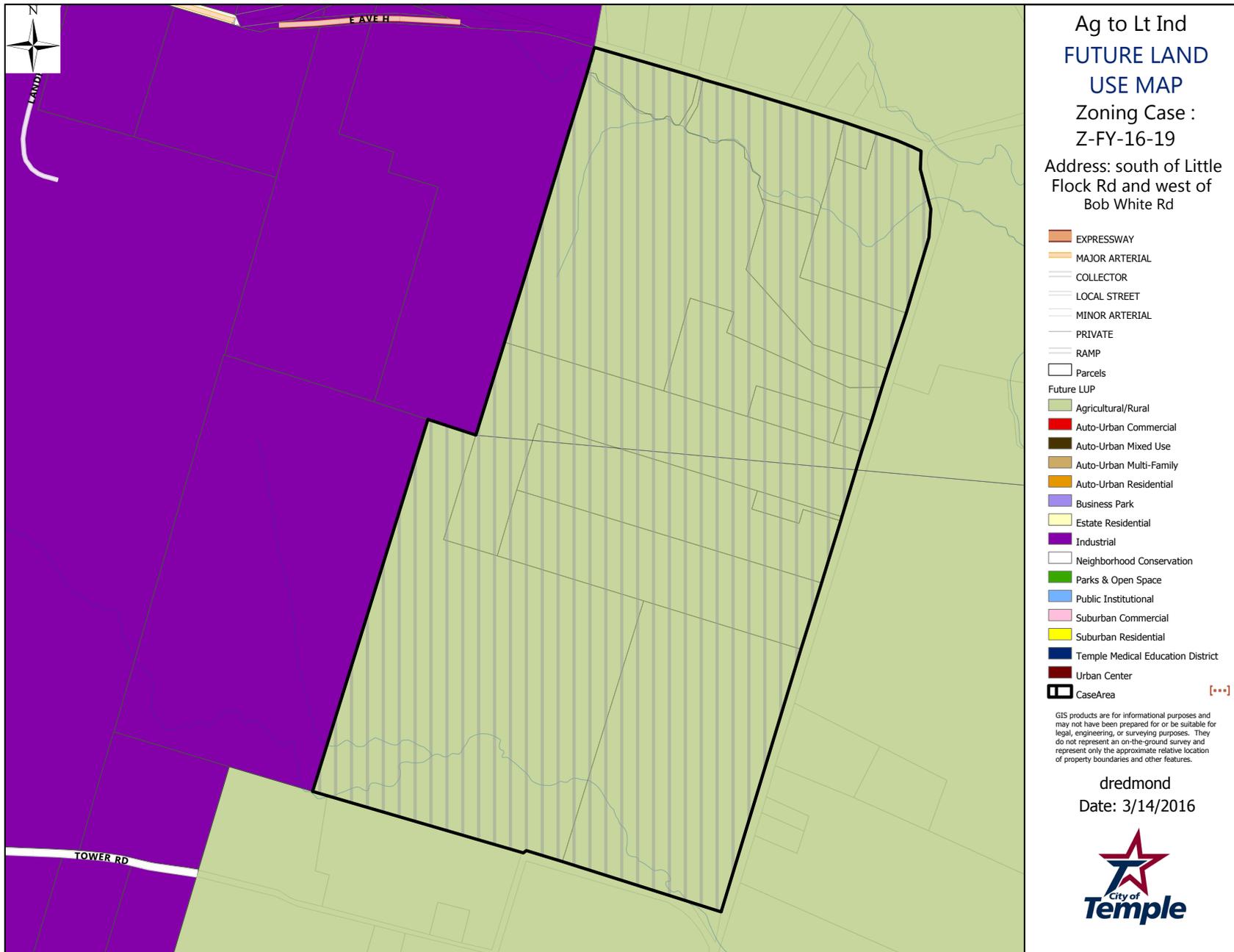
- Streets
- EXPRESSWAY
 - MAJOR ARTERIAL
 - COLLECTOR
 - LOCAL STREET
 - MINOR ARTERIAL
 - PRIVATE
 - RAMP
 - Railroad
 - Temple Municipal Boundary
 - Parcels
 - ETJ Parcels
 - CaseArea
 - CaseArea

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

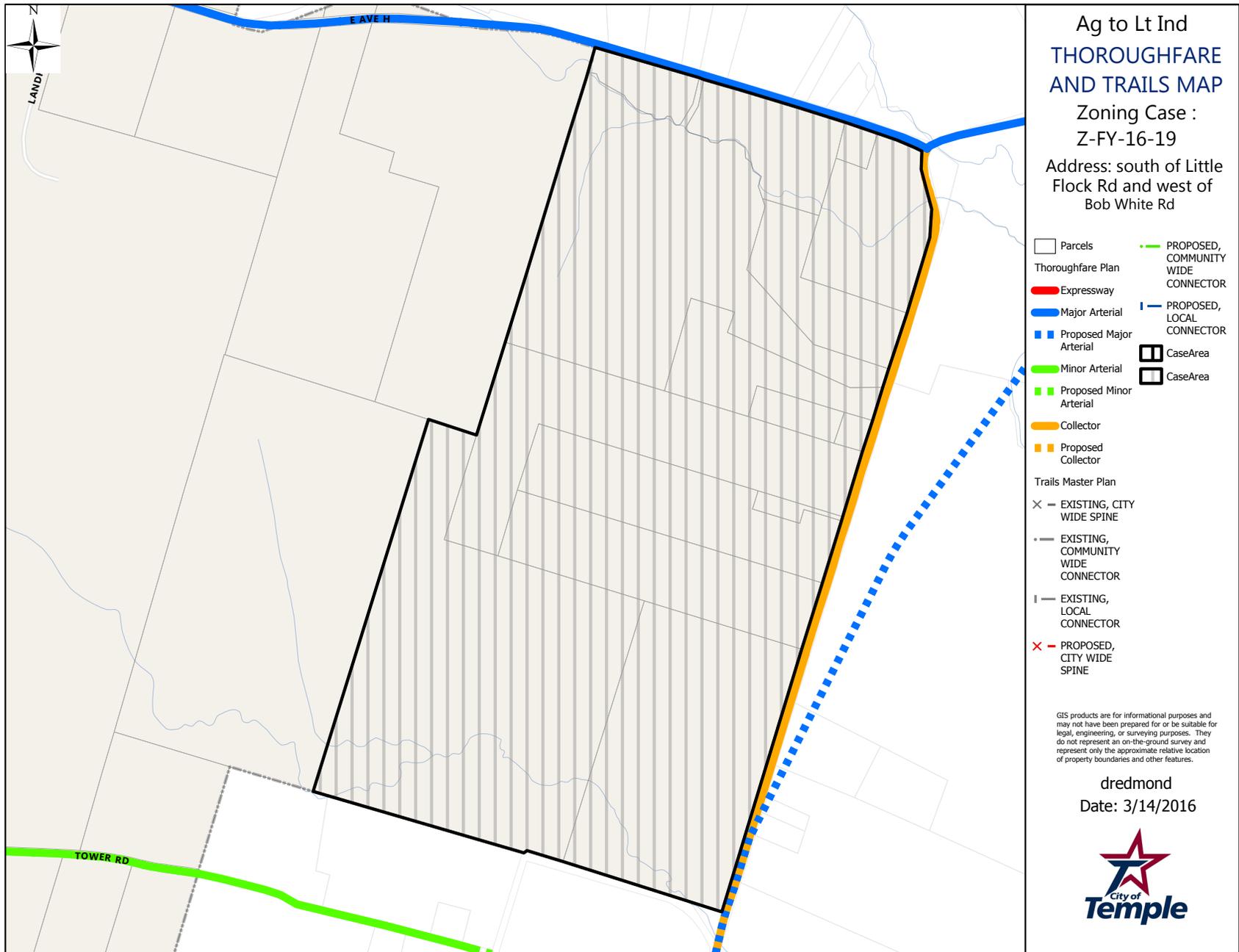
dredmond
 Date: 3/14/2016



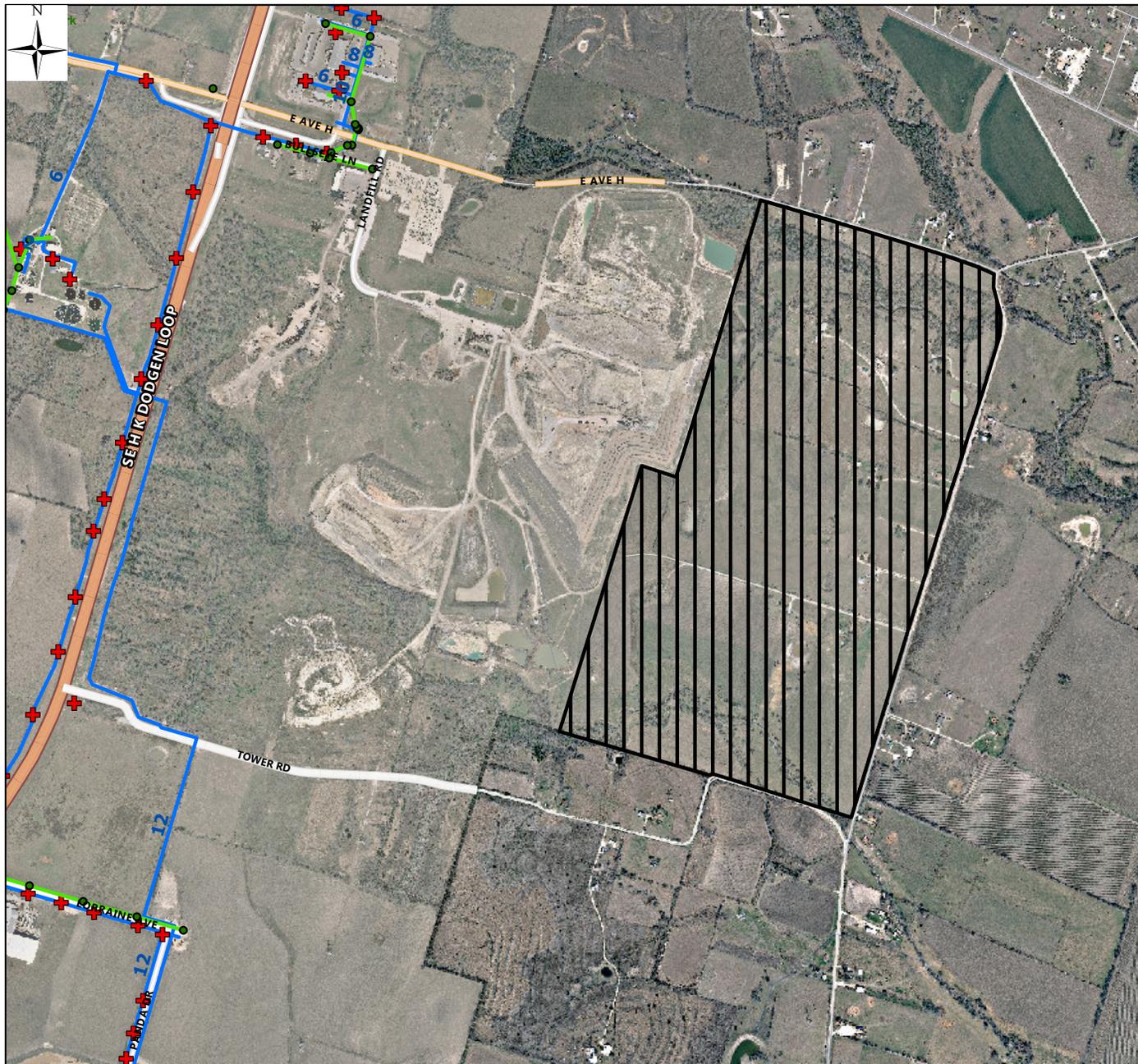
Future Land Use Map



Thoroughfare and Trails Map



Utility Map



Ag to Lt Ind
UTILITY MAP

Zoning Case :
 Z-FY-16-19

Addresses: south of
 Little Flock Rd and west
 of Bob White Rd

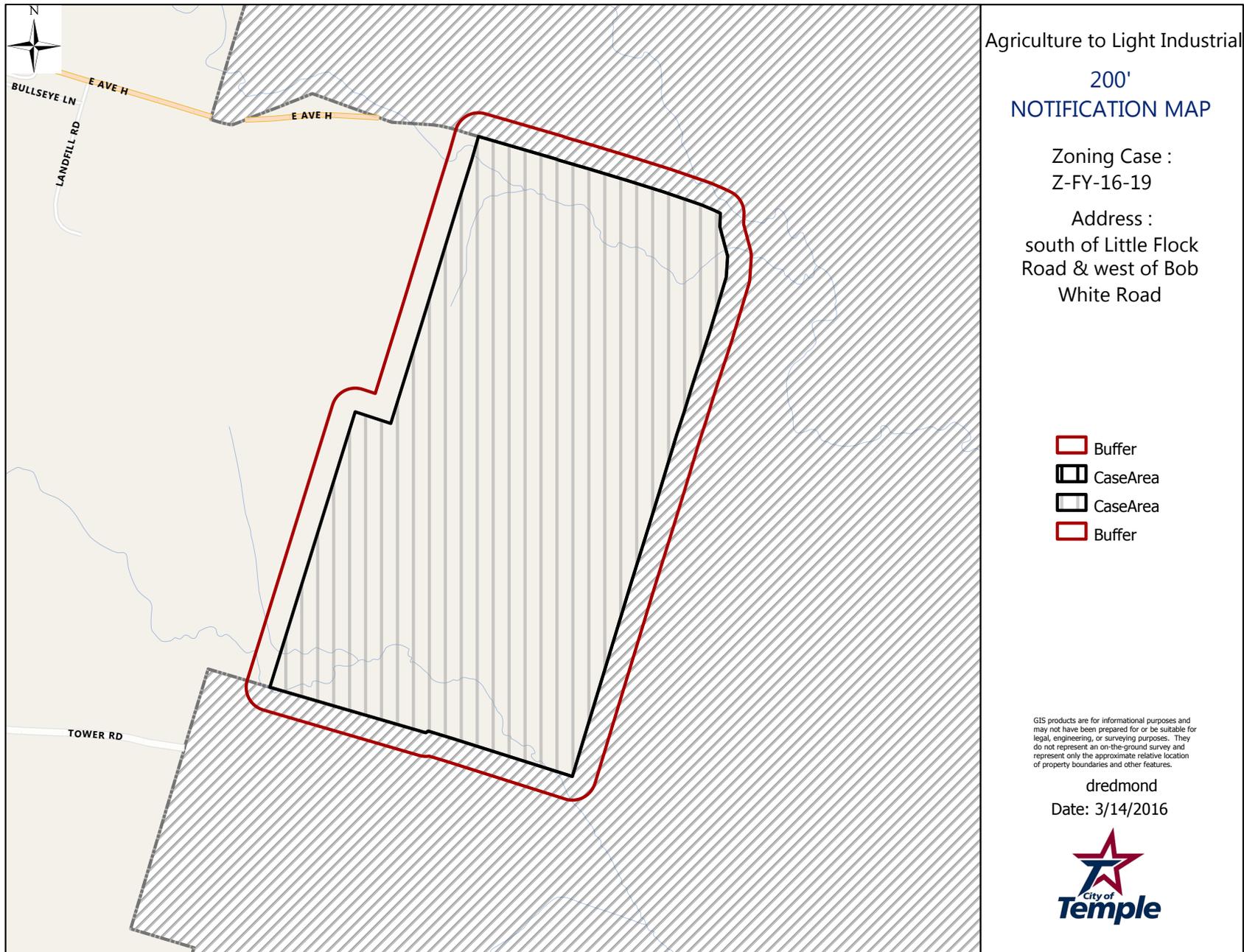
- Manhole
- Gravity Main
- ⊕ Hydrant
- Main
- Parcels
- ▨ CaseArea
- ▨ CaseArea

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

dredmond
 Date: 3/14/2016



Notification Map



Returned Property Notice



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

JAROSEK, JOHNNY & LISA
4698 LITTLE FLOCK RD
TEMPLE, TX 76501-7178

Zoning Application Number: **Z-FY-16-19** Project Manager: Dessie Redmond

Location: South of Little Flock Road and to the west of Bob White Road

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

I agree disagree with this request

Comments: Decrease in property values &
Smell

[Signature] J. Jarosek
Signature Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **April 18, 2016**.

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

RECEIVED
APR 14 2016
City of Temple
Planning & Development

Number of Notices Mailed: 21

Date Mailed: April 6, 2016

Existing Zoning District versus Proposed Zoning District



Existing Agricultural Zoning District



Proposed Light Industrial Zoning District

- Agricultural
- Light Industrial
- Light Industrial with a CUP
- ETJ
- Subject Property Boundary



PLANNING AND ZONING COMMISSION ITEM MEMORANDUM

04/18/16
Item 4
Regular Agenda
Page 1 of 4

APPLICANT / DEVELOPMENT: Vincent G. Huebinger for Mueller Inc.

CASE MANAGER: Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: Z-FY-16-20– Hold a public hearing to discuss and recommend action on a Conditional Use Permit (CUP) to install a proposed 115' stealth monopole for Verizon Wireless at the Mueller building site on a tract of land of 0.0258 +/- acres, situated in the S. Bottsford Survey, Abstract No. 118, Bell County, Texas, located at 7050 North General Bruce Drive.

STAFF RECOMMENDATION: Staff recommends approval of the requested Conditional Use Permit (CUP) for the following reasons:

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

ITEM SUMMARY: The applicant requests this Conditional Use Permit to allow installation of a 115' stealth monopole for Verizon Wireless at the Mueller building site located at 7050 North General Bruce Drive. The property is zoned Light Industrial District (LI) and is located within the I-35 Interstate Corridor Overlay Industrial Sub-District. The applicants were unable to find a suitable collocation site in this area and propose a stealth monopole to resemble a flagpole with a flag. The applicants have submitted a letter regarding the inability to collocate.

Although the Unified Development Code (UDC) prohibits freestanding personal wireless service facilities in the I-35 interstate Corridor Overlay District, **UDC Section 5.4.3. (I-35 Interstate Corridor Overlay District Standards)** allows the Director of Planning to consider Freestanding Stealth Personal Wireless Service Facilities in all I-35 Interstate Corridor Overlay Sub-Districts. **UDC Section 5.4.4.C permits freestanding monopoles in the Industrial Sub-District.**

A **Conditional Use Permit is required** because the applicant's **proposed stealth monopole placement of 345 feet within adjacent residential uses does not meet the condition that requires freestanding towers within Light Industrial and Heavy Industrial Districts to be**

located no closer than 1,000 feet to the boundary of any residential use or district, per UDC Section 5.4.4. (Chief Building Official Review and Final Action).

Personal wireless cell towers pursuing C.U.P.s are subject to the following design standards in Section 5.4.5 of the UDC:

A. Boundary and Use Setbacks

1. A guy or guy anchor for a facility must not be closer than 20 feet to a bounding property line.

Staff note: The proposed freestanding monopole does not have a guy or guy anchors. It is a stealth monopole that will resemble a flagpole without a flag.

2. The distance between the base of a self-supported tower and the property line of any residential zoning district or use must not be less than 3 times the height of the tower structure.

Staff note: The proposed monopole is located within an existing Light Industrial zoning district and is located no closer than 345 feet from the nearest residential use. The nearest residential use is located within the Agricultural zoning district.

B. Security Screening Fence

1. A solid, wood or masonry fence, a minimum of eight feet in height, must completely enclose the base of every tower. **Staff note: The site plan proposes a six foot high wood fence enclosed around the tower base and equipment shelter.**

2. In a residential zoning district or on property that abuts a residential zoning district or use, a solid wood or masonry fence, a minimum of eight feet in height, must completely enclose all mechanical equipment and accessory structures. **Staff note: The request is in an existing Light Industrial District and proposes a six foot high wood fence enclosed around the tower base and equipment shelter.**

3. A security screening fence for a facility built or permitted after May 17th, 2001, may not be less than 6 feet in height. **Staff note: This request proposes a six foot high wood fence.**

4. A security fence must be built to safely discourage unauthorized access to facilities by climbing. **Staff note: The applicants propose a six foot high fence topped with barbed wire, as allowed by UDC Section 7.7.5 D.**

5. External and internal gates and doors that provide access to a facility must be equipped with a self-locking or self-latching mechanism for purposes of preventing unauthorized access. **Staff note: The site plan reflects compliance with this requirement.**

6. Screening is not required for a facility located on a building that is not designed or built primarily to support the facility, if the ancillary equipment, including but not limited to the equipment enclosure, is not visible from an abutting property line or public street right-of-way. **Staff note: The site plan reflects a six foot high wood fence for screening around the site's perimeter.**

C. Screening

1. As much of the total facility as possible must be screened or located so as to not be visible from prevalent views. **Staff note: The proposed tower base and equipment shelter will be screened by a six foot high wood fence.**

2. Landscaping must be continuously maintained in a healthy, growing condition and be trimmed as necessary to comply with ordinances governing height of grass, corner sight obstruction and street and sidewalk obstruction.

D. Collocation

A new freestanding tower is not permitted unless the applicant demonstrates to the satisfaction of the approving authority that existing, permitted or proposed alternative support structures cannot accommodate the proposed facilities for the following reasons:

1. Height is not sufficient to meet applicant’s engineering requirements;
2. Structural strength is not sufficient to support applicant’s proposed facilities and cannot be reinforced in accordance with engineering requirements;
3. Other aspects of structure do not meet applicant’s technical design requirements;
4. Electromagnetic interference would result from collocation;
5. Fees or costs for sharing or adapting are unreasonable; any cost that is less than the cost to construct and develop a new tower is presumed to be reasonable;
6. Owners of alternative structures are unwilling to accommodate the applicant’s needs within 30 days after the date such owners received applicant’s written request; or
7. Other factors render alternative support structures unsuitable.

Staff note: The applicants have submitted a letter regarding the inability to collocate.

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

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Suburban Commercial	LI	Industrial/ Manufacturing
North	Suburban Commercial	AG	Industrial/ Manufacturing & Rural Residential
South	Suburban Commercial	LI	Undeveloped Industrial Property
East	Suburban Commercial	LI	Industrial/ Manufacturing & I-35
West	Agricultural / Rural	AG	Agricultural / Rural Residential

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

<u>Document</u>	<u>Policy, Goal, Objective or Map</u>	<u>Compliance?</u>
CP	Map 3.1 - Future Land Use and Character (FLUP)	Yes
CP	Map 5.2 - Thoroughfare Plan	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City’s infrastructure and public service capacities	Yes

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

The property is within the Suburban Commercial character district of the *Choices '08* City of Temple Comprehensive Plan. The property is also within the I-35 Interstate Corridor Overlay Industrial Sub-District, which specifically allows freestanding monopoles in the Industrial Sub-District, **per UDC Section 5.4.4.C.**

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

The subject property fronts North General Bruce Drive/ I-35, a highway, which is appropriate for commercial and industrial uses. Pegasus Drive, a collector, is appropriate for the applicant's requested stealth monopole.

Availability of Public Facilities (CP Goal 4.1)

An existing 10-inch water line is located within the right-of-way of Pegasus Drive. A 6-inch water line is located on the northern portion of the applicant's property. Sewer services to the property are provided by septic system.

PUBLIC NOTICE: Three (3) notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of Thursday, April 13, 2016, No notices have been received in favor of the proposed rezoning and no notices have been returned in opposition to the proposed rezoning.

Staff has notified the applicant that UDC Section 5.4.5.D (Conditional Use Permit) requires a notification boundary of 500 feet. Since Staff only notified property owners within 200 feet, new notification maps will be sent out to property owners within 500 feet for the May 2, 2016, Planning and Zoning meeting.

The newspaper printed notice of the public hearing on April 7, 2016, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Site and Surrounding Property Photos
Zoning Map
Location map with Aerial
Future Land Use and Character Map
Thoroughfare & Trails Map
Utility Maps
Applicant's Collocation Letter
Applicant's Site Plan Exhibits

SURROUNDING PROPERTY AND USES:

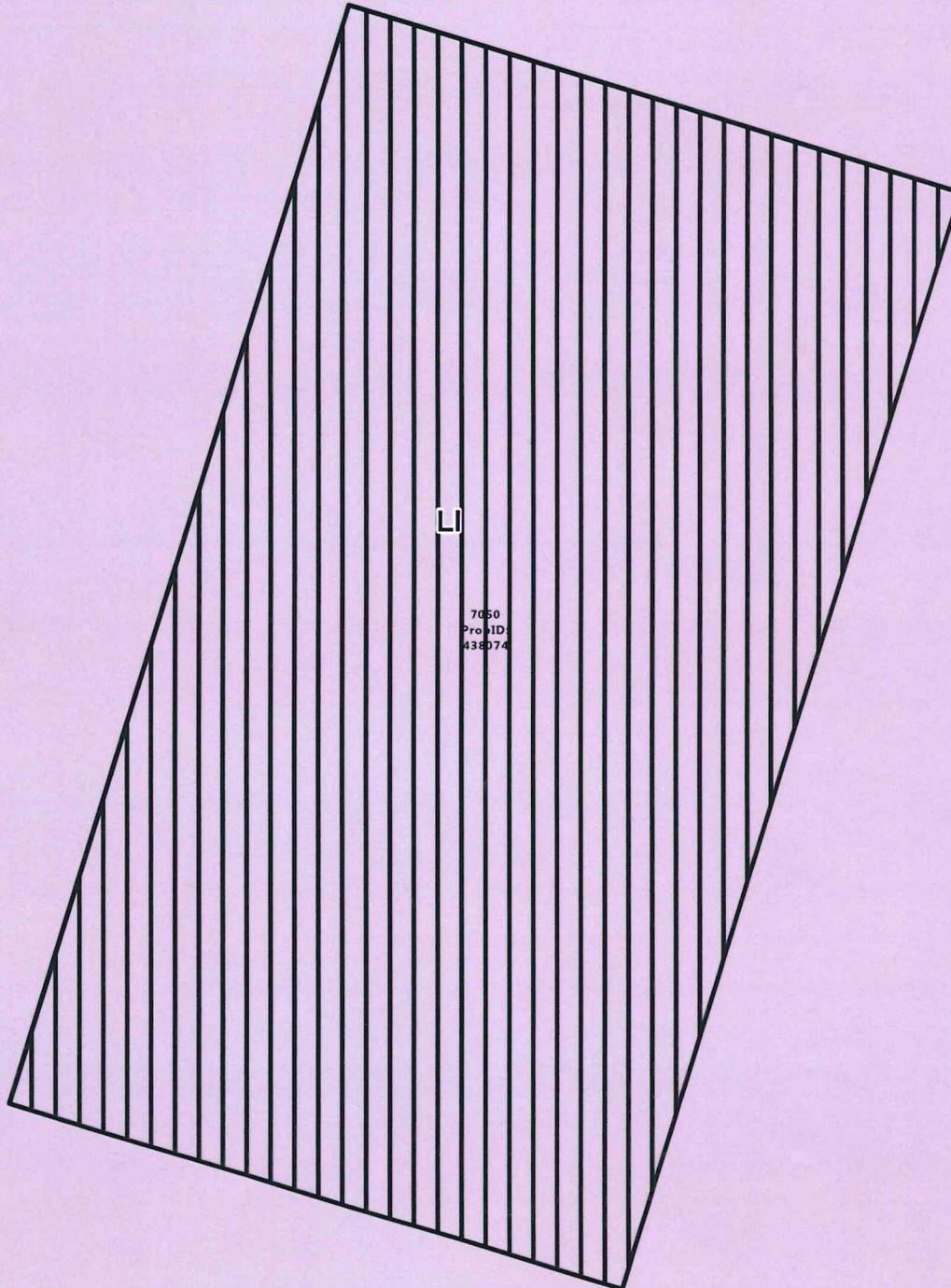
The following table shows the subject property, existing zoning and current land uses:

Direction	Zoning	Current Land Use	Photo
Subject Property	LI	Industrial / Manufacturing	 <p>A black box with the text "Stealth Monopole Site" and a downward-pointing arrow is overlaid on the photo. The photo shows a grassy area enclosed by a black chain-link fence. In the background, there are some industrial buildings and utility poles.</p>
			 <p>A black box with the text "Stealth Monopole Site" and a downward-pointing arrow is overlaid on the photo. The photo shows a paved area next to a grassy field. In the background, there are industrial buildings and utility poles.</p>
			 <p>A black box with the text "Stealth Monopole Site" and a downward-pointing arrow is overlaid on the photo. The photo shows a grassy area enclosed by a black chain-link fence. In the background, there are industrial buildings and utility poles.</p>

Direction	Zoning	Current Land Use	Photo
East	LI	Industrial/ Manufacturing & I-35	
West	AG	Agricultural / Rural Residential	

Direction	Zoning	Current Land Use	Photo
South	LI	Undeveloped Industrial Property	
North	AG	Industrial / Manufacturing & Rural Residential	

Direction	Zoning	Current Land Use	Photo
			



LI to LI-CUP

Zoning Case :

Z-FY-16-20

Address :

7050 M General Bruce Dr

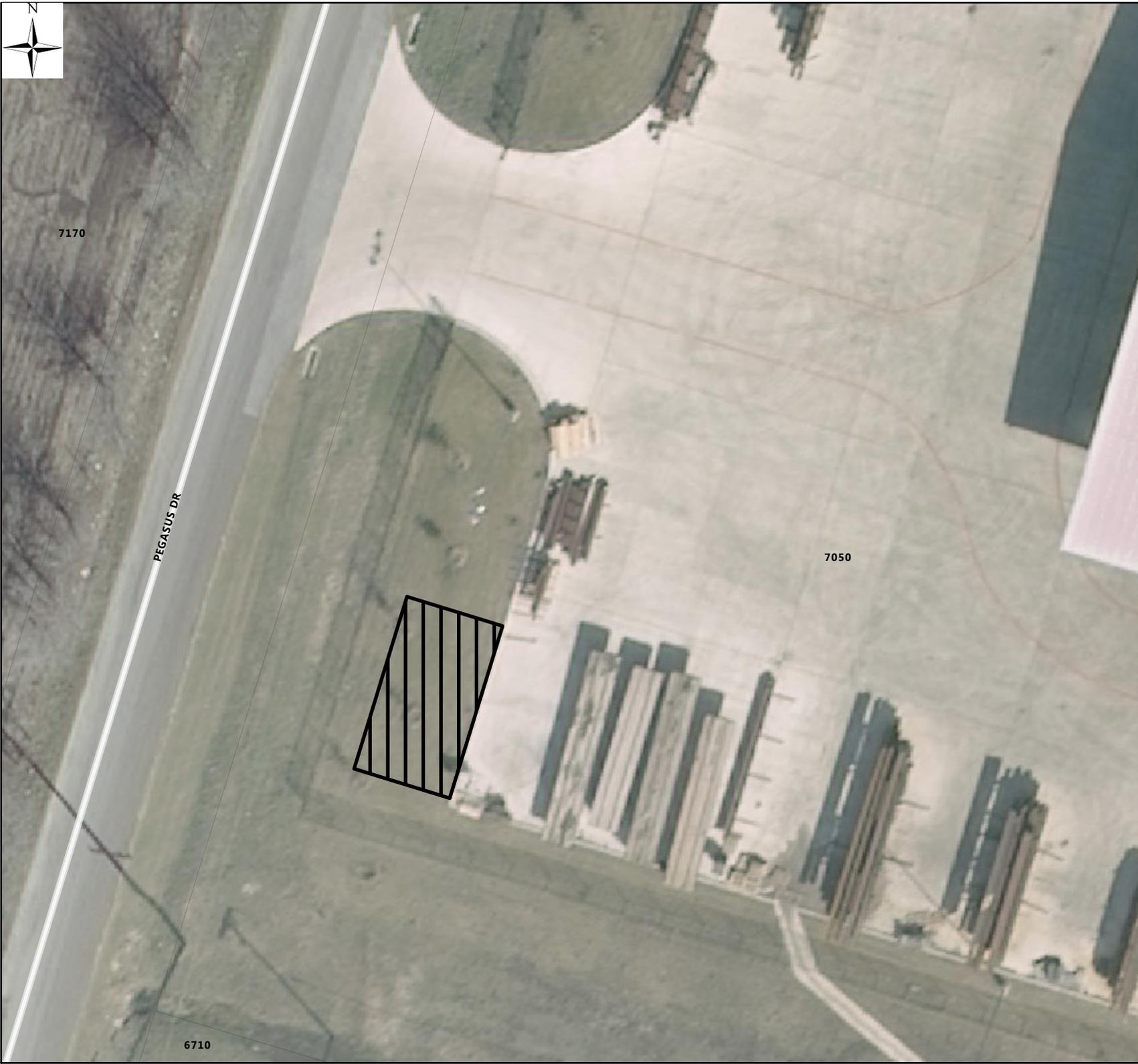
CurrentZoning	□ O-1	■ AG - CUP
■ HI - CUP	□ O-1 - CUP	■ MH
□ UE	□ O-1 - PD	■ MH - CUP
□ UE - PD	□ O-2	■ MH - PD
□ SF-1	□ O-2 - CUP	■ MU
□ SF-1 - CUP	□ O-2 - PD	■ MU - CUP
□ SF-1 - PD	□ NS	□ SD-C
□ SF-2	□ NS - CUP	□ SD-C - CUP
□ SF-2 - PD	□ NS - PD	□ SD-H
□ SF-3	■ GR	□ SD-H - CUP
□ SF-3 - PD	■ GR - CUP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

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

myarberry

Date: 4/14/2016





LI to LI-CUP
AERIAL MAP

Zoning Case :
 Z-FY-16-20
 Address :
 7050 N General
 Bruce DR

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

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

tlyerly
 Date: 3/29/2016





LI to LI-CUP FUTURE LAND USE MAP

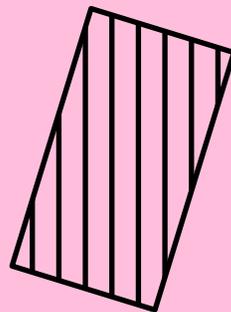
Zoning Case :
Z-FY-16-20

Address :
7050 N General Bruce DR

7170

PEGASUS DR

7050



6710

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

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

tlyerly
Date: 3/29/2016





LI to LI-CUP THOROUGHFARE AND TRAILS MAP

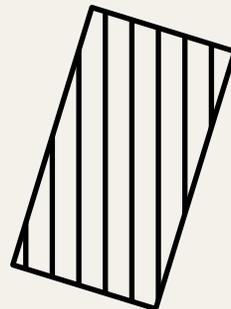
Zoning Case :
Z-FY-16-20

Address :
7050 N General Bruce DR

7170

PEGASUS DR

7050



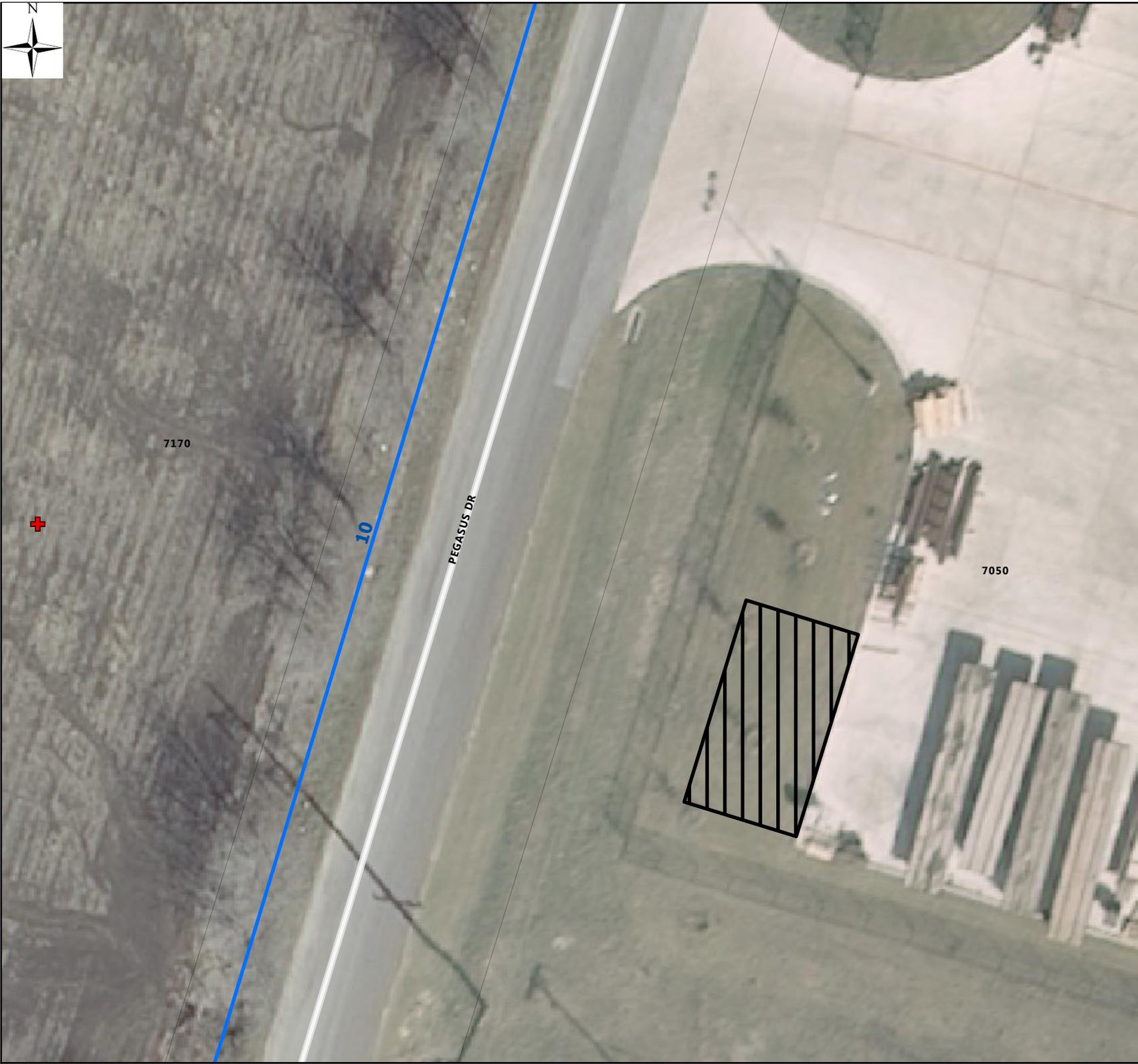
6710

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

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

tlyerly
Date: 3/29/2016





LI to LI-CUP

UTILITY MAP

Zoning Case :
Z-FY-16-20
Address :
7050 N General
Bruce DR

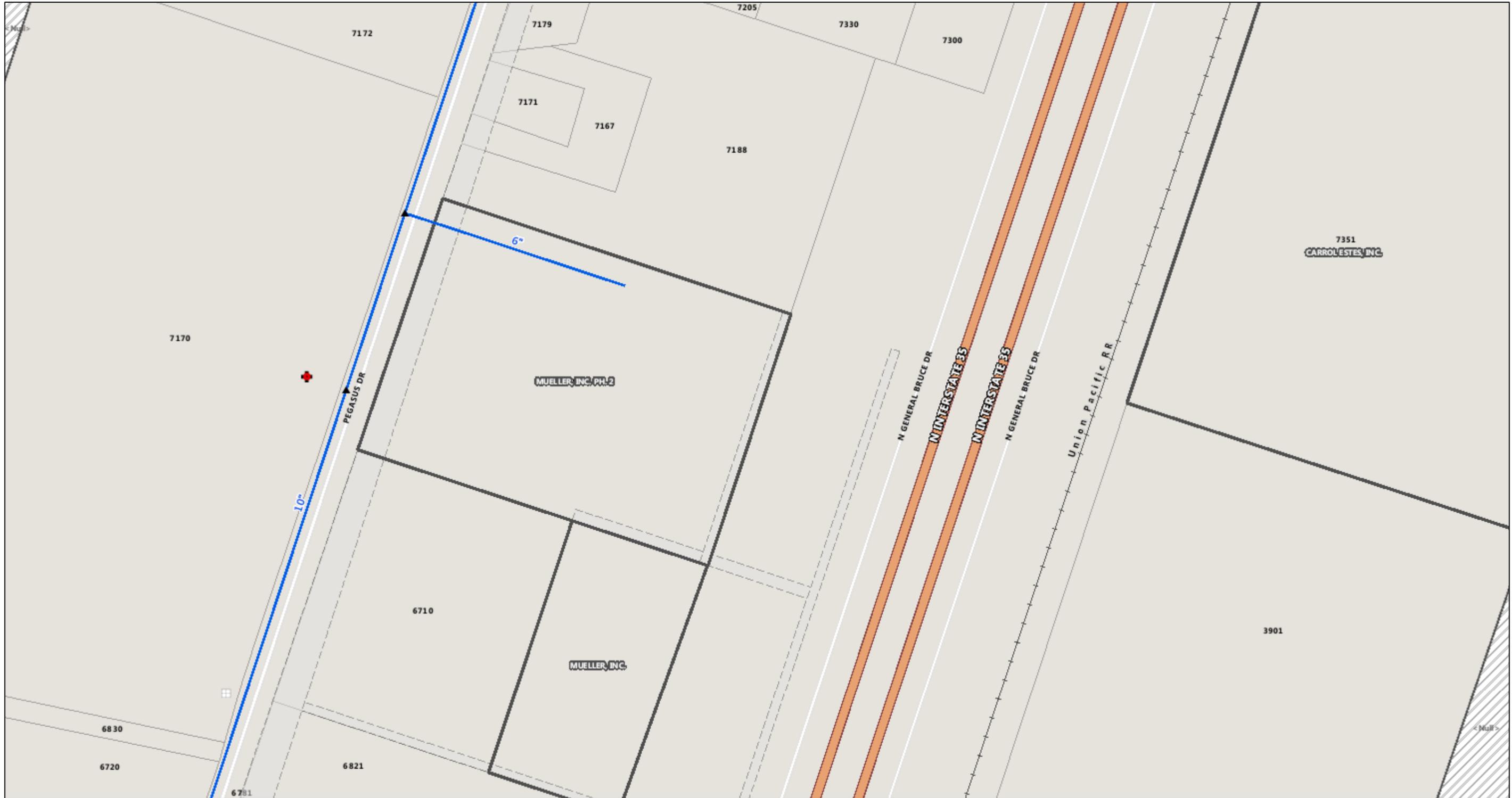
-  Manhole
-  Gravity Main
-  Hydrant
-  Main
-  Parcels
-  CaseArea

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

tlyerly
Date: 3/29/2016



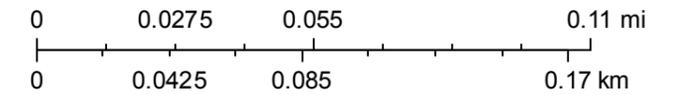
Public Works Utility Map



April 14, 2016

1:2,257

wNetworkStructure	wSystemValve	wFitting	wMain	ssFitting	swNetworkStructures
ELEVATED TANK	<all other values>	<all other values>	Potable Water	ssCleanOut	DISCHARGE STRUCTURE
PUMP STATION	PLUG	REDUCER	Reclaimed Water	ssSystemValve	HEADWALL
TREATMENT PLANT	wServiceConnection	REDUCING CROSS	ssNetworkStructure	ssPressurizedMain	JUNCTION CHAMBER
wHydrant :Type	wControlValve	REDUCING TEE	LIFT STATION	ssGravityMain	VIRTUAL JUNCTION
FIRE	SIMPLE CHECK		TREATMENT PLANT	ssLateralLine	swFitting
FLUSH	AIR RELEASE		ssManhole	swDischargePoint	swInlet
					swManhole



WIRELESS COMMUNICATION FACILITY RF LOCATION STATEMENT

**Re: Verizon Wireless – Verizon Mueller/Telecommunication facility located at
7050 N. General Bruce Drive, Temple Texas 76501**

Verizon Wireless hereby states that a careful review of the geographical area to be served by the proposed new tower was made, which revealed that an antenna height of one hundred (115') feet would be required.

This tower will be located on a specific parcel, and sits in a location designed to enhance and expand both the available coverage and the necessary capacity for the citizens of Temple, Texas. This location will provide Verizon customers with enhanced communications and added capacity for adjacent highway traffic along IH 35 for Temple, Texas.

Verizon Wireless considered other immediate locations, structures and possibilities, but no other option was available that would allow Verizon Wireless to utilize a tower less than one hundred fifteen (115') feet while serving the intended coverage area and providing sufficient capacity. No other structure has sufficient height to meet these engineering requirements.

This RF Location Statement confirms the importance of this specific location in order to provide service, i.e. coverage and capacity, to the citizens of Temple Texas.

Kathryn L. Foster
R.F. Engineer for Verizon Wireless

3/16/2016
Date



5804 Tri County Parkway
Schertz, TX 78154

To Whom it may concern:

I, Tim Caletka (Principal Const. Engineer-Verizon Wireless) hereby authorize Vincent Gerard & Associates to file and pull all appropriate documents, permits and applications with respect to Verizon permits on our projects. Vincent Gerard & Associates is an authorized agent for Verizon Wireless.

Thank You,

A handwritten signature in blue ink that reads "Tim Caletka". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Tim Caletka –Sr. Construction Engineer

Verizon Mueller

Proposed 110' monopole

Legend

-  Proposed Verizon Mueller

 Proposed Verizon Mueller

Pegasus Dr

Interstate 35 Frontage Rd

35



Verizon Mueller

IH35- Distance 550'

Legend

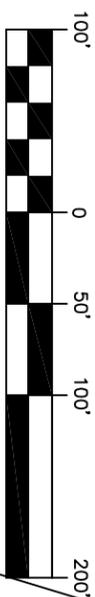
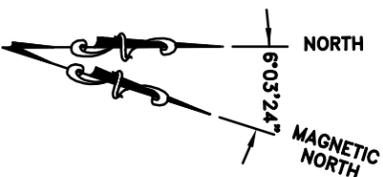
 Proposed Verizon Mueller

 Proposed Verizon Mueller

Pegasus Dr

Interstate 35 Frontage Rd





(IN FEET)
1 inch = 100 ft.

GRAPHIC SCALE

PEGASUS DRIVE
(A.K.A. OLD HIGHWAY 81)
(60' PUBLIC R.O.W.)

BEARING BASIS
N17°06'24"E 445.17'
(N17°05'21"E 445.13')

S. BOTTSFORD SURVEY, ABSTRACT NO. 118
BELL COUNTY, TEXAS

REMAINDER
MUELLER, INC.
CALLED 16.565 ACRES
VOL. 3679, PG. 139 OPRBCT

SITE

LEASE AREA
P.O.B.

MUELLER INC ADDITION,
CABINET D, SLIDE 325 B PRBCT

LOT 1
CALLED 6.341 ACRES

N 10359625.97
FND. 1" IRON PIPE
KEVIN WILLHOITE
CALLED 8.2805 ACRES
VOL. 1983, PG. 508 OPRBCT

P.O.C.
N 10399200.49
E 3237672.09
FND. 1" IRON PIPE

20' SIDE YARD (PLAT)
20' DRAINAGE AND UTILITY EASEMENT (PLAT)
20' SIDE YARD (PLAT)

151.00' NON-ACCESS ESM'T. (PLAT)
48.00' ACCESS (PLAT)

TXDOT R.O.W. PARCEL 27
CALLED 1.926 ACRES
DOC. NO. 2013-00021506 OPRBCT

IH 35
(120' R.O.W.)

REMAINDER
LOT 1, BLOCK 1
MUELLER, INC. ADDITION
LOTS 1 & 2, BLOCK 1
CABINET C, SLIDE 151-D
PRBCT

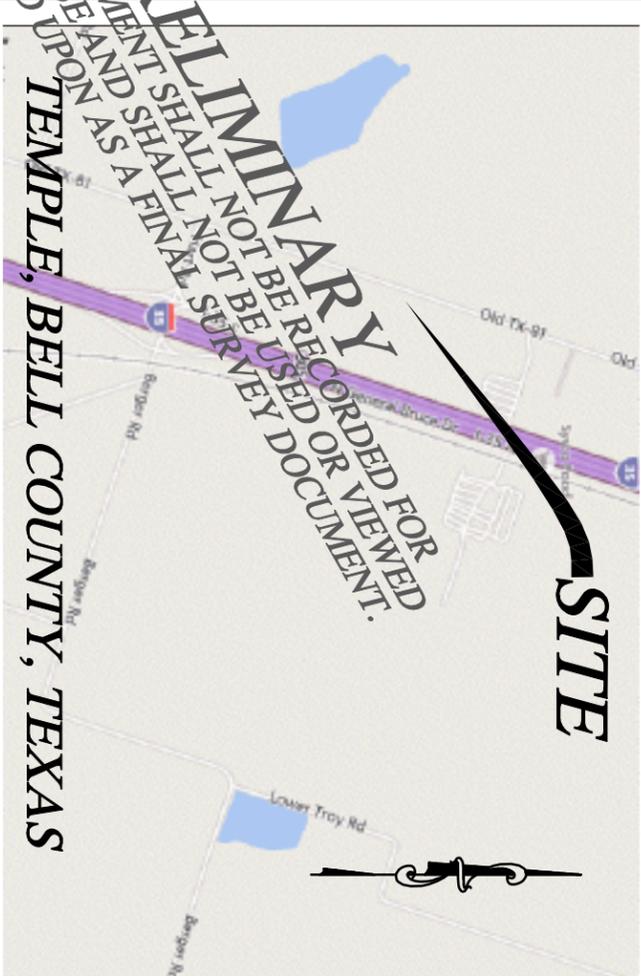
TXDOT R.O.W. PARCEL 26
CALLED 1.968 ACRES
DOC. NO. 2013-00022830 OPRBCT

SUBJECT TO:

- 1) 15' PUBLIC UTILITY EASEMENT VOLUME 3895, PAGE 37 OFFICIAL PUBLIC RECORDS BELL COUNTY, TEXAS (OPRBT). (DOES NOT AFFECT LESSEE'S LEASE AREA OR ACCESS AND UTILITY EASEMENT (DNA)).
- 2) POSSESSION AND USE AGREEMENT FOR TRANSPORTATION PURPOSES INSTRUMENT NO. 2011-32660 OPRBCT. (DNA)
- 3) POSSESSION AND USE AGREEMENT FOR TRANSPORTATION PURPOSES INSTRUMENT NO. 2011-32661 OPRBCT (DNA).
- 4) COURT ORDER CONDITIONALLY GRANTING WRIT OF POSSESSION INSTRUMENT NO. 2013-00014288 OPRBCT (DNA).
- 5) COURT ORDER CONDITIONALLY GRANTING WRIT OF POSSESSION INSTRUMENT NO. 2013-00015557 OPRBCT (DNA).
- 6) COURT ORDER CONDITIONALLY GRANTING WRIT OF POSSESSION INSTRUMENT NO. 2013-00015924 OPRBCT (DNA).

SURVEY OF:
A 0.0258 OF AN ACRE LEASE AREA, A 20 FOOT WIDE ACCESS AND UTILITY EASEMENT AND A 10 FOOT WIDE UTILITY EASEMENT OUT OF LOT 1, MUELLER, INC. ADDITION, PHASE 2 RECORDED IN CABINET D, SLIDE 325 B PLAT RECORDS BELL COUNTY, TEXAS, SITUATED IN THE S. BOTTSFORD SURVEY ABSTRACT NO. 118, BELL COUNTY, TEXAS.

VICINITY MAP



N.T.S.

LEGEND

- △ = SET 60D NAIL
- ▲ = SET MAG NAIL W/ DISK SOLIS-KANAK
- () = DENOTES BEARINGS & DISTANCES PER RECORD
- = 1/2" IRON BAR FOUND UNLESS OTHERWISE NOTED.
- = UTILITY POLE
- OH - = OVERHEAD LINE
- X - = WIRE FENCE
- = SET 1/2" IRON BAR W/ SOLIS-KANAK CAP
- ☑ = HWY. CONC. MONUMENT

FLOOD ZONE

This property described above appears on the Federal Emergency Management Agency Flood Insurance Rate Map: FIRM 48027C0190E, Effective date September 26, 2008. This property appears in Zone "X", areas of minimal flooding, shown on the map. No warranty is expressed or implied is made regarding the accuracy of the National Flood Insurance Program Map

PROJECT INFORMATION

SITE NAME: MUELLER

OWNER/LESSOR NAME: MUELLER INC.

SITE ADDRESS: PEGASUS DRIVE

TEMPLE, TX 76501

LATITUDE: 31° 09' 45.16" N LONGITUDE: 97° 19' 25.74" W

GROUND ELEVATION: 727.7' AMSL

LATITUDE NORTH : 31° 09' 45.16"
LONGITUDE WEST : 97° 19' 25.74"

SYSTEM : GEODETIC
DATUM TRANS. : NAD 1983
ELLIPSOID : GRS 1980
CLARK 1866

NOTES:
1) ALL ELEVATIONS ARE MEAN SEA LEVEL. (NORTH AMERICAN VERTICAL DATUM OF 1988)

- 2) METES AND BOUNDS DESCRIPTION PREPARED THIS DATE.
- 3) THIS SURVEY WAS PERFORMED WITH THE BENEFIT OF AN OWNERSHIP AND ENCUMBRANCE REPORT PREPARED BY OLD REPUBLIC TITLE DATED OCTOBER 13, 2014, UPDATED SEPTEMBER 18, 2015.
- 4) BEARINGS BASED ON TEXAS STATE PLANE COORDINATES CENTRAL ZONE (NAD 83).

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY TO VERIZON WIRELESS, ARCHCOMM, INC., AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS IN INTEREST THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY IB, CONDITION II SURVEY.

PRELIMINARY
THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

CLINTON L. KANAK, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR No. 4499



Solis-Kanak & Associates, Inc.
Professional Surveyors
FIRM LICENSE NO. 10140200
17500 FM 306
CANYON LAKE, TX 78133
(830) 935-4011 FAX (830) 935-4012



ArchComm Design, Inc. Architects
1840 Lockhill-Selma, Suite 101
San Antonio, Texas 78213
(210)308-9905

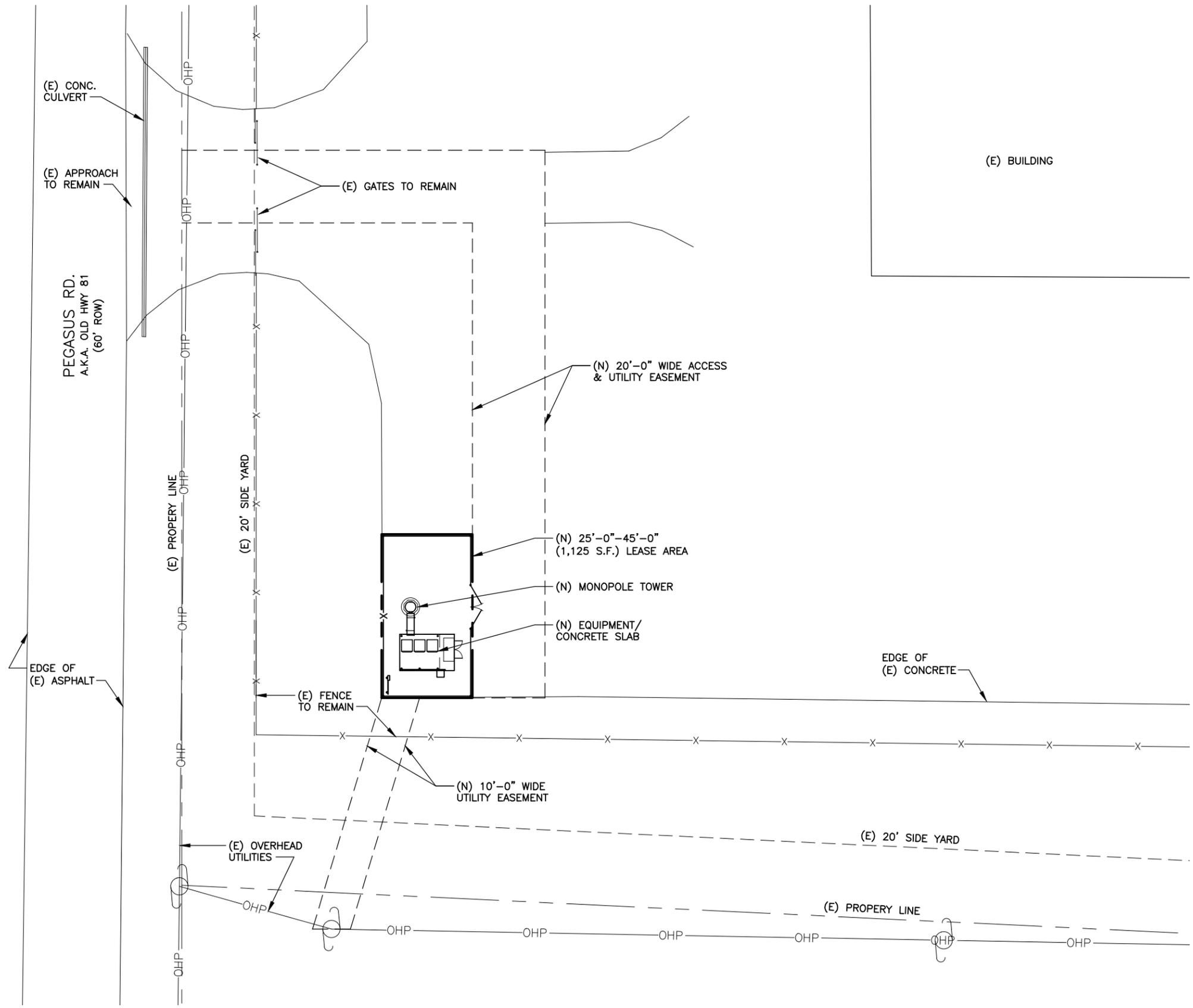
MUELLER
TEMPLE,
BELL COUNTY, TX

JOB NUMBER: 14-0184
DATE: 10-28-15
REV. I:
PRELIMINARY:
DATE: 02-16-16
PURPOSE:
FOR REVIEW

DRAWN BY: J.C.S./M.H.
REVISED BY:

SHEET NO.
1 of 2

H:\VERIZON\SOUTH TEXAS\Mueller - 299934\20141079122-NB\Mueller-ENSITE BASE DRAWING.dwg, 10/7/2015 4:08:33 PM, mlopez



1 SITE PLAN
SCALE: 1" = 30'-0"
NORTH

(N) = NEW LESSEE
(E) = EXISTING
(F) = FUTURE



MUELLER

PEGASUS DRIVE
TEMPLE, BELL COUNTY, TEXAS
(299934)

APPROVAL SIGNATURES
LANDLORD
LEASING
CONSTRUCTION

THIS IS AN INCOMPLETE SET NOT FOR CONSTRUCTION OR PERMITTING. APPROPRIATE PROFESSIONAL SEAL WILL BE APPLIED TO FINAL CONSTRUCTION SET

ARCHCOMM, LLC.
1006 Beckett
San Antonio, Texas 78213
(210) 308-9905
TBPE NO. F-15659

SHEET TITLE
SITE PLAN

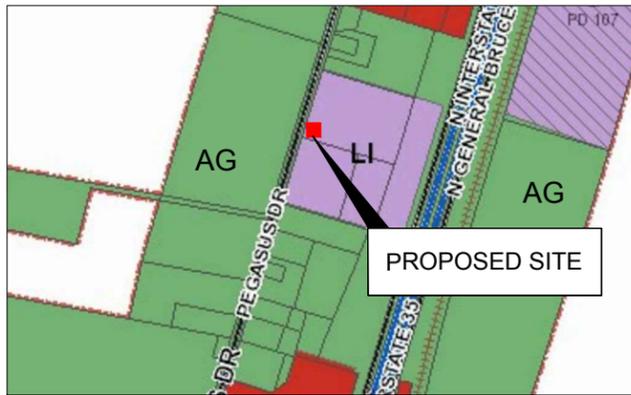
SHEET HISTORY
10.01.15 ISSUE

76

EN1

THESE DRAWINGS ARE THE PROPERTY OF VERIZON WIRELESS. THEY ARE INTENDED FOR THE EXCLUSIVE USE OF THIS PROJECT ONLY. ANY RE-USE OF THESE PLANS (DRAWINGS) WITHOUT THE EXPRESS WRITTEN CONSENT OF VERIZON WIRELESS IS PROHIBITED.

ZONING MAP



ZONING DISTRICT LEGEND

- "AG" - Agricultural Open Space District
- "LI" - Limited Industrial District Permit "UD"

CONDITIONAL USE PERMIT

SITE INFORMATION

JURISDICTION: CITY OF TEMPLE, TEXAS 76501
 BELL COUNTY
 Latitude 31°09'44.071"N, Longitude - 97°19'70.00"W
 OCCUPANCY: N/A (UNMANNED)
 USE: TELECOMMUNICATIONS FACILITY
 ZONING FILE NO.: NA

PROJECT TYPE

115' MONOPOLE TOWER SITE

DATE

FEBRUARY 29, 2016

SITE NAME:

MUELLER /VERIZON
 - SITE LOCATED IN 'LI' ZONING
 - SITE LOCATED IN IH 35 CORRIDOR (STEALTH MONOPOLE)
 -SITE MEETS 3X HEIGHT SETBACK FROM RESIDENTIAL USE

CONTACT INFORMATION

VINCENT GERARD & ASSOCIATES
 1715 S. CAPITAL OF TEXAS HWY
 SUITE 207
 AUSTIN, TEXAS 78746
 PHONE: (512) 328-2693

VINCE HUEBINGER

SITE ADDRESS

7050 N. GENERAL BRUCE DRIVE
 TEMPLE, TX., 76501

LEGAL DESCRIPTION

MUELLER ADDITION PHASE 2
 LOT 1 BLOCK 1, BELL COUNTY, TEXAS

CONSULTANTS

VINCENT GERARD & ASSOCIATES
 1715 S. CAPITAL OF TEXAS HWY
 SUITE 207
 AUSTIN, TEXAS 78746
 PHONE: (512) 328-2693

VINCE HUEBINGER

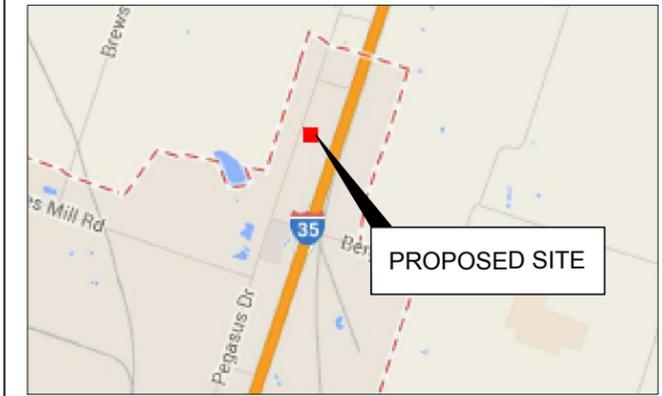
CARRIER INFORMATION

VERIZON WIRELESS
 KANDI VONGSOMBATH
 MNG., REAL ESTATE & REGULATORY
 7 VILLAGE CIRCLE STE. 400
 WESTLAKE TX 76262
 PHONE: (817) 961-2596
 EMAIL: viengxai.vangsombath@vzw.com

ZONING SITE PLAN

(NOT FOR CONSTRUCTION)
 ADVERTISING IS PROHIBITED ANYWHERE ON A WTF, WITH THE EXCEPTION OF THE MINIMUM SIGNAGE AS REQUIRED BY THE FEDERAL COMMUNICATIONS COMMISSION (FCC) REGULATIONS OR NECESSARY FOR THE OPERATIONS OF A WTF.
 AN IDENTIFICATION SIGN FOR EACH SERVICE PROVIDER RESPONSIBLE FOR THE OPERATION AND MAINTENANCE OF A WTF AT THE SITE, NOT LARGER THAN TWO SQUARE FEET, SHALL BE POSTED AT A LOCATION FROM WHICH IT CAN BE EASILY READ FROM OUTSIDE THE PERIMETER OF THE WTF, AND SHALL PROVIDE THE NAME, ADDRESS, AND EMERGENCY NUMBER OF THE RESPONSIBLE SERVICE PROVIDER.

VICINITY MAP



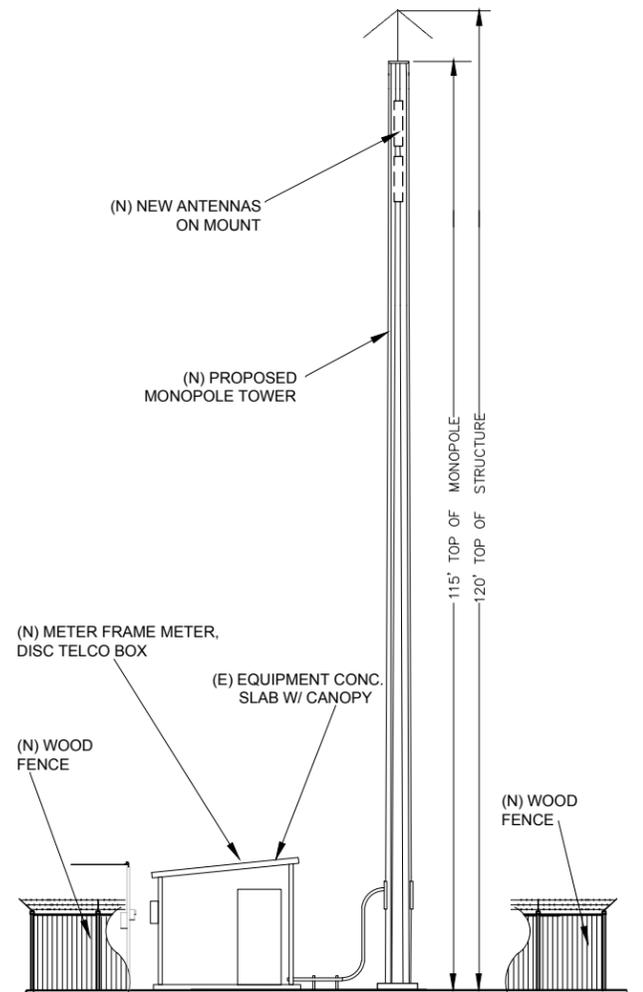
NOT TO SCALE

AERIAL IMAGERY



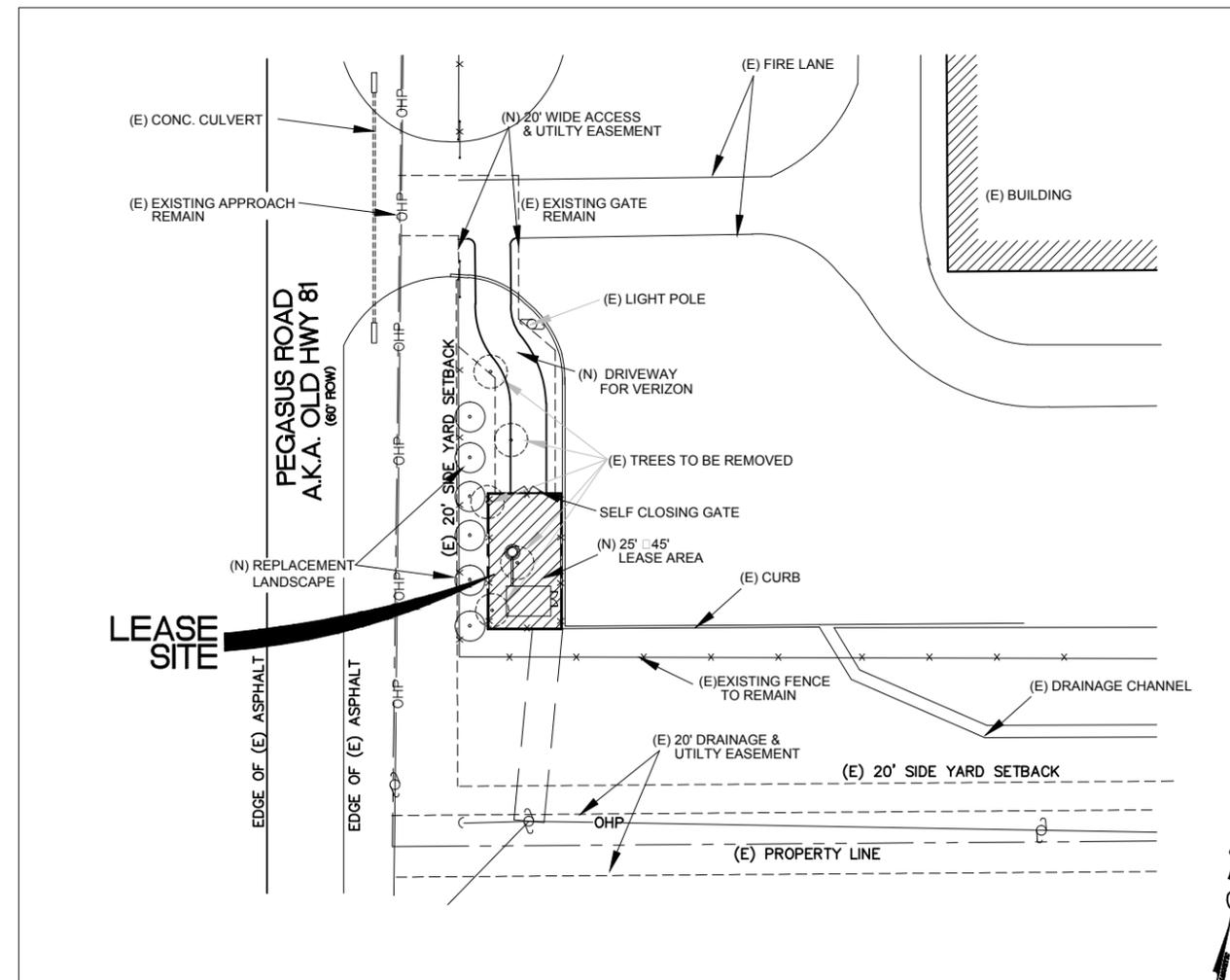
NOTE: SETBACK INDICATES 3X HEIGHT OF TOWER FROM RESIDENTIAL USE
 NOT TO SCALE

TOWER - TYPICAL



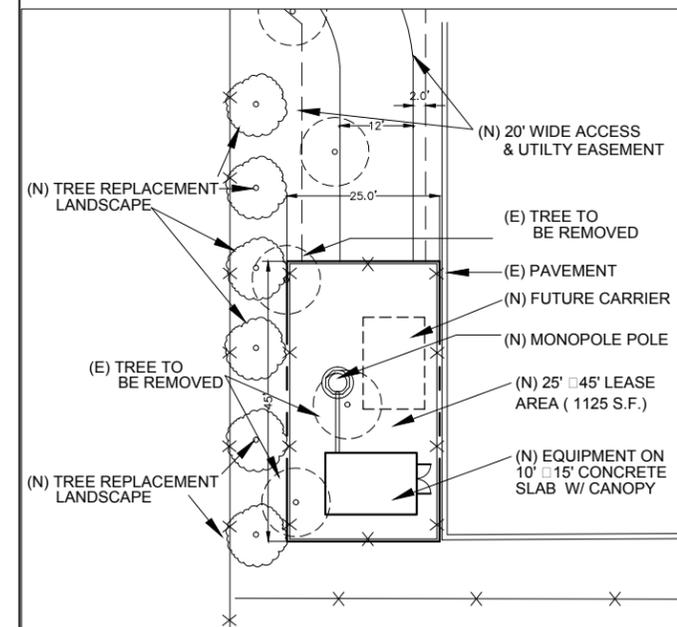
NOTE: TYPICAL LEASE AREA, ACTUAL EQUIPMENT LOCATIONS MAY VARY.
 NOT TO SCALE

SITE PLAN



SCALE 1" = 60'-0"

DETAIL SITE PLAN



SCALE 1" = 30'-0"

APPROVAL BOX

ORIGINAL SUBMITTAL DATE:

ACCEPTED FOR APPROVAL:

CITY OF TEMPLE, TEXAS



ZONING SITE PLAN
 MUELLER
 VERIZON COMMUNICATIONS
 7050 N. GENERAL BRUCE DRIVE
 TEMPLE, TEXAS 76501



VINCENT GERARD & ASSOCIATES
 LAND PLANNING & ZONING CONSULTANTS
 1715 CAPITAL OF TEXAS HWY SOUTH, STE. 207
 AUSTIN, TEXAS 78746
 (512) 328-2693 - vvinceh@flash.net

H:\VERIZON\SOUTH TEXAS\Mueller - 299934\20141079122-NB\Mueller-ENSITE BASE DRAWING.dwg, 10/7/2015 4:06:58 PM, mlopez



MUELLER

PEGASUS DRIVE
TEMPLE, BELL COUNTY, TEXAS
(299934)

APPROVAL SIGNATURES
LANDLORD
LEASING
CONSTRUCTION

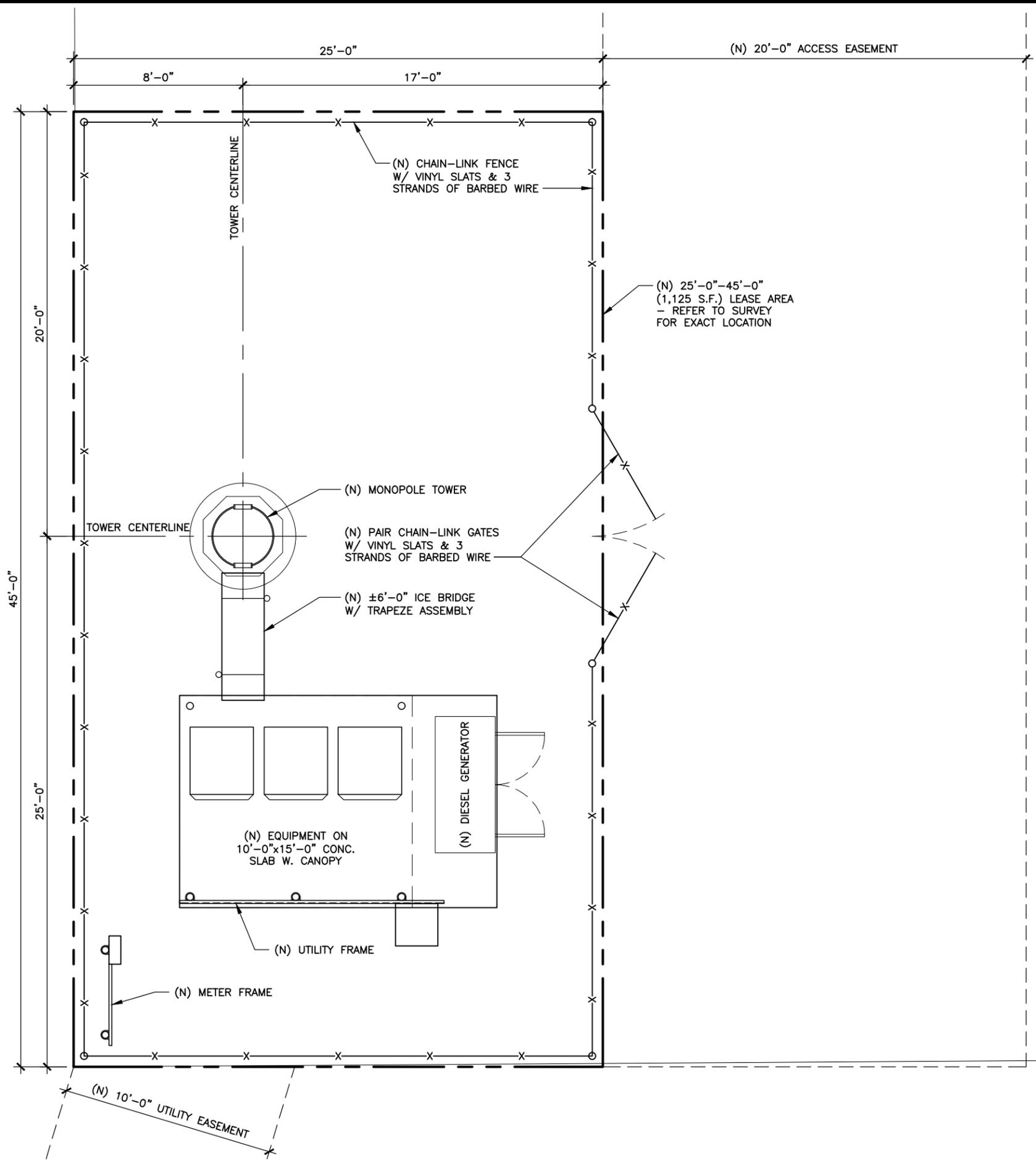
THIS IS AN INCOMPLETE SET NOT FOR CONSTRUCTION OR PERMITTING. APPROPRIATE PROFESSIONAL SEAL WILL BE APPLIED TO FINAL CONSTRUCTION SET


ARCHCOMM, LLC.
1006 Beckett
San Antonio, Texas 78213
(210) 308-9905
TBPE NO. F-15659

SHEET TITLE
SITE PLAN
SHEET HISTORY
10.01.15 ISSUE

EN2

THESE DRAWINGS ARE THE PROPERTY OF VERIZON WIRELESS. THEY ARE INTENDED FOR THE EXCLUSIVE USE OF THIS PROJECT ONLY. ANY RE-USE OF THESE PLANS (DRAWINGS) WITHOUT THE EXPRESS WRITTEN CONSENT OF VERIZON WIRELESS IS PROHIBITED.



1 SITE PLAN
SCALE: 3/16" = 1'-0"
NORTH

(N) = NEW LESSEE
(E) = EXISTING
(F) = FUTURE



MUELLER

PEGASUS DRIVE
TEMPLE, BELL COUNTY, TEXAS
(299934)

APPROVAL SIGNATURES
LANDLORD
LEASING
CONSTRUCTION

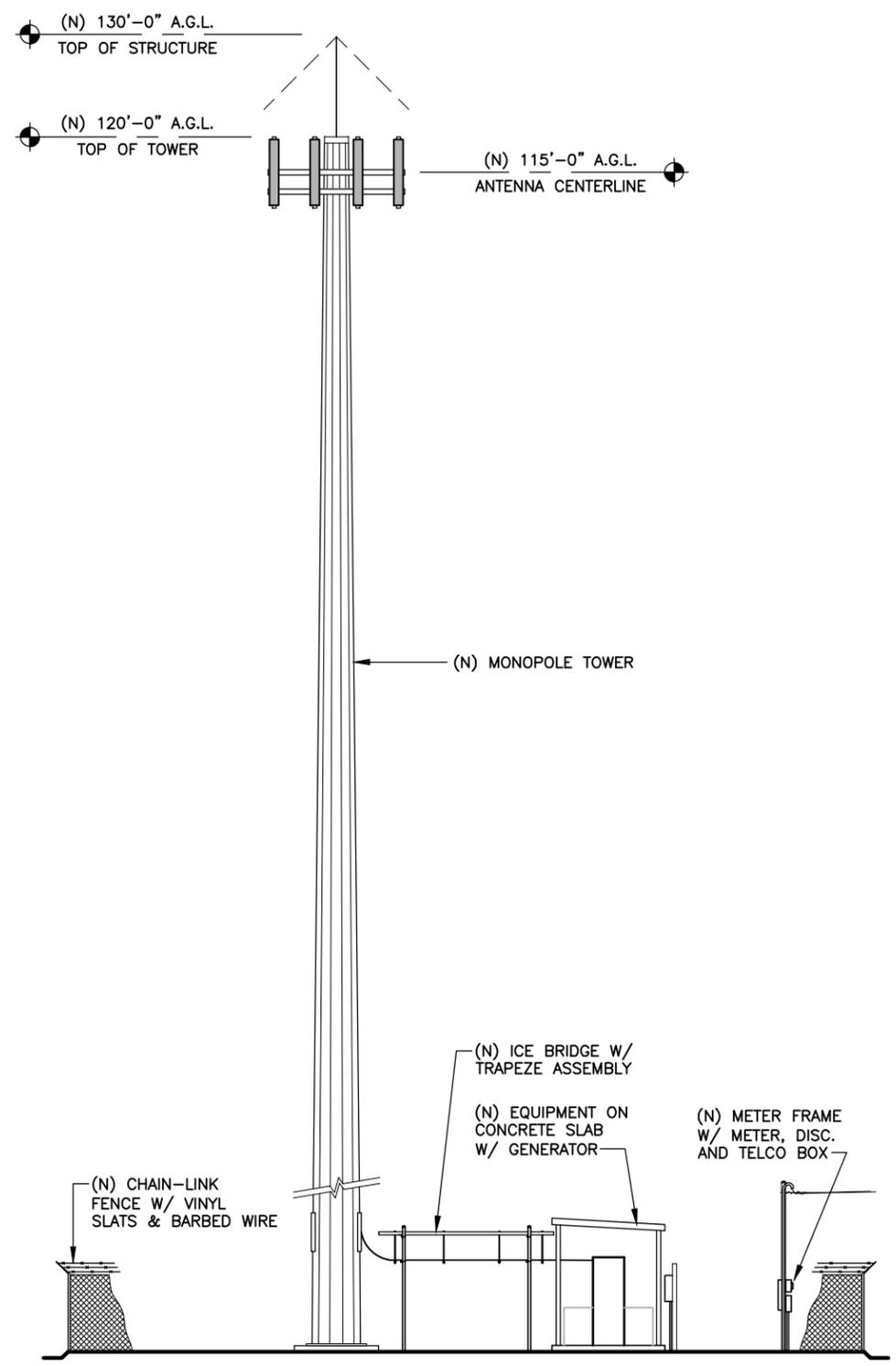
THIS IS AN INCOMPLETE SET NOT FOR CONSTRUCTION OR PERMITTING. APPROPRIATE PROFESSIONAL SEAL WILL BE APPLIED TO FINAL CONSTRUCTION SET


ARCHCOMM, LLC.
1006 Beckett
San Antonio, Texas 78213
(210) 308-9905
TBPE NO. F-15659

SHEET TITLE
SITE ELEVATION

SHEET HISTORY
10.01.15 ISSUE

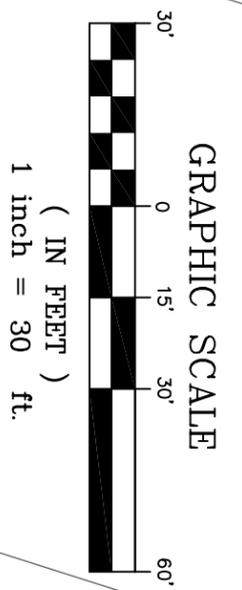
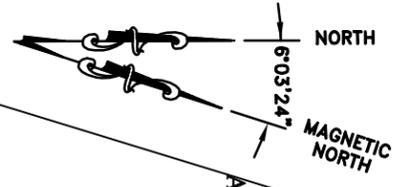
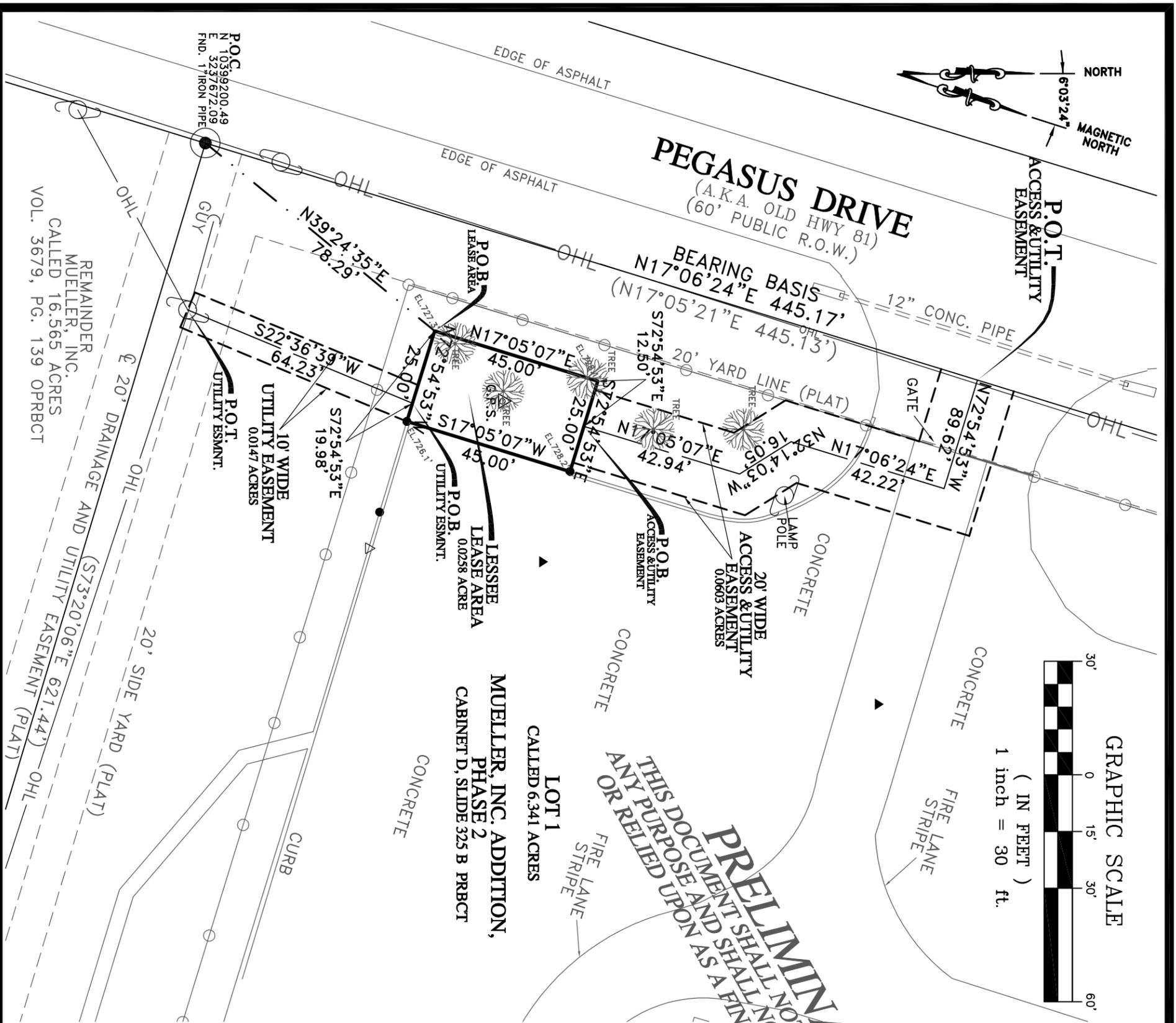
EN3



1 SITE ELEVATION
SCALE: N.T.S.

(N) = NEW LESSEE
(E) = EXISTING
(F) = FUTURE

THESE DRAWINGS ARE THE PROPERTY OF VERIZON WIRELESS. THEY ARE INTENDED FOR THE EXCLUSIVE USE OF THIS PROJECT ONLY. ANY RE-USE OF THESE PLANS (DRAWINGS) WITHOUT THE EXPRESS WRITTEN CONSENT OF VERIZON WIRELESS IS PROHIBITED.



PRELIMINARY
 THIS DOCUMENT SHALL NOT BE RECORDED FOR
 ANY PURPOSE AND SHALL NOT BE USED OR VIEWED
 OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

REMAINDER
 MUELLER, INC.
 CALLED 16.565 ACRES
 VOL. 3679, PG. 139 OPRBCT
 (S73°20'06"E 621.44') OHL
 20' SIDE YARD (PLAT)

**MUELLER, INC. ADDITION,
 PHASE 2
 CABINET D, SLIDE 325 B PRBCT**
 LOT 1
 CALLED 6.341 ACRES

DRAWN BY: J.C.S./M.H.
 REVISED BY:
**SHEET NO.
 2 of 2**

PRELIMINARY:
 DATE: 02-16-16
 PURPOSE:
 FOR REVIEW
 JOB NUMBER: 14-0184
 DATE: 10-28-15
 REV. I:



Solis-Kanak & Associates, Inc.
Professional Surveyors
 FIRM LICENSE NO. 10140200
 17500 FM 306
 CANYON LAKE, TX 78133
 (830) 935-4011 FAX (830) 935-4012



ArchComm Design, Inc. Architects
 1840 Lockhill-Selma, Suite 101
 San Antonio, Texas 78213
 (210)308-9905

**MUELLER
 TEMPLE,
 BELL COUNTY, TX**
 80



PLANNING & ZONING COMMISSION ITEM MEMORANDUM

04/18/16
Item 5
Regular Agenda
Page 1 of 3

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 Temple Unified Development Code (UDC): Article 5 – Use Standards, deleting “tattoo parlor” as a prohibited use; allowing Body Piercing Studios and Tattoo Studios by right in Light Industrial, Heavy Industrial, General Retail, and Commercial zoning districts; providing certain limitations; Article 6 – Special Purpose and Overlay Zoning Districts, prohibiting body Piercing Studios and Tattoo Studios in the Interstate 35 Corridor Overlay; and Article 11 – Definitions, providing definitions for Body Piercing, Body Piercing Studio, Tattoo, and Tattoo Studio.

BACKGROUND

- Tattoo studios are currently prohibited in the City limits according to Sec. 5.1.1.C. “Prohibited Uses” of the UDC
- Chris Simmons, owner of Lucky in Love tattoo studio in Morgan’s Point, is a Temple resident
- He has previously addressed City Council requesting the ability to open a studio in Temple
- Legal and Planning agreed to meet with him to discuss and educate ourselves about his business and the industry in general
- Met in July 2015
- Took a site visit in October 2015 (photos included in attachments) to see his studio and to learn about their operations
- Tattoo and body piercing studios are regulated by the Texas Health and Safety Code (Chapter 146. Tattoo and Certain Body Piercing Studios)
- Body piercing studios would currently be allowed in any of the following zoning districts and classified as a “retails sales and service use other than those listed”:
 - NS (Neighborhood Services)
 - GR (General Retail)
 - C (Commercial)
 - CA (Central Area)
 - LI (Light Industrial)
 - HI (Heavy Industrial)

CITY COUNCIL WORKSHOP

The Tattoo Studios topic was discussed with City Council at their February 4, 2016 workshop.

Staff is proposing amending the following articles of the UDC.

Article 5 Use Standards

Staff is proposing amending section 5.1 to allow for both Body Piercing and Tattoo Studios by right in GR (General Retail), C (Commercial), LI (Light Industrial) and HI (Heavy Industrial) zoning districts with the limitations listed below.

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	
consumption, beer and wine store																							
Alcohol beverage sales, off-premise consumption, package store																		C	C	C	C	C	5.3.17, 5.3.18
Antique shop																		P	P	P	P	P	
Art supply store																		P	P	P	P	P	
Bakery or confectionary shop (retail)																		P	P	P	P	P	
Bank or savings and loan														P	P	P	P	P	P	P	P	P	
Barber shop or beauty shop																		P	P	P	P	P	
<u>Body Piercing Studio</u>																		P	P	P	P	P	5.3.27
Cleaning, pressing and pick up shop																L	L	L	L	L	L	L	5.3.18, 5.3.19
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	
Exercise gym	C										C	C	C			P	C	P	P	P	P	P	
Fabric store																		P	P	P	P	P	
Florist or garden shop																		P	P	P	P	P	
Food or beverage sales store without fuel sales																		P	P	P	P	P	
Furniture and appliance sales and service																		P	P	P	P	P	
Greenhouse or nursery (retail)																		P	P	P	P	P	
Handcraft and art objects shop																		P	P	P	P	P	
Hardware store or hobby shop																		P	P	P	P	P	
Key shop																		P	P	P	P	P	
Kiosk														L	L	L	L	L	L	L	L	L	Sec. 5.3.25
Laundry and cleaning (self-service)																		P	P	P	P	P	
Medical appliances, fitting, sales or rental																		P	P	P	P	P	
Mixed media store or newsstand																		P	P	P	P	P	
Mortuary or funeral home																		P	P	P	P	P	
Office supply store																		P	P	P	P	P	
Pawn shop																		P	P	P	P	P	
Pet shop																		P	P	P	P	P	
Retail shop, gift, apparel, accessory and similar items																		P	P	P	P	P	
Retail Sales and Service uses other than listed																		P	P	P	P	P	
Studio: decorator, artist, photographer, music, dance or drama														P	P	P	P	P	P	P	P	P	
<u>Tattoo Studio</u>																		P	P	P	P	P	5.3.27
Tool rental (indoors)																		P	P	P	P	P	

Sec. 5.3.27 Body Piercing Studio and Tattoo Studio standards

A Body Piercing Studio or Tattoo Studio may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards:

- A. A Body Piercing Studio or Tattoo Studio may not be located within 1000 feet of another Body Piercing Studio or Tattoo Studio.

- 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 Body Piercing Studio or Tattoo Studio may not be located on property that falls with the Interstate 35 Corridor Overlay or any designated Strategic Investment Zone (SIZ) Corridor.
- D. A handwashing sink is required that is separate from restroom sinks.

Article 11 Definitions would be amended to add the following definitions:

Body Piercing. The creation of an opening in an individual's body, other than in an individual's earlobe, to insert jewelry or another decoration.

Body Piercing Studio. A facility in which body piercing is performed.

Tattoo. The practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. The term includes the application of permanent cosmetics.

Tattoo Studio. An establishment or facility in which tattooing is performed.

PUBLIC NOTICE: The newspaper printed notice of the Planning and Zoning Commission public hearing on April 7, 2016, in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of the proposed amendments.

FISCAL IMPACT: NA

ATTACHMENTS:

[Attachment 1: UDC Draft Amendments \(Body Piercing and Tattoo Studios\)](#)

[Attachment 2: Chapter 146 \(Texas Health and Safety Code\)](#)

[Attachment 3: City Council Workshop Presentation \(2-4-16\)](#)

[Attachment 4: GR, C, LI and HI Zoned Property Map](#)

[Attachment 5: Strategic Investment Zone \(SIZ\) Map](#)

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 02/065/20145 |

Last Modified 0402/1605/2015 |

Unified Development Code

Article 5 Use Standards

Sec. 5.1. Use Table

5.1.1 Prohibited Uses

The following uses are prohibited in the City:

- A. Mobile home;
- B. Temporary sales that are unrelated and accessory to the primary use of the property except as provided for below:
 1. Temporary uses identified in Section 5.6 Temporary Uses; and
 2. Temporary sales associated with fundraising campaigns sponsored by non-profit organizations subject to the general conditions identified in Section 5.6.2.

~~C. Tattoo parlor.~~

5.1.2 Legend for Interpreting Use Table

5.1.3 Use Table

The following table sets forth the meaning of the symbols used in the use table below.

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

Specific Use	A	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
INDUSTRIAL USES																						
Animal feedlot	C																					C
Asphalt or concrete batching plant (permanent)																				C	P	
Asphalt or concrete batching plant (temporary)	See Section 5.6 Temporary Uses																					
Brick kiln or tile plant																						C
Cement or hydrated lime plant																						C
Compost operations																				C	C	5.3.13
Distribution Center																				P	P	
Laboratory Manufacturing																		P		P	P	

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	
consumption, beer and wine store																							
Alcohol beverage sales, off-premise consumption, package store																	C	C	C	C	C		5.3.175-3.17
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		
Body Piercing Studio																	P	P		P	P		5.3.27
Cleaning, pressing and pick up shop															L	L	L	L	L	L	L		5.3.185-3.18
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		
Exercise gym	C										C	C	C		P	C	P	P	P	P	P		
Fabric store																	P	P	P	P	P		
Florist or garden shop															P	P	P	P	P	P	P		
Food or beverage sales store without fuel sales																P	P	P	P	P	P		
Furniture and appliance sales and service																	P	P	P	P	P		
Greenhouse or nursery (retail)																P	P	P	P	P	P		
Handcraft and art objects shop															P	P	P	P	P	P	P		
Hardware store or hobby shop																	P	P	P	P	P		
Key shop															P	P	P	P	P	P	P		
Kiosk														L	L	L	L	L	L	L	L		Sec. 5.3.25
Laundry and cleaning (self-service)															P	P	P	P	P	P	P		
Medical appliances, fitting, sales or rental															P	P	P	P	P	P	P		

Formatted: Font: (Default) Gill Sans, 9 pt

Formatted: Font: (Default) Gill Sans, 9 pt

Temple, Texas Unified Development Code

Effective 12/16/10 • Last Amended 02/04/05/16/15

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
Mixed media store or newsstand															P	P	P	P	P	P	P	
Mortuary or funeral home															P		P	P	P	P	P	
Office supply store															P	P	P	P	P	P	P	
Pawn shop																	P	P	P	P	P	
Pet shop																	P	P	P	P	P	
Retail shop, gift, apparel, accessory and similar items															P	P	P	P	P	P	P	
Retail Sales and Service uses other than listed																P	P	P	P	P	P	
Studio: decorator, artist, photographer, music, dance or drama														P	P	P	P	P	P	P	P	
<u>Tattoo Studio</u>																	P	P		P	P	<u>5.3.27</u>
Tool rental (indoors)																	P	P	P	P	P	
Tool rental (outside equipment storage)																		P		P	P	
Travel agency														P	P	P	P	P	P	P	P	
Upholstery shop																	P	P	P	P	P	
Veterinary office (no animal hospital)														P	P	P	P	P	P	P	P	
Veterinary hospital (no kennels)																	P	P	P	P	P	
Veterinary hospital (kennels)	C																	C		P	P	
TRANSPORTATION AND RELATED USES																						
Airport or landing field	C	C																C		P	P	
Bus station or terminal																		P	P	P	P	
Emergency vehicle service														C	P		P	P	P	P	P	
Hauling or storage company																		P	P	P	P	
Heliport	C	C													C			C	C	P	P	
Helistop	C	C												C	C	C	C		C	P	P	

Temple, Texas Unified Development Code

Effective 12/16/10 • Last Amended 02/04/05 16/15

Article 5: Use Standards

Sec. 5.3. Specific Use Standards

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.

[Ord. 2012-4516]

5.3.27 Body Piercing Studio and Tattoo Studio

A Body Piercing Studio or Tattoo Studio may be permitted in accordance with the use table in [Sec. 5.1](#) subject to the following standards:

- A.** A Body Piercing Studio or Tattoo Studio may not be located within 1000 feet of another Body Piercing Studio or Tattoo Studio.
- 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.

Article 5: Use Standards

Sec. 5.3. Specific Use Standards

C. A Body Piercing Studio or Tattoo Studio may not be located on property that falls with the Interstate 35 Corridor Overlay or any designated Strategic Investment Zone (SIZ) Corridor.

D. A handwashing sink is required that is separate from restroom sinks.

Article 11: Definitions

Sec. 11.2. Defined Terms

non-industrial organic material, such as grass clippings, leaves, brush, clean wood material or vegetative food material, generated by a homeowner, tenant of a single to multi-family residential or apartment complex, or a commercial or institutional complex where the composting, land application or mulching occurs on the dwelling property and the final product is utilized on the same property. Backyard operations includes neighborhood composting demonstration sites that generate less than 50 cubic yards of final product per year.

Barber Shop or Beauty Shop. A business of cutting or dressing hair, shaving or trimming beards, performing manicures, facials or other grooming services including the performing of other related services or the selling of related goods for human beings or animals.

Basement. A building story that is partly underground, but having a minimum of one-half of its height above the average level of the adjoining ground.

Block. A unit of land bounded by streets or a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity to development.

Block Face. The aggregate of all the building facades on one side of a block. [Ord. 2010-4415]

Board or Zoning Board. Zoning Board of Adjustment.

Boarding House/Rooming House. A building other than a hotel, where lodging and meals for four or more persons are served for compensation and no rehabilitation services are provided.

Body Piercing. The creation of an opening in an individual's body, other than in an individual's earlobe, to insert jewelry or another decoration.

Body Piercing Studio. A facility in which body piercing is performed.

Building. Any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind. If subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building. This term is synonymous with "structure".

Building Line. A line parallel or approximately parallel to the street line at a specified distance therefrom creating the minimum distance from the street line that a

Article 11: Definitions

Sec. 11.2. Defined Terms

Structure. (Same as Building)

Substance Abuse Treatment Facility. An outpatient or residential facility that offers treatment for persons with chemical dependency and operates such facility under a state license or registration of a faith-based (non-medical) exempt program.

Swimming Pool, Commercial. A swimming pool with accessory facilities, not part of the municipal or public recreational system and not a private swim club, but where the facilities are available to the general public for a fee.

Swimming Pool, Private. A swimming pool constructed for the exclusive use of the residents of a one-family, two-family or multiple-family dwelling and located and fenced in accordance with the regulations of the City. A private swimming pool must not be operated as a business nor maintained in a manner to be hazardous or obnoxious to adjacent property owners.

Street Width. The distance from back-of-curb to back to back-of-curb. For a rural street, the distance between the outer edges of asphalt pavement.

Subdivider. Any person or authorized agent dividing or proposing to divide land so as to constitute a subdivision, as defined in this Section, The term "subdivider" is restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land sought to be divided.

Subdivision. A division of any tract of land, situated within the corporate limits of the City or within its extraterritorial jurisdiction, into two or more parts for the purpose of laying out any addition to the City, or for laying out lots, streets, alleys, access easements, public utility easements or parks or other portions intended for public use or the use of purchasers or owners of adjacent or fronting lots. The term "Subdivision" also means the development, within the corporate limits of the City or within its extraterritorial jurisdiction, of a HUD-Code manufactured home land lease community.

Surveyor. A registered public surveyor authorized by state statute to practice the profession of surveying.

Tattoo. The practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. The term includes the application of permanent cosmetics.

Article 11: Definitions

Sec. 11.2. Defined Terms

Tattoo Studio. An establishment or facility in which tattooing is performed.

Teaser Parking. A technique to include a few parking spaces located in front of a business to lure customers with their apparent convenience. Teaser parking acts as a visual cue, leading drivers to the access points for larger parking lots or parking structures that provide the remaining required parking to be placed behind or below buildings, with the option of a small amount of “teaser” parking visible from the street in more automobile-oriented areas. [Ord. 2010-4415]

Telephone Exchange. Switching relay and transmitting equipment, but not including public business facilities, storage or repair facilities.

Temporary Field or Construction Office. A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment.

Temporary Use. A non-permanent use permitted in a particular zoning district only upon showing that such use in a specified location can comply with all the conditions and standards for the location, duration, or operation of such a temporary use as specified in this UDC.

[Ord. 2015-4701]

Thoroughfare Plan. A general graphic presentation, accompanied by written text, describing the proposed arrangement of various classes of streets in the City at some future date. A thoroughfare plan is a component of the City's adopted Comprehensive Plan.

Townhouse. A structure on an individual lot, that is one of a series of three or more dwelling units designed for single-family occupancy, with dwelling units that are structurally connected or immediately adjacent to and abutting each other between individual dwelling units. An apartment in a condominium may be deemed a townhouse if no other dwelling unit or use of any kind exists immediately above or below it. Any project including three or more such condominiums or townhouses is deemed a "Townhouse Project".

Trail. A walking path composed of concrete, crushed granite or improved natural surfaces that traverses land, does not generally run parallel with a street and that is located in a public right-of-way or a public access easement. [Ord. 2011-4430]

Temple, Texas Unified Development Code

Effective 12/16/10 • Last Amended 02/04/05, 16/15

HEALTH AND SAFETY CODE

TITLE 2. HEALTH

SUBTITLE G. LICENSES

CHAPTER 146. TATTOO AND CERTAIN BODY PIERCING STUDIOS

Sec. 146.001. DEFINITIONS. In this chapter:

(1) "Body piercing" means the creation of an opening in an individual's body, other than in an individual's earlobe, to insert jewelry or another decoration.

(1-a) "Body piercer" means a person who performs body piercing.

(2) "Body piercing studio" means a facility in which body piercing is performed.

(3) "Tattoo" means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. The term includes the application of permanent cosmetics.

(4) "Tattooist" means a person who performs tattooing.

(5) "Tattoo studio" means an establishment or facility in which tattooing is performed.

(6) "Temporary location" means a fixed location at which an individual operator performs tattooing or body piercing for a specified period of not more than seven days in conjunction with a single event or celebration, where the primary function of the event or celebration is tattooing or body piercing.

Added by Acts 1993, 73rd Leg., ch. 580, Sec. 1, eff. Sept. 1, 1993.
Amended by Acts 1995, 74th Leg., ch. 936, Sec. 2, eff. Sept. 1, 1995;
Acts 1999, 76th Leg., ch. 516, Sec. 2, eff. Sept. 1, 1999; Acts 2003,
78th Leg., ch. 1226, Sec. 1, eff. Sept. 1, 2003.

Sec. 146.002. LICENSE REQUIRED. (a) A person may not conduct, operate, or maintain a tattoo studio unless the person holds a license issued by the department to operate the tattoo studio. Except as provided by Section [146.0025](#), a person may not conduct, operate, or

maintain a body piercing studio unless the person holds a license issued by the department to operate the body piercing studio.

(b) Except as provided by Section 146.0025, a person may not practice tattooing or body piercing at a temporary location unless the person holds a temporary location license for tattooing or body piercing, as appropriate, issued by the department.

(c) The license must be displayed in a prominent place in the tattoo or body piercing studio or temporary location.

(d) Tattooing and body piercing are permitted only at a location that is in compliance with this chapter and rules adopted under this chapter.

Added by Acts 1993, 73rd Leg., ch. 580, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1995, 74th Leg., ch. 936, Sec. 3, eff. Sept. 1, 1995;

Acts 1999, 76th Leg., ch. 516, Sec. 3, eff. Sept. 1, 1999.

Sec. 146.0021. EMPLOYMENT OF TATTOOISTS AND BODY PIERCERS; REGISTRATION REQUIRED. A tattoo studio or a body piercing studio may not employ a tattooist or a body piercer unless the person is registered with the department under this chapter.

Added by Acts 2003, 78th Leg., ch. 1226, Sec. 2, eff. Sept. 1, 2003.

This section was amended by the 84th Legislature. Pending publication of the current statutes, see S.B. 219, 84th Legislature, Regular Session, for amendments affecting this section.

Sec. 146.0025. EXEMPTIONS FROM LICENSING REQUIREMENTS; EAR PIERCING ESTABLISHMENTS EXEMPT. (a) This chapter does not apply to:

(1) a medical facility licensed under other law;

(2) an office or clinic of a person licensed by the Texas State Board of Medical Examiners;

(3) a person who performs only ear piercing; or

(4) a facility in which only ear piercing is performed.

(b) A person who conducts, operates, or maintains a facility, office, or clinic described by Subsection (a)(1), (2), or (4) is not required to obtain a license under this chapter to operate that facility.

Added by Acts 1999, 76th Leg., ch. 516, Sec. 3, eff. Sept. 1, 1999.

This section was amended by the 84th Legislature. Pending publication of the current statutes, see S.B. 219, 84th Legislature, Regular Session, for amendments affecting this section.

Sec. 146.003. LICENSE APPLICATION. (a) To receive a tattoo studio license, body piercing studio license, or temporary location license, a person must submit a signed, verified license application to the department on a form prescribed by the department and must submit an application fee. In addition, the person must submit evidence from the appropriate zoning officials in the municipality or county in which the studio is proposed to be located that confirms that the studio is in compliance with existing zoning codes applicable to the studio.

Text of subsec. (b) as amended by Acts 1999, 76th Leg., ch. 516, Sec.

4

(b) On receipt of a tattoo studio or body piercing studio license application, the department shall inspect the proposed tattoo or body piercing studio to determine compliance with this chapter and rules adopted by the board under this chapter. In addition, the department shall request confirmation from the appropriate building and zoning officials in the municipality or county in which the studio is proposed to be located to determine compliance with existing building and zoning codes applicable to the studio. The department may issue a license for a tattoo or body piercing studio after determining that the studio is in compliance with applicable statutes, rules, and building and zoning codes.

Text of subsec. (b) as amended by Acts 1999, 76th Leg., ch. 1528, Sec.

1

(b) The department may issue a license or temporary location license for a tattoo studio after determining that the studio is in compliance with applicable statutes, rules, and zoning codes.

(c) Repealed by Acts 1999, 76th Leg., ch. 1528, Sec. 9(1), eff. September 1, 1999.

Added by Acts 1993, 73rd Leg., ch. 580, Sec. 1, eff. Sept. 1, 1993.
Amended by Acts 1995, 74th Leg., ch. 936, Sec. 4, eff. Sept. 1, 1995;
Acts 1999, 76th Leg., ch. 516, Sec. 4, eff. Sept. 1, 1999; Acts 1999,
76th Leg., ch. 1528, Sec. 1, 9(1), eff. Sept. 1, 1999.

This section was amended by the 84th Legislature. Pending publication of the current statutes, see S.B. 219, 84th Legislature, Regular Session, for amendments affecting this section.

Sec. 146.004. LICENSE TERM; RENEWAL. (a) A tattoo studio or body piercing studio license is valid for one year from the date of issuance. A temporary tattooing or body piercing location license is valid for a specified period not to exceed seven days.

(b) A tattoo studio or body piercing studio license may be renewed annually on payment of the required renewal fee.

Added by Acts 1993, 73rd Leg., ch. 580, Sec. 1, eff. Sept. 1, 1993.
Amended by Acts 1995, 74th Leg., ch. 936, Sec. 5, eff. Sept. 1, 1995;
Acts 1999, 76th Leg., ch. 516, Sec. 5, eff. Sept. 1, 1999.

This section was amended by the 84th Legislature. Pending publication of the current statutes, see S.B. 219, 84th Legislature, Regular Session, for amendments affecting this section.

Sec. 146.0041. GENERAL GROUNDS FOR REFUSAL. (a) The department may refuse to issue an original or renewal tattoo studio or body piercing studio license if it has reasonable grounds to believe and finds that any of the following circumstances exist:

(1) the applicant has been convicted of a violation of this chapter during the two years immediately preceding the filing of the application;

(2) three years have not elapsed since the termination, by pardon or otherwise, of a sentence imposed on the applicant for a conviction associated with tattooing or body piercing;

(3) the applicant violated or caused to be violated a provision of this chapter or a rule of the department adopted under

this chapter involving moral turpitude during the six months immediately preceding the filing of the application;

(4) the applicant failed to answer or falsely or incorrectly answered a question in an original or renewal application;

(5) the applicant is indebted to the state for a fee or penalty imposed by this chapter or by rule of the department adopted under this chapter;

(6) the applicant is a minor; or

(7) the applicant does not provide an adequate building available at the address for which the license is sought before conducting any activity authorized by the license.

(b) The department may refuse to issue or renew, for a period of one year from the date of application for the initial or renewal license, a tattoo studio or body piercing studio license for a premises where a shooting, stabbing, or other violent act or an offense involving drugs occurred that involved a license applicant, license holder, or registrant under this chapter or a patron or employee of the studio.

Added by Acts 2003, 78th Leg., ch. 1226, Sec. 3, eff. Sept. 1, 2003.

This section was amended by the 84th Legislature. Pending publication of the current statutes, see S.B. 219, 84th Legislature, Regular Session, for amendments affecting this section.

Sec. 146.0042. REVOCATION OR SUSPENSION OF LICENSE. (a) In Subsection (b), "license holder" includes each member of a partnership or association and, with respect to a corporation, each officer and the owner or owners of a majority of the corporate stock.

(b) The department may suspend for not more than 60 days or revoke an original or renewal tattoo studio or body piercing studio license if it is found, after notice and hearing, that any of the following is true:

(1) the license holder has been finally convicted of a violation of this chapter;

(2) the license holder violated a provision of this chapter or a rule of the department adopted under this chapter;

(3) the license holder made a false or misleading statement

in connection with the original or renewal application, either in the formal application itself or in any other written instrument relating to the application submitted to the department;

(4) the license holder is indebted to the state for fees or payment of penalties imposed by this chapter or by a rule of the department adopted under this chapter;

(5) the license holder knowingly misrepresented to a customer or the public any tattoo or body piercing jewelry sold by the license holder; or

(6) the license holder was intoxicated on the licensed premises.

(c) The department may refuse to renew or, after notice and hearing, suspend for not more than 60 days or revoke a tattoo studio or body piercing studio license if the department finds that the license holder is shown on the records of the comptroller as being subject to a final determination of taxes due and payable under Chapter 151, Tax Code, or is shown on the records of the comptroller as being subject to a final determination of taxes due and payable under Chapter 321, Tax Code.

(d) If a license holder cannot be located for any notice required under this section, the department shall provide notice by posting a copy of the order on the front door of the licensed premises.

Added by Acts 2003, 78th Leg., ch. 1226, Sec. 3, eff. Sept. 1, 2003.

This section was amended by the 84th Legislature. Pending publication of the current statutes, see S.B. 219, 84th Legislature, Regular Session, for amendments affecting this section.

Sec. 146.005. FEES. (a) The board shall set license and registration fees and license and registration renewal fees in amounts necessary to administer this chapter.

(b) Fees collected under this section may only be appropriated to the department to administer and enforce this chapter.

Added by Acts 1993, 73rd Leg., ch. 580, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 2003, 78th Leg., ch. 1226, Sec. 4, eff. Sept. 1, 2003.

Sec. 146.006. CHANGE OF LOCATION. (a) A person holding a tattoo studio or body piercing studio license under this chapter who intends to change the location of the tattoo or body piercing studio shall notify the department in writing of that intent not less than 30 days before the change is to occur. The notice shall include the street address of the new location and the name and residence address of the individual in charge of the business at the new location.

(b) Not later than the 10th day after the change of location is complete, a person holding a license under this chapter shall notify the department in writing and shall verify the information submitted under Subsection (a).

(c) Notice under this section must be sent to the department's central office by certified mail, return receipt requested.

Added by Acts 1993, 73rd Leg., ch. 580, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1995, 74th Leg., ch. 936, Sec. 6, eff. Sept. 1, 1995;

Acts 1999, 76th Leg., ch. 516, Sec. 6, eff. Sept. 1, 1999.

This section was amended by the 84th Legislature. Pending publication of the current statutes, see S.B. [219](#), 84th Legislature, Regular Session, for amendments affecting this section.

Sec. 146.007. COMPLIANCE WITH CHAPTER AND RULES. (a) A person who owns, operates, or maintains a tattoo or body piercing studio or practices tattooing or body piercing at a temporary location shall comply with this chapter, Chapter 431, and rules adopted under this chapter and Chapter 431.

(b) The board, commissioner, and department may enforce Chapter 431 in relation to a drug, cosmetic, or device that is used in tattooing and that is not otherwise subject to that chapter as if the drug, cosmetic, or device satisfied the definitions assigned those terms under Section [431.002](#).

Added by Acts 1993, 73rd Leg., ch. 580, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1995, 74th Leg., ch. 936, Sec. 7, eff. Sept. 1, 1995;

Acts 1999, 76th Leg., ch. 516, Sec. 7, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 1528, Sec. 2, eff. Sept. 1, 1999.

Sec. 146.008. ASEPTIC TECHNIQUES. A person who owns, operates, or maintains a tattoo or body piercing studio and each tattooist or person who performs body piercing who works in the studio or at a temporary location shall take precautions to prevent the spread of infection, including:

- (1) using germicidal soap to clean the hands of the tattooist or person who performs body piercing and the skin area of the client to be tattooed or pierced;
- (2) wearing clean apparel and rubber gloves;
- (3) using sterile tools and equipment as provided by Section [146.011](#); and
- (4) keeping the tattoo or body piercing studio or temporary location in a sanitary condition.

Added by Acts 1993, 73rd Leg., ch. 580, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1995, 74th Leg., ch. 936, Sec. 8, eff. Sept. 1, 1995;
Acts 1999, 76th Leg., ch. 516, Sec. 8, eff. Sept. 1, 1999.

This section was amended by the 84th Legislature. Pending publication of the current statutes, see S.B. [219](#), 84th Legislature, Regular Session, for amendments affecting this section.

Sec. 146.010. SANITATION REQUIREMENTS. (a) The board by rule shall establish sanitation requirements for tattoo and body piercing studios and any other necessary requirements relating to the building or part of the building in which a tattoo or body piercing studio is located.

(b) A person who owns, operates, or maintains a tattoo or body piercing studio shall comply with the rules adopted under this section.

Added by Acts 1993, 73rd Leg., ch. 580, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1995, 74th Leg., ch. 936, Sec. 10, eff. Sept. 1, 1995;
Acts 1999, 76th Leg., ch. 516, Sec. 10, eff. Sept. 1, 1999.

Sec. 146.011. TOOLS AND EQUIPMENT. (a) A tattooist or person who performs body piercing shall use tools and equipment for tattooing or body piercing that have been properly sterilized and kept in a

sterile condition.

(b) A tattooist or person who performs body piercing shall sterilize tools and equipment used on one client before using them on another client.

(c) Tools and equipment shall be sterilized by:

- (1) the use of a dry heat sterilizer; or
- (2) steam pressure treatment in an autoclave.

(d) All needles and instruments shall be kept in a clean, dust-tight container when not in use.

Added by Acts 1993, 73rd Leg., ch. 580, Sec. 1, eff. Sept. 1, 1993.
Amended by Acts 1999, 76th Leg., ch. 516, Sec. 11, eff. Sept. 1, 1999;
Acts 1999, 76th Leg., ch. 1528, Sec. 3, eff. Sept. 1, 1999.

Sec. 146.012. TATTOOS PROHIBITED FOR CERTAIN PERSONS. (a) A tattooist may not tattoo:

- (1) except as provided by Subsection (a-1), a person younger than 18 years of age; or
- (2) a person who the tattooist suspects is under the influence of alcohol or drugs.

(a-1) A tattooist may tattoo a person younger than 18 years of age if:

- (1) the tattoo will cover a tattoo that contains:
 - (A) obscene or offensive language or symbols;
 - (B) gang-related names, symbols, or markings;
 - (C) drug-related names, symbols, or pictures; or
 - (D) other words, symbols, or markings that the person's parent or guardian considers would be in the best interest of the person to cover; and
- (2) the person has obtained consent from the person's parent or guardian to cover the tattoo.

(b) The consent required by Subsection (a-1) may be satisfied by the individual's parent or guardian:

- (1) being physically present at the tattoo studio at the time the tattooing is performed;
- (2) executing an affidavit stating that the person is the parent or guardian of the individual on whom the tattooing is to be performed;

(3) presenting evidence of the person's identity to the person who will perform the tattooing; and

(4) presenting evidence of the person's status as parent or guardian of the individual who will receive the tattoo.

(c) A person younger than 18 years of age commits an offense if the person falsely states that the person is 18 years of age or older or presents any document that indicates that the person is 18 years of age or older to a person engaged in the operation of a tattoo studio. An offense under this subsection is a Class B misdemeanor.

Added by Acts 1993, 73rd Leg., ch. 580, Sec. 1, eff. Sept. 1, 1993.
Amended by Acts 1995, 74th Leg., ch. 936, Sec. 11, eff. Sept. 1, 1995;
Acts 1999, 76th Leg., ch. 1528, Sec. 4, eff. Sept. 1, 1999; Acts
2003, 78th Leg., ch. 1226, Sec. 5, eff. Sept. 1, 2003.

Sec. 146.0124. BODY PIERCING PROHIBITED FOR CERTAIN PERSONS. A person may not perform body piercing if the person suspects that the individual on whom the body piercing is to be performed is under the influence of alcohol or drugs.

Added by Acts 1999, 76th Leg., ch. 516, Sec. 12, eff. Sept. 1, 1999.

Sec. 146.0125. BODY PIERCING PROHIBITED WITHOUT PARENTAL CONSENT; EXCEPTION. (a) A person may not perform body piercing on an individual younger than 18 years of age without the consent of a parent, managing conservator, or guardian of the individual.

(b) The consent must indicate the part of the person's body that may be pierced.

(c) The consent required by Subsections (a) and (b) may be satisfied by the individual's parent or guardian:

(1) being physically present at the body piercing studio at the time the body piercing is performed;

(2) executing an affidavit stating that the person is the parent or guardian of the individual on whom the body piercing is to be performed;

(3) presenting evidence of the person's identity to the person who will perform the body piercing; and

(4) presenting evidence of the person's status as parent or

guardian of the individual who will receive the body piercing.

(d) A person younger than 18 years of age commits an offense if the person falsely states that the person is 18 years of age or older or presents any document that indicates that the person is 18 years of age or older to a person engaged in the operation of a body piercing studio. An offense under this subsection is a Class B misdemeanor.

Added by Acts 1999, 76th Leg., ch. 516, Sec. 12, eff. Sept. 1, 1999.
Amended by Acts 2003, 78th Leg., ch. 1226, Sec. 6, eff. Sept. 1, 2003.

Sec. 146.0126. TONGUE SPLITTING PROHIBITED. (a) For purposes of this section, "tongue splitting" means cutting a human tongue into two or more parts.

(b) A person may not perform tongue splitting.

Added by Acts 2003, 78th Leg., ch. 1226, Sec. 7, eff. Sept. 1, 2003.

This section was amended by the 84th Legislature. Pending publication of the current statutes, see S.B. [219](#), 84th Legislature, Regular Session, for amendments affecting this section.

Sec. 146.013. MAINTENANCE OF RECORDS. (a) A tattooist shall maintain a permanent record of each person tattooed by the tattooist for a period established by the board. A person who performs body piercing shall maintain a permanent record of each individual whose body is pierced by the person for a period established by the board.

(b) The record shall be available for inspection on the request of the department.

Added by Acts 1993, 73rd Leg., ch. 580, Sec. 1, eff. Sept. 1, 1993.
Amended by Acts 1999, 76th Leg., ch. 516, Sec. 13, eff. Sept. 1, 1999.

Sec. 146.014. REPORT OF INFECTION. A person who owns, operates, or maintains a tattoo or body piercing studio shall report to the department any infection resulting from tattooing or body piercing as soon as it becomes known.

Added by Acts 1993, 73rd Leg., ch. 580, Sec. 1, eff. Sept. 1, 1993.
Amended by Acts 1995, 74th Leg., ch. 936, Sec. 12, eff. Sept. 1, 1995;

Acts 1999, 76th Leg., ch. 516, Sec. 14, eff. Sept. 1, 1999.

This section was amended by the 84th Legislature. Pending publication of the current statutes, see S.B. 219, 84th Legislature, Regular Session, for amendments affecting this section.

Sec. 146.015. RULES; ENFORCEMENT. (a) The board shall adopt rules to implement this chapter.

(b) The department shall enforce this chapter and the rules adopted under this chapter and may issue orders to compel compliance.

Added by Acts 1993, 73rd Leg., ch. 580, Sec. 1, eff. Sept. 1, 1993.

Sec. 146.016. INSPECTIONS. (a) The department shall inspect a tattoo or body piercing studio to determine if the studio complies with this chapter and the rules adopted under this chapter.

(b) A person who owns, operates, or maintains a tattoo or body piercing studio shall allow inspection of the studio by the department at any time the studio is in operation.

(c) The department shall inform the person who owns, operates, or maintains a tattoo or body piercing studio of any violation discovered by the department under this section and shall give the person a reasonable period in which to take necessary corrective action.

Added by Acts 1993, 73rd Leg., ch. 580, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1995, 74th Leg., ch. 936, Sec. 13, eff. Sept. 1, 1995; Acts 1999, 76th Leg., ch. 516, Sec. 15, eff. Sept. 1, 1999.

This section was amended by the 84th Legislature. Pending publication of the current statutes, see S.B. 219, 84th Legislature, Regular Session, for amendments affecting this section.

Sec. 146.017. LICENSE DENIAL, SUSPENSION, OR REVOCATION. (a) The department may refuse to issue a license or suspend or revoke a license issued under this chapter if an applicant or license holder does not comply with this chapter or a rule adopted or order issued under this chapter.

(b) The refusal to issue a license, the suspension or revocation of a license, and any appeals are governed by the board's formal hearing procedures and the procedures for a contested case hearing under Chapter 2001, Government Code. A person may appeal a final decision of the department as provided by that chapter.

Added by Acts 1993, 73rd Leg., ch. 580, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1995, 74th Leg., ch. 76, Sec. 5.95(49), eff. Sept. 1, 1995; Acts 1999, 76th Leg., ch. 1528, Sec. 5, eff. Sept. 1, 1999.

Sec. 146.018. OFFENSE; CRIMINAL PENALTY. (a) A person commits an offense if the person violates this chapter or a rule adopted under this chapter.

(b) An offense under this section is a Class A misdemeanor.

(c) Each day of violation constitutes a separate offense.

Added by Acts 1993, 73rd Leg., ch. 580, Sec. 1, eff. Jan. 1, 1994.

Amended by Acts 1999, 76th Leg., ch. 1528, Sec. 6, eff. Sept. 1, 1999.

This section was amended by the 84th Legislature. Pending publication of the current statutes, see S.B. 219, 84th Legislature, Regular Session, for amendments affecting this section.

Sec. 146.019. ADMINISTRATIVE PENALTY. (a) The commissioner may impose an administrative penalty against a person who violates a rule adopted under Section 146.007 or an order adopted or license issued under this chapter.

(b) The penalty for a violation may be in an amount not to exceed \$5,000. Each day a violation continues or occurs is a separate violation for purposes of imposing a penalty.

(c) The amount of the penalty shall be based on:

(1) the seriousness of the violation, including the nature, circumstances, extent, and gravity of any prohibited acts, and the hazard or potential hazard created to the health, safety, or economic welfare of the public;

(2) the economic harm to property or the environment caused by the violation;

(3) the history of previous violations;

- (4) the amounts necessary to deter future violations;
- (5) efforts to correct the violation; and
- (6) any other matter that justice may require.

(d) The commissioner who determines that a violation has occurred shall issue an order that states the facts on which the determination is based, including an assessment of the penalty.

(e) Within 14 days after the date the report is issued, the commissioner shall give written notice of the report to the person. The notice may be given by certified mail. The notice must include a brief summary of the alleged violation and a statement of the amount of the recommended penalty and must inform the person that the person has a right to a hearing on the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty.

(f) Within 20 days after the date the person receives the notice, the person in writing may accept the determination and recommended penalty of the commissioner or may make written request for a hearing on the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty.

(g) If the person accepts the determination and recommended penalty of the commissioner, the commissioner by order shall approve the determination and impose the recommended penalty.

(h) If the person requests a hearing or fails to respond timely to the notice, the commissioner shall set a hearing and give notice of the hearing to the person. The hearing shall be held by an administrative law judge of the State Office of Administrative Hearings. The administrative law judge shall make findings of fact and conclusions of law and promptly issue to the commissioner a proposal for a decision about the occurrence of the violation and the amount of a proposed penalty. Based on the findings of fact, conclusions of law, and proposal for a decision, the commissioner by order may find that a violation has occurred and impose a penalty or may find that no violation occurred.

(i) The notice of the commissioner's order given to the person under Chapter 2001, Government Code must include a statement of the right of the person to judicial review of the order.

(j) Within 30 days after the date the commissioner's order is

final as provided by Subchapter F, Chapter 2001, Government Code, the person shall:

(1) pay the amount of the penalty;

(2) pay the amount of the penalty and file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty; or

(3) without paying the amount of the penalty, file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty.

(k) Within the 30-day period, a person who acts under Subsection (j) (3) of this section may:

(1) stay enforcement of the penalty by:

(A) paying the amount of the penalty to the court for placement in an escrow account; or

(B) giving to the court a supersedeas bond approved by the court for the amount of the penalty and that is effective until all judicial review of the commissioner's order is final; or

(2) request the court to stay enforcement of the penalty by:

(A) filing with the court a sworn affidavit of the person stating that the person is financially unable to pay the amount of the penalty and is financially unable to give the supersedeas bond; and

(B) giving a copy of the affidavit to the commissioner by certified mail.

(l) The commissioner who receives a copy of an affidavit under Subsection (k) (2) of this section may file, with the court within five days after the date the copy is received, a contest to the affidavit. The court shall hold a hearing on the facts alleged in the affidavit as soon as practicable and shall stay the enforcement of the penalty on finding that the alleged facts are true. The person who files an affidavit has the burden of proving that the person is financially unable to pay the amount of the penalty and to give a supersedeas bond.

(m) If the person does not pay the amount of the penalty and the enforcement of the penalty is not stayed, the commissioner may refer the matter to the attorney general for collection of the amount of the

penalty.

(n) Judicial review of the order of the commissioner:

(1) is instituted by filing a petition as provided by Subchapter G, Chapter 2001, Government Code and its subsequent amendments; and

(2) is under the substantial evidence rule.

(o) If the court sustains the occurrence of the violation, the court may uphold or reduce the amount of the penalty and order the person to pay the full or reduced amount of the penalty. If the court does not sustain the occurrence of the violation, the court shall order that no penalty is owed.

(p) When the judgment of the court becomes final, the court shall proceed under this subsection. If the person paid the amount of the penalty and if that amount is reduced or is not upheld by the court, the court shall order that the appropriate amount plus accrued interest be remitted to the person. The rate of the interest is the rate charged on loans to depository institutions by the New York Federal Reserve Bank, and the interest shall be paid for the period beginning on the date the penalty was paid and ending on the date the penalty is remitted. If the person gave a supersedeas bond and if the amount of the penalty is not upheld by the court, the court shall order the release of the bond. If the person gave a supersedeas bond and if the amount of the penalty is reduced, the court shall order the release of the bond after the person pays the amount.

(q) A penalty collected under this section shall be remitted to the comptroller for deposit in the general revenue fund.

(r) All proceedings under this section are subject to Chapter 2001, Government Code.

(s) Any duty of the commissioner under this section may be delegated to employees of the department.

Added by Acts 1993, 73rd Leg., ch. 580, Sec. 1, eff. Sept. 1, 1993.
Amended by Acts 1995, 74th Leg., ch. 76, Sec. 5.95(51), (55), (59),
eff. Sept. 1, 1995; Acts 1999, 76th Leg., ch. 1528, Sec. 7, eff.
Sept. 1, 1999.

Sec. 146.020. CIVIL PENALTY; INJUNCTION. (a) If it appears that a person has violated or is violating this chapter or an order

issued or a rule adopted under this chapter, the commissioner may request the attorney general or the district attorney, county attorney, or municipal attorney in the jurisdiction where the violation is alleged to have occurred, is occurring, or may occur to institute a civil suit for:

(1) an order enjoining the violation;

(2) a permanent or temporary injunction, a temporary restraining order, or other appropriate remedy, if the department shows that the person has engaged in or is engaging in a violation;

(3) the assessment and recovery of a civil penalty; or

(4) both injunctive relief and a civil penalty.

(b) A civil penalty may not exceed \$5,000 a day for each violation. Each day the violation occurs constitutes a separate violation for the purposes of the assessment of a civil penalty.

(c) In determining the amount of the civil penalty, the court hearing the matter shall consider:

(1) the person's history of previous violations;

(2) the seriousness of the violation;

(3) the hazard to the health and safety of the public;

(4) the demonstrated good faith of the person charged; and

(5) any other matter as justice may require.

(d) Venue for a suit brought under this section is in the county in which the violation occurred or in Travis County.

(e) A civil penalty recovered in a suit instituted by a local government under this chapter shall be paid to the local government.

(f) The commissioner or the attorney general may recover reasonable expenses incurred in obtaining injunctive relief or a civil penalty under this section, including investigation and court costs, reasonable attorney's fees, witness fees, and other expenses. The expenses recovered by the commissioner under this section may be used for the administration and enforcement of this chapter. The expenses recovered by the attorney general may be used by the attorney general for any purpose.

Added by Acts 1999, 76th Leg., ch. 1528, Sec. 8, eff. Sept. 1, 1999.

Sec. 146.021. EMERGENCY ORDERS. (a) The commissioner may, with or without notice or hearing, issue an emergency order relating to

regulation under this chapter of a tattooist or body piercer, or to the operation of a tattoo studio or body piercing studio, if the commissioner finds:

(1) that:

(A) the operation of the tattoo studio or body piercing studio or the performance of tattooing or body piercing by the tattooist or body piercer presents an immediate and serious threat to human health; or

(B) a shooting, stabbing, or other violent act or an offense involving drugs:

(i) occurred at the tattoo studio or body piercing studio; or

(ii) involved the tattooist or body piercer; and

(2) that other procedures available to the department to remedy or prevent the threat will result in an unreasonable delay.

(b) If the commissioner issues an emergency order under this section without a hearing, the department shall set a hearing under Chapter 2001, Government Code, to affirm, modify, or set aside the emergency order.

(c) If the license or registration holder cannot be located for a notice required under this section, the department shall provide notice by posting a copy of the order on the front door of the premises of the license holder or the premises where the registration holder is employed.

Added by Acts 2003, 78th Leg., ch. 1226, Sec. 8, eff. Sept. 1, 2003.

Sec. 146.022. REGISTRATION REQUIRED FOR TATTOOISTS AND BODY PIERCERS. (a) A person may not perform tattooing or body piercing at a tattoo studio or a body piercing studio unless the person holds a registration issued by the department as a tattooist or body piercer under this section.

(b) The registration holder shall display the registration in a prominent place at each tattoo studio or body piercing studio or temporary location where the person is employed.

Added by Acts 2003, 78th Leg., ch. 1226, Sec. 8, eff. Sept. 1, 2003.

Sec. 146.023. REGISTRATION APPLICATION. To receive a tattooist or body piercer registration, the person must submit:

- (1) a signed registration application to the department on a form prescribed by the department;
- (2) the application fee; and
- (3) proof of completion of a training course approved by the department for tattooists and body piercers that includes not less than six hours related to bloodborne pathogens, infection control, and aseptic technique.

Added by Acts 2003, 78th Leg., ch. 1226, Sec. 8, eff. Sept. 1, 2003.

This section was amended by the 84th Legislature. Pending publication of the current statutes, see S.B. 219, 84th Legislature, Regular Session, for amendments affecting this section.

Sec. 146.024. REGISTRATION TERM; RENEWAL. (a) A tattooist or body piercer registration is valid for one year from the date of issuance.

(b) A tattooist or body piercer registration may be renewed annually on:

- (1) payment of the required renewal fee; and
- (2) submission of proof of completion of a training course approved by the department that includes not less than four hours related to bloodborne pathogens, infection control, and aseptic technique.

Added by Acts 2003, 78th Leg., ch. 1226, Sec. 8, eff. Sept. 1, 2003.

This section was amended by the 84th Legislature. Pending publication of the current statutes, see S.B. 219, 84th Legislature, Regular Session, for amendments affecting this section.

Sec. 146.025. COURSE OF INSTRUCTION FOR TATTOOISTS AND BODY PIERCERS; RULES; FEES. (a) The department shall prepare or approve a course of instruction sufficient to meet the requirements for application for a registration under Section 146.023 or renewal of a registration under Section 146.024.

(b) The department may approve a course of instruction based on

standards set by the department to reasonably ensure that a tattooist or body piercer develops the job skills and knowledge necessary to protect public health and safety.

(c) A prospective course provider must submit to the department for approval the course length and curriculum content for each course offered by the provider. The provider may implement a course length and curriculum content only after department approval.

(d) The department by rule shall set a fee in an amount reasonable and necessary to cover the cost of reviewing the course content and issuing the approval.

Added by Acts 2003, 78th Leg., ch. 1226, Sec. 8, eff. Sept. 1, 2003.

Tattoo Studio Regulations

City Council Workshop

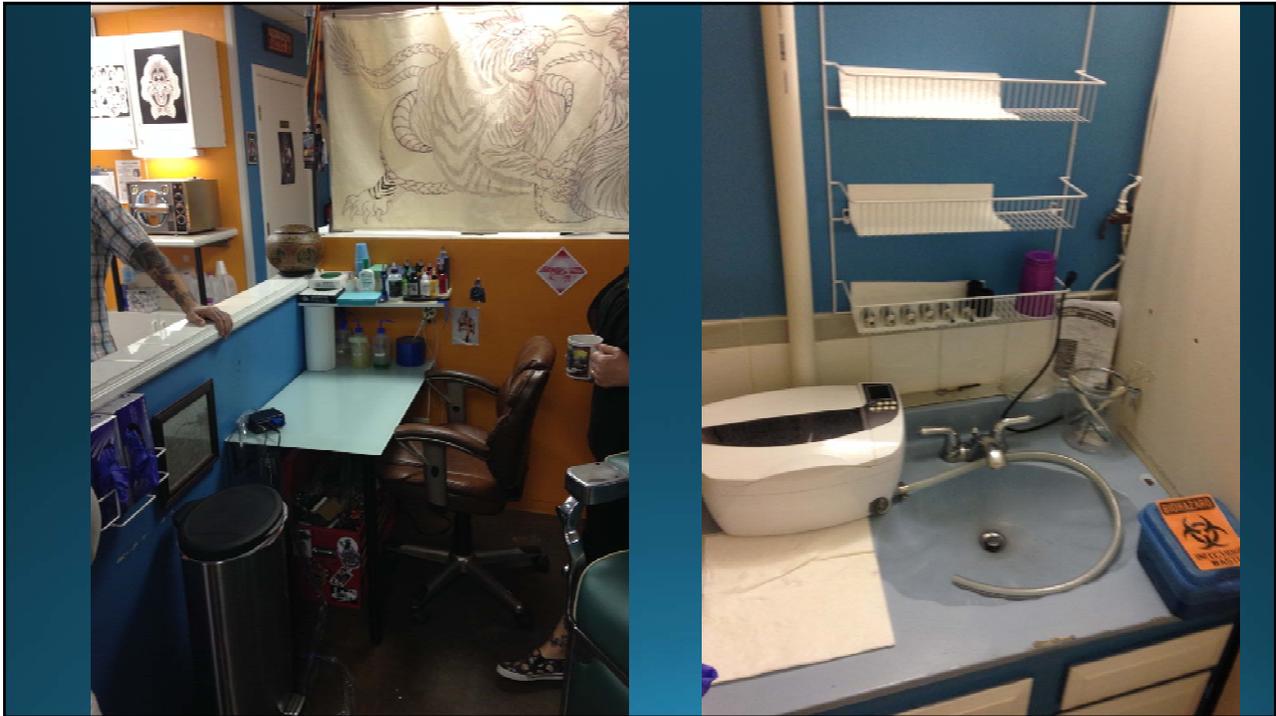
February 4, 2016

Background

- Chris Simmons, owner of Lucky in Love tattoo studio in Morgan's Point, is a Temple resident
- He has previously addressed City Council requesting the ability to open a studio in Temple
- Legal and Planning agreed to meet with him to discuss and educate ourselves about his business and the industry in general
 - Met in July 2015
 - Took a site visit in October 2015 (photos on following slides)







Current Standards

- **Sec. 16-108. Definitions.**
 - For the purposes of this article, the following words and phrases shall be construed as follows:
 - ***Tattooing or Tattoo*** means the practice of marking the skin with indelible patterns or pictures by making punctures and inserting pigments by someone other than a licensed physician.
 - ***Tattoo operator*** means any person, other than a licensed physician, who actually performs the work of tattooing, or who operates, conducts or manages a tattoo shop, whether actually performing the work of tattooing or not.
 - ***Tattoo shop*** means any room or space where tattooing is practiced or where the business of tattooing is conducted, or any part thereof.
- **Sec. 16-109. Tattooing Prohibited.**
 - It shall be unlawful for any person within the city limits to operate a tattoo shop or engage in the practice or business of tattooing as a tattoo operator.
- Current definition also applies to “permanent cosmetics” or “micropigmentation” or “intra dermal cosmetics”
 - Consistent with the Texas Health and Safety Code

City of Bryan Regulations

- Tattoo Studio Requirements:
 - **Allowed by right: C-2 (Retail), DT-S (Downtown South) and Industrial Districts**
 - 5,280 feet distance requirement
 - Minimum of 3,000 square feet of floor area and a maximum of 5,000 square feet of floor area
 - Consumption of alcoholic beverages shall be prohibited in the tattoo studio (in accordance with Texas Administrative Code, Chapter 229, Subchapter V, "Minimum Standards for Licensure of Tattoo and Certain Body Piercing Studios").

Other Cities

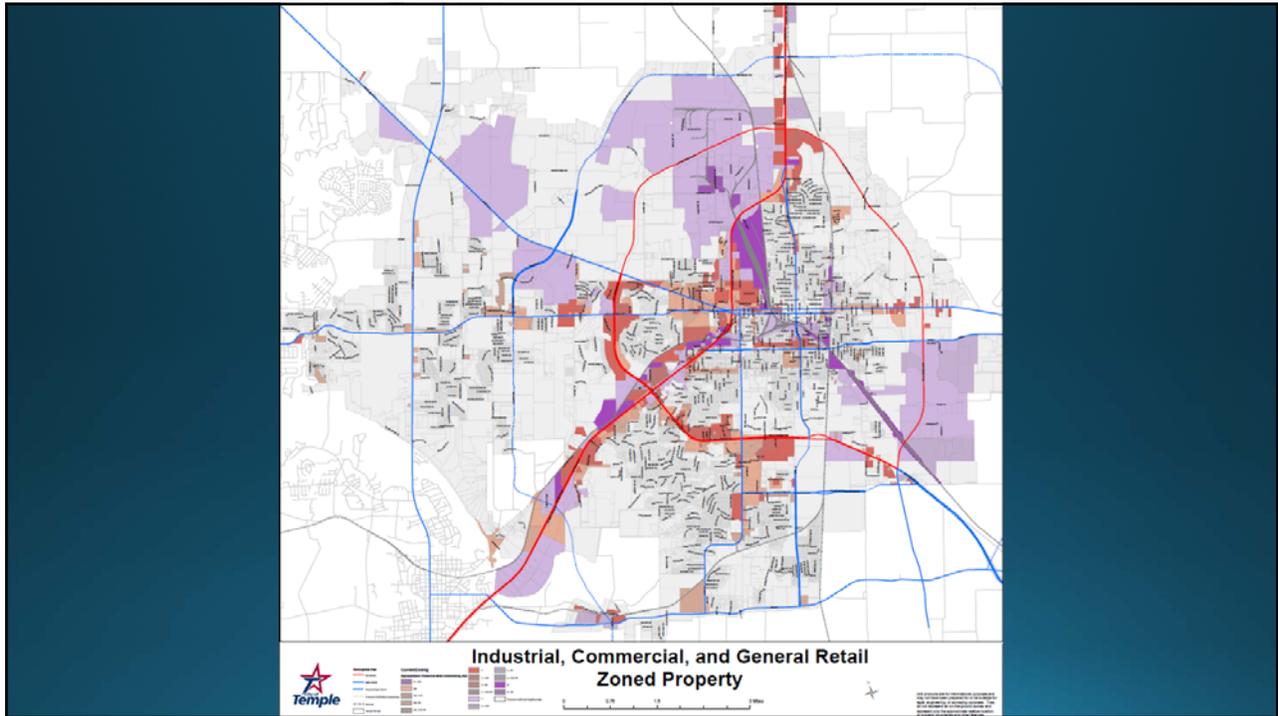
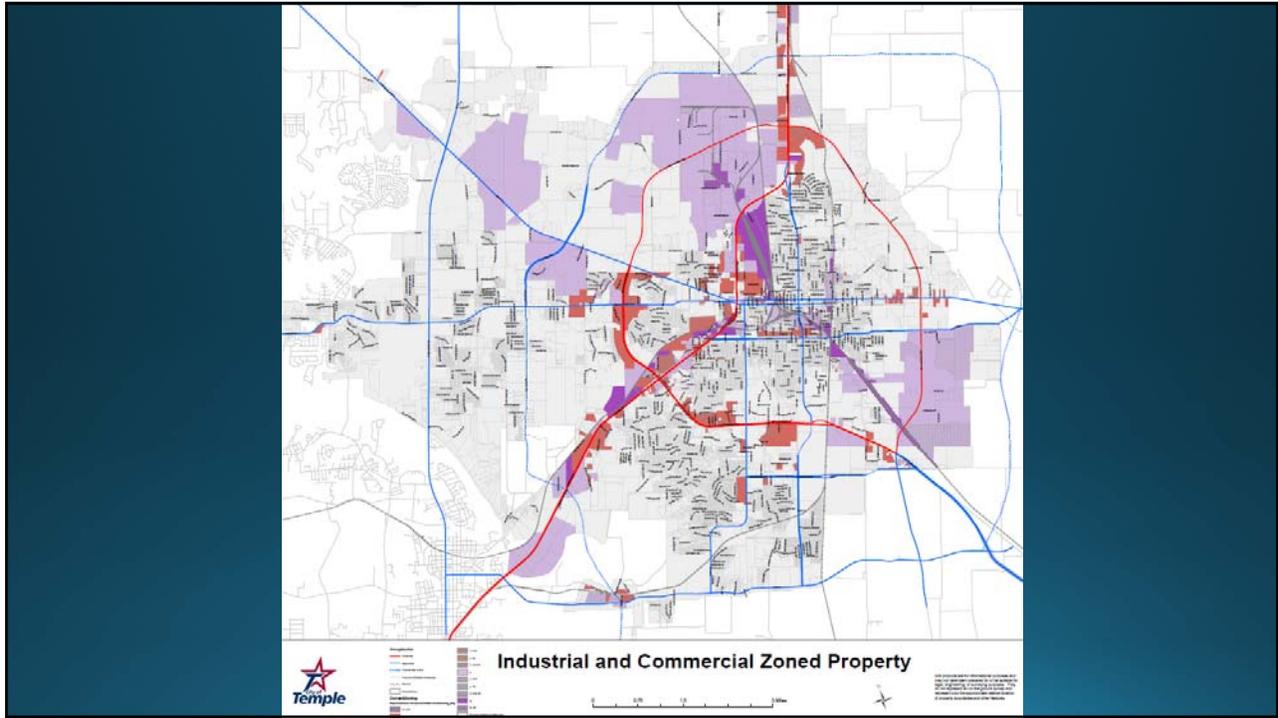
- City of Belton
 - **Allowed by right in CH (Commercial Highway) Districts only**
- City of Georgetown
 - Classified under "restricted personal service shops"
 - **Allowed by right in C3** and with a special use permit in C1 and downtown
- City of Waco
 - Personal service shops shall mean an establishment providing non-medical services to individuals as a primary use. Personal service shops shall include, beauty/barber shops and salons, day/health spa, tanning salons, nail salons, massage therapy facilities and tattoo studios.
 - **Allowed by right in all Commercial (C) Districts**
- City of Killeen
 - **Allowed by right in B-5 (Commercial District)**
 - As licensed per Texas Health and Safety Code chapter 146

Other Cities Regulations: Summary Table

City	Zoning Districts: By Right	CUP	Distance and/or Site Requirements	Other Notes
Belton	CH (Commercial Hwy)	NA	NA	NA
Bryan	C-2 (Retail), DT-S (Downtown South) & Industrial	NA	1) 5,280 feet between studios; 2) 3,000 sf-5,000 building size limitations	References Chapter 229 of TX Administrative Code prohibiting consumption of alcohol in a tattoo studio
Georgetown	C3	Downtown	NA	Classified as "restricted personal service shops"
Killeen	B-5 (Commercial)	NA	NA	References licensing under Ch. 146 of TX Health and Safety Code
Waco	All Commercial Districts	NA	NA	Classified as "personal service shops," including hair, tanning and nail salons, massage studios, health spas, tattoo studios, etc.

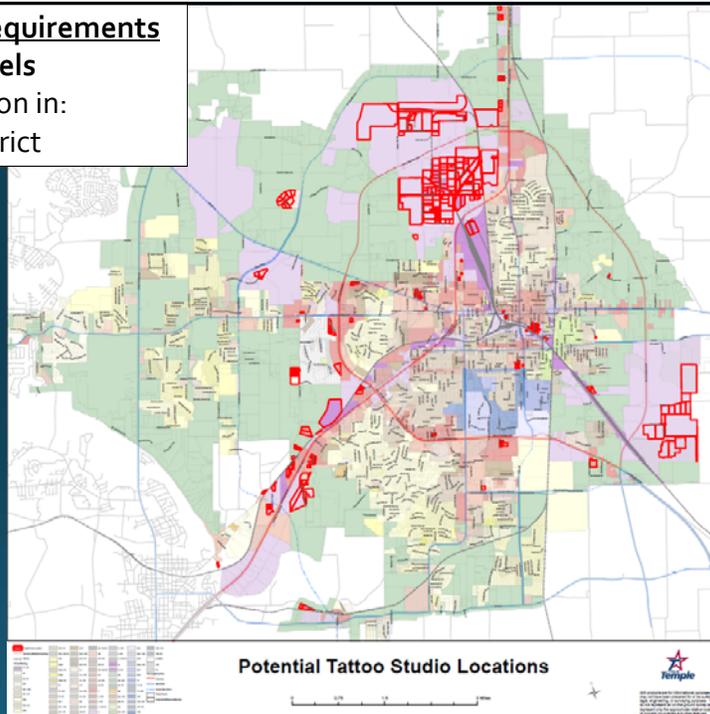
State Regulations

- TX Health and Safety Code
 - Requires a license for a tattoo studio
 - Includes an initial inspection and annual license renewal (doesn't appear to require an annual inspection)
 - However, Dept. has the authority to inspect at any time
 - Sanitation requirements
 - Requires minors (under 18) to have legal guardian's permission (with a few specific exceptions)
 - Requires registration
 - Licensing requires zoning verification by applicable municipality

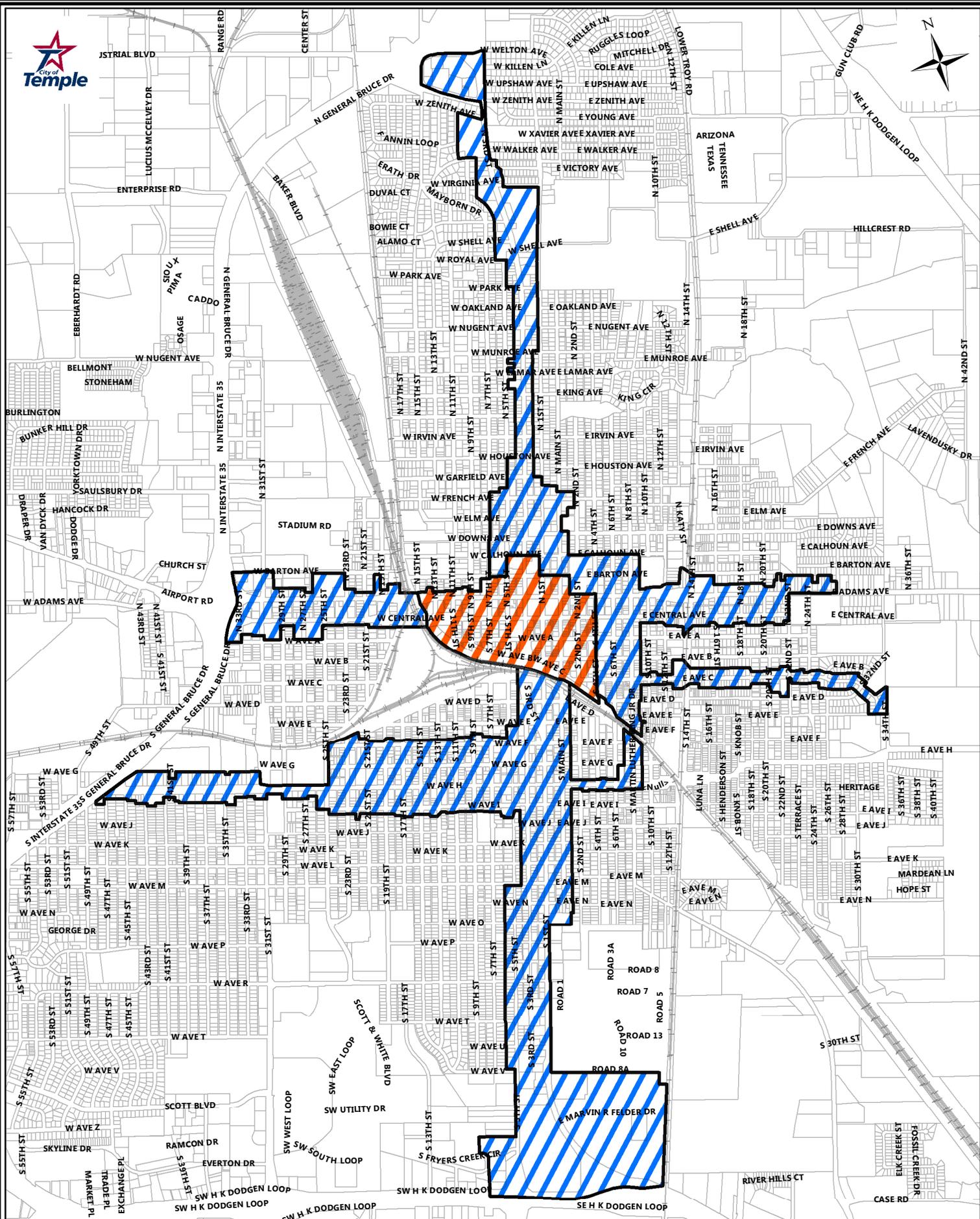


With all distance requirements

- 364 eligible parcels
- High concentration in:
 - LI zoning district



Questions, Discussion, Direction?



SIZ AREAS

-  DOWNTOWN ZONE
-  COMMERCIAL ZONE

0 0.5 1 Miles

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



PLANNING AND ZONING COMMISSION AGENDA ITEM

04/18/16

Workshop Agenda

ITEM DESCRIPTION: Receive and discuss the Planning Director's Report containing items for future meetings regarding subdivision plats, zoning cases, conditional use permits, annexations, and proposed text amendments (if any) to the Unified Development Code (UDC).

BACKGROUND: The Planning & Zoning Commission will consider several items at future meetings which may also require City Council review for a final decision, shown on the following table.

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

Future Commission Projects	Status	Applicant	Project Mgr.
<p>P-FY-16-16 - Consider and take action on the Final Plat of Las Colinas Replat, 5+ acres, Lots 9, 10, & 11, Block 1, and Lots 13 & 14, Block 3, Las Colinas Subdivision, located at 1710 & 1719 Las Lomas Court & 1545, 1605, 1615 Altavista Loop.</p>	<p>DRC 2/04/16 Awaiting revisions from applicants</p>	<p>Mark Rendon</p>	<p>Tammy</p>
<p>P-FY-16-17 - Consider and take action on the Final Plat of Angelica Acres, a 3.00 +/- acres, situated in the Baldwin Robertson Survey, Abstract 17, Bell County, Texas, embracing all of a called 2.00 Acre tract, conveyed as Tract One, and all of a called 1.00 Acre tract, conveyed as Tract Two, located at 9151 State Highway 317.</p>	<p>DRC 2/04/16 Awaiting revisions from applicants</p>	<p>Ronald & Angelica Cox</p>	<p>Mark</p>
<p>P-FY-16-18 - Consider and take action on the Preliminary Plat of Park Ridge Single Phase Residential Development, a 5.888 +/- acre, 12-lot, 1 Block, situated in the Mary Cherry Survey, Abstract 175, Bell County Texas, located at the northwest corner of Lyons Park Drive and Hickory Road.</p>	<p>DRC 2/25/16 Awaiting response to Post-DRC comments</p>	<p>Clark & Fuller</p>	<p>Mark</p>
<p>P-FY-16-20 - Consider and take action on the Final Plat of Carriage House Trails, Phase II, 25.089 +/- acres, 73-lot, 4-block residential subdivision, situated in the Baldwin Robertson Survey, Abstract 17, Bell County, Texas, located south of Skyview, and north and northeast of Thicket Trail and Broken Shoe Trail</p>	<p>DRC 2/25/16 Awaiting response to Post-DRC comments</p>	<p>All County Surveying</p>	<p>Mark</p>
<p>P-FY-16-21 - Consider and take action on the Final Plat of Lake Pointe Phase III, 67.69 +/- acres, 300-lot, 11-block residential subdivision, situated in, and being out of the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, located east of Lake Pointe Subdivision Phases II and II-A-2, west of the intersection of N. Pea Ridge and Prairie View Road.</p>	<p>Waiting on mylars</p>	<p>Yalgo Engineering</p>	<p>Dessie</p>
<p>P-FY-16-23 - Consider and take action on the Final Plat of Kegley Crossing Addition, a 6.97 +/- acre, 4-lot, 4-block non-residential subdivision, situated in the NANCY CHANCE SURVEY, Abstract No. 5, situated in the City of Temple, in Bell County, Texas, located between Kegley Lane and South Kegley Drive, north of Charter Oak Drive.</p>	<p>DRC 3/10/16</p>	<p>Ron Carroll</p>	<p>Tammy</p>
<p>P-FY-16-24 - Consider and take action on the Final Plat of Long View Estates, a 13.06 +/- acre, 13-lot, 1-block residential subdivision, situated in the Henry Millard Survey, Abstract No. 552, Bell County, Texas, located northwest of Old Howard Lane and east of Cedar Creek Road in Temple's northwestern ETJ.</p>	<p>On hold. County is requiring applicant submit a Prelim Plat. (see P-FY-16-31 below)</p>	<p>All County Surveying</p>	<p>Dessie</p>

Future Commission Projects	Status	Applicant	Project Mgr.
<p>P-FY-16-25 - Consider and take action on the Final Plat of Cedar Ridge Crossing II, a 32.40 +/- acre, 7-lot, 1-block non-residential subdivision, situated in the Sara Fitzhenry Survey, Abstract 312, Bell County, Texas, located on the north side of the intersection at State Highway 36 and Moffat Road.</p>	<p>Waiting on Applicant's response to Post_DRC comments</p>	<p>All County Surveying</p>	<p>Dessie</p>
<p>P-FY-16-26 - Consider and take action on the Final Plat of Highline Addition, a 40.389 +/- acre, 12-lot, 1-block non-residential subdivision, out of the Redding Roberts Survey, Abstract No. 692, in Bell County, Texas, located at the northwest corner of South 31st Street and Scott Boulevard</p>	<p>DRC 3/24/16</p>	<p>Advanced Mapping & Surveying</p>	<p>Tammy</p>
<p>P-FY-16-27 - Consider and recommend action on the Preliminary Plat of Circle C Ranch Estates, a 72.49 +/- acres, 51-lot, 3-block, residential subdivision, situated in the Lewis Walker Survey, Abstract 860, Bell County Texas, located in Temple's western ETJ at the southeast corner of Sparta Loop and Sparta Road, west of FM 439.</p>	<p>DRC 3/24/16</p>	<p>Clark & Fuller</p>	<p>Tammy</p>
<p>P-FY-16-30 - Consider and take action on the Final Plat of Friars Creek Crossing, a 8.436 +/- acres, situated in the Maximo Moreno Survey, Abstract 14, Bell County, Texas, located on the west side of South 5th Street, south of Canyon Creek Drive.</p>	<p>DRC 4/18/16</p>	<p>All County Surveying</p>	<p>Dessie</p>
<p>P-FY-16-31 - Consider and take action on the Preliminary Plat of Long View Estates, a 13.06 +/- acre, 13-lot, 1-block non-residential subdivision, situated in the Henry Millard Survey, Abstract No. 552, Bell County, Texas, located northwest of Old Howard Lane and east of Cedar Creek Road in Temple's northwestern ETJ.</p>	<p>DRC 4/18/16</p>	<p>All County Surveying</p>	<p>Dessie</p>
<p>Z-FY-16-21 - Hold a public hearing to discuss and recommend action on a rezoning from Single Family Three - Planned Development (SF-3-PD) district to General Retail (GR) district on Lots 4-7, 21-25, Block 13, Hilldell Estates, located at 18 South Pea Ridge Road.</p>	<p>PZC 5/02/16</p>	<p>Evelyn Sanderson</p>	<p>Mark</p>
<p>Z-FY-16-22 - Hold a public hearing to discuss and recommend action on a rezoning from Agricultural (AG) district to General Retail (GR) district on 0.993 +/- acres of land situated in and being a part of the Baldwin Robertson Survey, A-17, Bell County, Texas, located east of State Highway 317 and south of Tarver Road, addressed as 6401 N. State Hwy 317.</p>	<p>PZC 5/02/16</p>	<p>Pedro Quintero</p>	<p>Mark</p>

Future Commission Projects	Status	Applicant	Project Mgr.
Z-FY-16-24 - Hold a public hearing to discuss and recommend action on a rezoning from Agricultural (AG) to General Retail (GR) on 8.436 +/- acres of land, situated in the Maximo Moreno Survey, Abstract 14, Bell County, Texas, located on the west side of South 5th Street, south of Canyon Creek Drive.	PZC 5/02/16	All County Surveying	Dessie
Z-FY-16-25 - Hold a public hearing to discuss and recommend action on a rezoning from Multi-Family-Two (MF-2) to Office-Two (O-2) on .75 +/- acres of land, Lot 1, Blk 1, Vandiver Subdivision.	PZC 5/02/16	Tina Ortiz	Dessie
Z-FY-16-26 - Hold a public hearing to discuss and recommend action on a rezoning from Light Industrial (LI) district to Single Family One (SF-1) district on 1.95 +/- acres, out of the Redding Roberts Survey, Abstract No. 345, Bell County, Texas, located at 3221 West Avenue R.	PZC 5/02/16	Allie Thompson on behalf of Clem Mikeska	Mark
Z-FY-16-27 - Hold a public hearing to discuss and recommend action on the Planned Development for Lots 6 & 7, Block 1, Adam's Island Commercial Subdivision, for a new building with parking lot and sidewalks, new water and sewer services, and new storm sewer.	DRC 4/18/16 PZC 5/02/16	Clark & Fuller	Tammy
Z-FY-16-28 - Hold a public hearing to discuss and recommend action on a rezoning from Single Family-One (SF-1) to Two Family (2F), Pt 2 of Lot 2, Block 1, Roselawn Addition, located at 1408 N. 5th Street.	PZC 5/02/16	Barry Massey	Tammy

City Council Final Decisions	Status
<p><u>Z-FY-16-14</u> – Consider adopting an ordinance authorizing a rezoning from Agricultural (AG) to General Retail (GR) on 3.00 +/- acres of land, situated in the Baldwin Robertson Survey, Abstract 17, Bell County, Texas, located at 9151 State Highway 317.</p>	<p>APPROVED at 2nd Reading on April 7, 2016</p>
<p><u>Z-FY-16-10</u> - Consider adopting an ordinance authorizing a rezoning from Commercial (C) to Planned Development-Commercial (PD-C) Freeway Retail/Commercial Sub-District, I35 Overlay Corridor, to authorize additional land uses; modify landscaping, architectural and outdoor storage standards; and modify triggers for applicability of I35 Overlay standards; on Lot 1, Block 2 (less strip conveyed for I35 ROW) (3.643 acres), and Lot 2, Block 1, (1.241 acres), Walker Saulsbury Commercial Subdivision Phase III, and A0550BC CS Masters OB 553 (3.204 acres).</p>	<p>APPROVED at 1st Reading on April 7, 2016</p>
<p><u>Z-FY-16-16</u> - Consider adopting an ordinance authorizing a rezoning from Agriculture (AG) district to Single Family One (SF-1) district, on 5.888 +/- acres, situated in the Mary Cherry Survey, Abstract No. 175, Bell County, Texas, located at 4516 Hickory Road.</p>	<p>APPROVED at 1st Reading on April 7, 2016</p>
<p><u>TMED-FY-16-01</u> - Consider adopting an amendment to Ordinance No. 2014-4689, for a Temple Medical Education District (TMED) Planned Development (PD) District site plan on 1.27 acres +/-, Lot 1, Block 1, Shoppes on the Hill Subdivision, to allow for a drive-through restaurant, located at 2304 South 31st Street.</p>	<p>APPROVED at 1st Reading on April 7, 2016</p>

P&Z COMMISSION ATTENDANCE

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

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

not a Board member