

**NOTICE OF MEETING  
PLANNING AND ZONING COMMISSION  
CITY MUNICIPAL BUILDING, 2 NORTH MAIN STREET  
PLANNING CONFERENCE ROOM  
MAY 16, 2016, 5:00 P.M.  
WORK SESSION AGENDA**

Staff will present the following items:

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Monday, May 16, 2016.
2. Receive and discuss the Planning Director's Report containing items for future meetings regarding subdivision plats, zoning cases, conditional use permits, annexations, and proposed text amendments (if any) to the Unified Development Code (UDC).

**NOTICE OF MEETING  
PLANNING AND ZONING COMMISSION  
CITY MUNICIPAL BUILDING, 2 NORTH MAIN STREET  
CITY COUNCIL CHAMBERS, 2<sup>ND</sup> FLOOR  
MAY 16, 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 May 2, 2016.

**B. ACTION ITEMS**

**Item 2:** [Z-FY-16-29](#) – Hold a public hearing to consider and recommend action on a rezoning from Agricultural (AG) District to General Retail (GR) District on 4.889 +/- acres situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 419 Hilliard Road.

**Item 3:** [Z-FY-16-30](#) - 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 2, Block 1, of the Shoppes on the Hill, Phase II Subdivision, located at 2320 South 31st Street, Suite 100.

**Item 4:** [Z-FY-16-31](#) – Hold a public hearing to discuss and recommend action on a rezoning from Single Family-One District (SF-1) to Planned Development Single Family-One District (PD-SF-1) to allow continued use of existing secondary residential dwellings on Lot part of 4, 6, Block 4, Roselawn Addition, located at 1516 North 5th Street.

**Item 5:** [Z-FY-16-32](#) –Hold a public hearing to consider and recommend action on a rezoning from Two Family (2F) District for the east 40 feet of Lots 1 and 2, Block 1, Fairview Addition (1401 and 1405 S. 33rd Street) and from TMED T5-e located at 1404 South 31st Street to Planned Development District TMED T5-e (PD T5-e) to allow for a commercial parking lot to serve an existing business.

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 11:00 AM on May 12, 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  
MAY 2, 2016  
5:30 P.M.**

**PLANNING AND ZONING MEMBERS PRESENT**

Vice-Chair Patrick Johnson

**COMMISSIONERS:**

Lydia Alaniz	Tanya Mikeska-Reed
Blake Pitts	Will Sears
Omar Crisp	Lester Fettig

**PLANNING AND ZONING MEMBERS ABSENT:**

Greg Rhoads	David Jones
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**STAFF PRESENT:**

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

**The agenda for this meeting was posted on the bulletin board at the Municipal Building, April 28, 2016 at 2:00 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.*

Vice-Chair Johnson called Meeting to Order at 5:33 P.M.

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

**A. CONSENT ITEMS**

**Item 1: Approval of Minutes:** Work session and the regular meeting of April 18, 2016.

Approved by general consent.

**B. ACTION ITEMS**

**Item 2: P-FY-16-29** - Consider and take action on the Final Plat of Bell County Flooring Addition, a 0.993 +/- acres, 1-lot, 1-block, non-residential subdivision, 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 Drive.

Mr. Mark Baker, Senior Planner, stated the Development Review Committee (DRC) reviewed this plat on April 21, 2016 and it was deemed administratively complete on April 26, 2016.

The current zoning is Agricultural (AG) and there is a counterpart rezoning case from AG to General Retail (GR) coming before the P&Z later in the meeting. The property is anticipated to be developed with retail and service uses; however, it is currently developed with several single family residential units.

There is no sewer available and on-site septic will be provided.

The water will be available from the extension of an existing six-inch waterline in Tarver Drive. It is the extension of the waterline that is triggering the review before the P&Z tonight.

P&Z is the final authority on this plat since the applicant has not requested any exceptions to the Unified Development Code (UDC).

Plat and topography/utility plans are shown.

Staff recommends approval of the Final Plat of Bell County Flooring Addition.

No public hearing is required for this item.

Commissioner Sears made a motion to approve Item 2, **P-FY-16-29**, as presented, and Commissioner Crisp made a second.

*Motion passed: (7:0)*

Chair Jones and Commissioner Rhoads absent

**Item 3: 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.

Ms. Dessie Redmond, Planner, stated this plat is proposed for a commercial subdivision with retail and office uses. There is a companion rezoning case for this property from AG to GR and will be presented later in the meeting. The property is currently vacant and undeveloped.

The DRC reviewed this plat on March 21, 2016 and discussed the possibility of interior shared cross access between the proposed five lots by keeping the one access entryway off of S. 5<sup>th</sup> Street into the subject property and sharing interior access drives. This plat was deemed administratively complete on April 25, 2016.

Vicinity map and site photos are shown.

Staff recommends approval of the Final Plat of Friars Creek Crossing.

No public hearing is required for this item.

Commissioner Sears made a motion to approve Item 3, **P-FY-16-30**, as presented, and Commissioner Fettig made a second.

*Motion passed: (7:0)*

Chair Jones and Commissioner Rhoads absent

**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.

Ms. Tammy Lyerly, Senior Planner, stated this item was scheduled to go forward to City Council for first reading on May 19, 2016 and second reading on June 2, 2016.

Aerial site photo of cell tower location shown which is located behind the Mueller Building.

The subject property is zoned Light Industrial (LI) and surrounded by AG and some Commercial (C) zoning. It is located within the I-35 Corridor Overlay District which permits free standing monopoles in the Industrial Sub-District of the Overlay, according to UDC Section 5.4.4.C.

The applicant is requesting a Conditional Use Permit (CUP) to allow the 115-foot stealth monopole which would resemble a flagpole (without a flag) since the applicant is unable to collocate in the area. A letter regarding inability to collocate has been submitted for this request.

UDC Section 5.4.3, I-35 Interstate Overlay District Standards, allows the Director of Planning to consider freestanding stealth wireless service facilities in the I-35 Interstate Corridor Overlay Sub-Districts and UDC Section 5.4.4.C permits freestanding monopoles in the I-35 Interstate Corridor Overlay Sub-Districts.

This CUP is required because the proposed stealth monopole placement is only 345 feet from the nearest residential use and does not meet the required separation of 1,000 feet from residential uses or districts for freestanding towers in LI and Heavy Industrial (HI) Districts, per UDC Section 5.4.4.

The Future Land Use and Character Map designates the subject property as Suburban-Commercial and I-35 Industrial Sub-District and the request is in compliance.

The Thoroughfare Plan designates Pegasus Drive as a Collector and the request is in compliance.

A 10-inch water line exists in Pegasus Drive and the site has a six-inch line leading into the property. A septic system is available.

Site photos are shown.

Surrounding properties include residential to the north, the Mueller Building to the east, Pegasus Drive and AG to the south, and AG and rural residential to the west.

Site plan and site elevations of tower are shown.

Ms. Lyerly describes the proposed landscaping changes. The existing fence is proposed to be replaced by a six-foot tall wooden privacy fence with three strand barbed wire along the top.

UDC, Section 5.4.5 states:

Wireless cell towers are subject to the following standards:

- Boundary and Setbacks;
- Security Screening Fence;
- Landscaping; and
- Collocation.

The applicant has met all standards except the distance requirement from adjacent residential uses.

Three notices were mailed out to property owners within 200 feet with one notice returned in agreement and zero in disagreement.

Staff recommends approval of the applicant's requested CUP to install a proposed 115 foot stealth monopole for Verizon Wireless at 7050 North General Bruce Drive, subject to the site plan.

Ms. Lyerly explained the applicant has certifications from FAA regarding height of the pole.

Acting Chair Johnson opened the public hearing.

Mr. Vince Huebinger, Vincent Gerard & Associates, representing the owners and Verizon. Mr. Huebinger stated they are challenged every day to keep coverage to capacity. The phones are overloading the system.

Mr. Huebinger showed his own presentation to explain the RF (radio frequencies) information. Copies of the RF engineers' generated maps were explained regarding heavy demand for calls within a search ring. Verizon is looking to offload a site north of this area called TROY. Off and on maps of MUELLER site are shown.

Verizon could not find a structure that would work so they are building a new one, which is rare.

Verizon existing sites demand (capacity) charts are shown and explained.

Examples of stealth monopoles are shown.

Mr. Jeffrey Weir, 2600 Moore's Mill Road, Temple, Texas, asked about the 1,000 foot distance reduction from a residential and to explain what the requirement was for and what is being given by having the antenna that close.

Mr. Huebinger responded generally Verizon tries to meet as many of the criteria as possible; however, in this case, the 1,000 feet is very difficult to meet because to the south is another

residential use. In this situation the height was reduced 115 feet so that fall zone or separation distance is equal to three times the height away from the residential uses. It is a Code requirement that Temple has and Verizon tried to comply but cannot, so the height of the tower was reduced. This will not interfere with the homeowners at all.

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

Commissioner Fettig made a motion to approve Item 4, **Z-FY-16-20**, as presented, and Commissioner Alaniz made a second.

*Motion passed: (7:0)*

Chair Jones and Commissioner Rhoads absent

**Item 5: 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.

Mr. Baker stated this item is scheduled to go forward to City Council for first reading on June 2, 2016 and second reading on June 16, 2016.

The proposed rezoning is anticipated for retail and service uses. Currently there is no specific developer identified for future uses.

The surrounding area is part of a Planned Development (PD) approved in 1995 (Ordinance No. 95-2321) and did provide for single family detached homes, industrialized modular homes, as well as mobile homes (existing or occupied) that would be considered compliant on the effective date of the PD Ordinance adoption.

The zoning for the subject property is Single Family-Three (SF-3) for existing residential lots not developed (south of Georgia Avenue). GR zoning is available across the street and part of a developing retail and service corridor along South Pea Ridge Road. The request is in compliance.

The Future Land Use and Character Map designate the subject property as Suburban-Residential which provides for single family residential uses. Georgia Avenue may be an acceptable boundary between residential and non-residential uses. Suburban-Commercial would be better suited so the request is not in compliance with the Future Land Use and Character Map.

Both water and sewer are available to serve the property.

According to the Thoroughfare Plan, North and South Pea Ridge Road is a proposed Collector. Fronting along the property is approximately a 100 foot right-of-way and farther up North Pea Ridge is a 50 foot right-of-way. Although it is not funded, Pea Ridge Road is scheduled for Series III, Fiscal Year 2019 TCIP Improvements.

No trails front the subject property.

Surrounding properties include scattered single family residential to the north (SF-3 PD), West Temple Park (AG) to the west, Big Chew Chew's Burgers to the east (GR), and intersection of South Pea Ridge Road and Adams Avenue (AG & GR) to the south.

GR allowed and prohibited uses are given, along with current and proposed Development Standards.

Fifteen notices were mailed out in accordance with state law and local ordinance with three notices returned in agreement and three notices in disagreement.

The request is in compliance with the Thoroughfare Plan, the surrounding uses and zoning, and public facilities are available to serve the property. It is not compliant with the Future Land Use and Character Map.

Staff recommends approval of the request for a rezoning from SF-3-PD to GR.

Mr. Baker stated the two lots to the south of the subject property are zoned SF-3-PD which is part of the PD.

Mr. Brian Chandler, Director of Planning, stated the owner of the lots to the south came in and inquired about a rezoning for retail uses but has not submitted a request to date. Mr. Chandler added that a flood plain development permit was obtained through the City Engineer's office to do the fill to build up the foundation. The intent, after going through P&Z and City Council to rezone, is there are no existing single family on those lots on this side of Georgia.

Commissioner Pitts asked why not Neighborhood Services (NS) instead of GR which is much broader, especially being currently located in the middle of residential. Mr. Baker responded it was mirrored from what was across the street which is GR since it did extend up almost parallel. Also at that time, the owner of the property to the south had been in discussion with the Planning Director.

Mr. Chandler added if the Commission believed a less intense retail zoning district would be more appropriate, such as NS, they had the option to make that recommendation to City Council, but would not be able to recommend a more intense zoning district.

Acting Chair Johnson opened the public hearing.

Ms. Lachelle Lenz, no address given, is representing Ms. Sanderson, and stated the three disagreement letters came from Kiella Homes which has already brought in additional traffic to the neighborhood due to his development and did not understand the rationale for that comment.

Ms. Lenz stated the owner of the lots to the south of the subject property is definitely not putting in residential but is aware the owner has spoken with Planning.

The applicant has no specific plans for the subject property but would like to go with GR or NS zoning since it is so close to Adams. Ms. Lenz has had a couple of interested parties inquiring if a daycare or restaurant could be built there.

Ms. Lenz agreed that the applicant would be comfortable going to NS as opposed to GR.

Ms. Evelyn Sanderson, 18 South Pea Ridge Road, Temple, Texas, asked the Commission if they go out to look at the properties up for rezoning. Several Commissioners stated yes. Ms. Sanderson explained she has lived in her home for 18 years and would like to sell the home since she is 75 years old and cannot afford to stay there any longer.

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

Mr. Chandler stated some of the differences between GR and NS.

Acting Chair Johnson commented the property should be changed to something other than SF-3 since it is so close to FM 2305 and the school down the road and was leaning more toward NS.

Commissioner Mikeska-Reed added she did not feel there would be a significant amount of increased traffic especially as NS.

Mr. Chandler states numerous NS uses for the Commissioners and compares those to the GR uses.

Commissioner Mikeska-Reed made a motion to approve Item 5, **Z-FY-16-21**, as presented, with the exception to rezone as Neighborhood Services (NS) and not General Retail (GR), and Commissioner Fettig made a second.

*Motion passed: (7:0)*

Chair Jones and Commissioner Rhoads absent

**Item 6: Z-FY-16-22** - Hold a public hearing to discuss and recommend action on a rezoning from Agricultural (AG) to Commercial (C) 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 Drive.

Mr. Baker clarified the item description states a rezoning from AG to C which came in on the original application. After discussing with the applicant, the request is to rezone to GR and the public notice was for GR. Staff did their analysis based on a GR request.

This item is scheduled to go forward to City Council for first reading on June 2, 2016 and second reading on June 16, 2016.

A companion one lot, one block subdivision final plat was presented earlier in the meeting for Bell County Flooring Addition.

The current zoning is AG and part of a developing retail and service corridor and existing GR and service use is to the north of the subject property. The request complies with the zoning map.

The Future Land Use and Character Map designate the property as Suburban-Commercial which is intended for office, retail and services use and supports the GR zoning.

There is a six-inch water line in State Highway 317 and on-site septic system. The request is in compliance.

According to the Thoroughfare Plan, State Highway 317 is designated as a major thoroughfare and is part of a TxDOT widening project.

A six-foot wide community-wide connector trail is proposed along State Highway 317 within the scope of the TxDOT widening project. This trail may be upsized to 10 feet with City participation. The request is in compliance.

Surrounding properties include an existing Stripes Convenience Store (zoned GR), scattered single family residences and undeveloped land (zoned AG) to the south, undeveloped land (zoned AG) to the west, and undeveloped land, scattered single family residences, and Village of Sage Meadows Subdivision (zoned AG & SF-3, respectively) to the east.

Allowed and prohibited uses for GR are given along with current and proposed development standards for both AG and GR.

Five notices were mailed out in accordance to state and local regulations with one notice returned in agreement and zero in disagreement.

The request is in compliance with the Future Land Use and Character Map, the Thoroughfare Plan, is compatible with surrounding uses and zoning, and has public facilities available for the property.

Staff recommends approval of the request for a rezoning from AG to GR.

Acting Chair Johnson opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Sears made a motion to approve Item 6, **Z-FY-16-22**, as presented from AG to GR, and Commissioner Alaniz made a second.

*Motion passed: (7:0)*

Chair Jones and Commissioner Rhoads absent

**Item 7: 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, on the west side of South 5th Street, south of Canyon Creek Drive, located at 4350 South 5th Street.

Ms. Redmond stated this item was scheduled to go forward to City Council for first reading on June 2, 2016 and second reading on June 16, 2016.

This is the companion rezoning from AG to GR for the plat presented earlier for Friars Creek Crossing. The property is currently vacant and undeveloped.

Table with allowed uses and with a CUP under GR are given.

Current (AG) and proposed (GR) zoning maps shown.

Surrounding properties include vacant and undeveloped land and a newly constructed commercial/retail/office building (zoned GR) to the north, an existing single family residence (zoned AG) to the south, existing AG property to the east, and Friars Creek and open space (zoned AG) to the west.

The Future Land Use and Character Map designate the subject property as Auto-Urban Commercial which is meant for commercial development with landscaping along frontages of roads and the proposed request is in compliance with this designation.

The Thoroughfare Plan designates S. 5<sup>th</sup> Street as a Major Arterial and a six-foot wide sidewalk is required along the frontage. The property owner is aware and in agreement of the required sidewalk.

No trails are located on the subject property; however, there is an existing city wide trail on the property to the west and a proposed local connector to the south as was shown in the Thoroughfare and Trails Map.

Water is available through a three-inch and a 12-inch pipe under S. 5<sup>th</sup> Street. A 24-inch sewer pipe lies to the west.

A portion of the subject property lies within the Regulatory Floodway Flood Hazard Zone.

Development regulations comparing AG and GR are shown.

Twenty notices were mailed out in accordance to state and local regulations with six notices returned in agreement (3 from the applicant) and four returned in disagreement (all four from a single property owner).

Ms. Redmond added that she received an email from Mr. Jim Herrington (4714 S. 5<sup>th</sup> Street, Temple, TX) at approximately 4:45 p.m. today that she read into the record as requested by Mr. Herrington to the south of the subject property:

“To be clear, I am not objecting to the change in zoning from Agricultural to General Retail for my neighbor. I am concerned about filling of dirt on his property to raise the elevation of these lots for building that may raise the floodway surface elevation on my downstream property and could result in the flooding of my house.”

Mr. Herrington spoke with both Ms. Redmond and Mr. Richard Wilson, Deputy City Engineer, and it was explained that as the property gets developed, the developer must show pre- and post- runoff does not change or increase runoff downstream. Part of this process includes hydrology studies and Mr. Herrington will be provided with those studies for his review.

This request is in compliance with the Future Land Use and Character Map, the Thoroughfare Plan, is consistent with the City’s infrastructure and public service capabilities, and the Trails Master Plan.

Staff recommends approval for a rezoning from AG district to GR district based on the above criteria.

Acting Chair Johnson opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Crisp made a motion to approve Item 7, **Z-FY-16-24**, as presented, and Commissioner Sears made a second.

*Motion passed: (7:0)*

Chair Jones and Commissioner Rhoads absent

**Item 8: 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, Block 1, Vandiver Subdivision, located at 416 North 11th Street.

Ms. Redmond stated this item was scheduled to go forward to City Council for first reading on June 2, 2016 and second reading on June 16, 2016.

The applicant is Ms. Tina Ortiz with Helping Hands Day Habilitation and is in attendance for any questions. The request is from Multi-Family Two (MF-2) to Office Two (O-2); however, Staff recommends rezoning to Office One (O-1) since it is a less intensive zoning district.

The subject property is the vacant Vandiver Elementary school.

Staff presented a table citing allowed uses and uses allowed with a CUP under O-1 zoning is shown.

Current and proposed O-1 zoning maps shown.

The Future Land Use and Character Map designate a portion of the subject property as Public Institutional and a smaller portion as Auto-Urban Multi-Family.

Surrounding properties include multi-family apartments to the north (zoned MF-2), to the south is O-2, a parking lot to the west (zoned O-2 and MF-2), and a vacant lot and single family residence (SF-1) to the east.

Public Institutional character district is for:

Community's major public and civic facilities, including schools and community facilities;  
and

Buildings should respect the character context of the neighborhood.

The request is in compliance with the FLUM since it proposes to utilize the existing building as a Day Habilitation for special needs adults. Staff believes this contributes to the overall health of the community (community facility as a "school, business").

Further, the applicant is proposing to utilize the existing building by bringing it up to Code which preserves the character context of the neighborhood.

Auto-Urban Multi-Family character district:

Designation is meant to accommodate multi-family development.

The request is not in compliance with this designation since it is not proposed for multi-family but the proposal is compatible with the designation.

No new buildings are proposed for the site, there are existing roads, sewer and water, and no new infrastructure is proposed.

There is an existing sidewalk along North 11<sup>th</sup> Street which is not required but will remain in place.

Development regulations for current MF-2 and proposed O-1 are shown.

Twelve notices were mailed out in accordance to state and local regulations with six notices returned in agreement and one notice returned in disagreement.

The request is in compliance with the Future Land Use and Character Map, the Thoroughfare Plan, and consistent with the City's infrastructure and public service capacities. The Trails Master Plan is not applicable as there are no proposed or existing trails in the vicinity.

Staff recommends approval for a rezoning from MF-2 district to O-1 district since O-1 is more appropriate for the property and vicinity.

Ms. Redmond explained the surface parking lot on the adjacent property to the west is not included with the subject property; it is part of the soccer field. There are six existing parking spaces on the subject property and additional room on the south side of the building for additional parking, if needed, which would need to be improved.

The last use for this building was a public school which is allowed in all zoning districts.

Staff's concern in the O-2 zoning district was the height of a possible building. Mr. Chandler added that although height was a concern, O-2 zoning also allows a number of retail uses that might not be appropriate in the area. Ms. Redmond added that restaurants are also permitted in O-2 and not in O-1.

Acting Chair Johnson opened the public hearing.

Ms. Tina Ortiz, 416 North 11<sup>th</sup> Street, Temple, Texas, stated she was the owner of the building and purchased it from Temple Independent School District (TISD). TISD has agreed to let the applicant use parking and will send a letter stating their authorization for the Day Habilitation to use parking behind the facility.

Further, she stated that this is a day facility and all of the clients will be dropped off so the requirement for people staying there or parking is not an issue.

Ms. Ortiz stated they had no other plans for the facility other than using it for a day habilitation so she was agreeable to O-1 zoning.

The day habilitation is for special needs adults and will operate from 9:00 a.m. to 2:00 p.m. The applicant will be inviting TISD classes to come over and the facility will be a community service.

Ms. Ortiz responded they were currently operating out of a different facility at 819 South 5<sup>th</sup> Street in an office building. They started last year with about three clients and now have about 30. The school building is about 13,000 square feet and the applicant plans on utilizing just the first floor for now which is approximately 7,500 square feet. Ms. Ortiz explained they needed approximately 100 square feet per person so the occupancy could be between 65 and 75 individuals as they grow in the future.

The school has been vacant for approximately five years and was Holy Trinity Catholic School prior to Vandiver Elementary. The applicant has a lot of renovating to do; not changing the structure but repairing it. If there comes a point where more space is needed, they will work on the second floor.

Ms. Ortiz explained the criteria is one staff member per 13 individuals.

Commissioner Pitts commented this was a needed service for the community and was excited about the idea. Commissioner Sears agreed.

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

Commissioner Sears made a motion to approve Item 8, **Z-FY-16-25**, as presented, to rezone from MF-2 to O-1, and Commissioner Pitts made a second.

*Motion passed: (7:0)*

Chair Jones and Commissioner Rhoads absent

**Item 9: Z-FY-16-26** - Hold a public hearing to discuss and recommend action on a rezoning from Light Industrial (LI) to Urban Estates (UE) OR Single Family One (SF-1) on 1.95 +/- acres, out of the Redding Roberts Survey, Abstract No. 345, Bell County, Texas, located at 3221 West Avenue R.

Mr. Baker stated this was an example of multiple zonings under consideration and when Staff met with the applicant Single Family One (SF-1) zoning was agreed upon. It was publicly noticed as SF-1 from LI and the item was analyzed by Staff as an SF-1 zoning.

This item is scheduled to go forward to City Council for first reading on June 2, 2016 and for second reading on June 16, 2016.

This rezoning request is needed to close a real estate transaction for an existing single family residence on the subject property. The current zoning is LI which is intended for transition between retail and industrial uses and to be away from low and medium density residential.

Two Family zoning lies to the east and south and SF-1 zoning to the east. There is no single family in the immediate area although the surrounding uses are consistent with the request.

The Future Land Use and Character Map designate the property as Neighborhood Conservation (NC) which is intended for establishment of a consistent design standard such as lot size or setback under single family residential concept. NC does support the SF-1 zoning.

Both water and sewer are available to the subject property.

The Thoroughfare Plan designates West Avenue R as a Local Street. There is no needed right-of-way and no sidewalks are required on a local street.

No trails are identified.

Surrounding properties include Chappell Hill Apartments (zoned MF-2) to the north, Creekside Planned Development and existing mixed use (zoned C, LI & PD) to the south, single family uses/Woodlawn Subdivision (zoned 2F) to the east, Hodge Park and Woodlawn Residential Subdivision (zoned 2F) to the south.

Single Family One permitted and conditional uses are given, along with prohibited uses.

Proposed Development Standards are cited.

Eleven notices were sent out in accordance with state and local regulations and two notices were returned in agreement and zero notices in disagreement.

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

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

Acting Chair Johnson opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Crisp made a motion to approve Item 9, **Z-FY-16-26**, as presented from LI to SF-1, and Commissioner Fettig made a second.

*Motion passed: (7:0)*

Chair Jones and Commissioner Rhoads absent

**Item 10: Z-FY-16-27**– Hold a public hearing to discuss and recommend action on a site plan review, amending Ordinance No. 2005-4025 for the existing Planned Development-General Retail District (PD-GR) and site plan 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.

Ms. Lyerly stated this item was scheduled to go forward to City Council for first reading on June 2, 2016 and second reading on June 16, 2016.

The subject property is located between Adams Lane and West Adams Avenue with Adams Lane being to the north of the property and the only access into the property.

The property is currently zoned Planned Development-General Retail District (PD-GR) and did not include a PD site plan when approved by Ordinance No. 2005-4025. The applicant's proposed PD site plan tonight is combining Lots 6 and 7, Block 1, Adam's Island Commercial Subdivision.

The PD site plan proposes construction of a new retail building and parking lot, as well as new sidewalks, a new HDPE storm sewer, and a new reinforced concrete detention pond outlet structure.

The proposed PD site plan exceeds the parking space requirements and exceeds the five percent landscaping plan requirements for non-residential development, per the UDC.

The applicant's PD site plan is consistent with the adjacent PD site plan for Lots 1 through 5, approved by City Council on July 17, 2014 (Ordinance 2014-4677).

The DRC reviewed the proposed PD site plan on Monday, April 18, 2016

Zoning map is shown.

The Future Land Use and Character Map designate the property as Suburban-Commercial and the request is in compliance.

The Thoroughfare Plan designates West Adams Avenue as a major arterial.

Water and sewer are available to serve the property.

Surrounding properties include Adams Lane to the north, and undeveloped land to the east, west, and south.

PD Site plan (Lots 6 and 7), utility plan, and elevations are shown.

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

Nine notices were mailed out in accordance with state and local regulations with five notices returned in agreement and zero notices returned in disagreement.

Staff recommends amending the original Planned Development by approving the proposed PD site plan for the reasons stated just above.

Acting Chair Johnson opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Pitts made a motion to approve Item 10, **Z-FY-16-27**, as presented, and Commissioner Mikeska-Reed made a second.

*Motion passed: (7:0)*

Chair Jones and Commissioner Rhoads absent

**Item 11: 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 for Lot 2, Block 1, Roselawn Addition, located at 1408 and 1410 N. 5th Street.

Ms. Lyerly stated this item was scheduled to go forward to City Council for first reading on June 2, 2016 and second reading on June 16, 2016.

The applicant's requested rezoning from SF-1 to 2F is to allow continued use of the existing duplex.

This property is located on the edge of the outside of the Historical District, North 5<sup>th</sup> and Nugent Avenue.

The applicant is requesting this rezoning in order to bring the property into compliance with the UDC for a buyer.

The existing duplex was built in the 1930's and is considered a legal non-conforming structure and use. The duplex was built before the City of Temple had a Zoning Ordinance which was adopted in 1944.

Zoning map is shown.

The Future Land Use and Character Map designate the property as Neighborhood Conservation and the request is in compliance.

Water and sewer are existing in the area within the right-of-way of Nugent and North 5<sup>th</sup> Street.

Surrounding properties include residential to the north, south and west, and multi-family to the east.

Current and proposed development standards for SF-1 and 2F are shown.

Allowed and prohibited uses for 2F are cited.

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

Twenty-one notices were mailed out in accordance with state and local regulations with one notice returned in agreement and zero in disagreement.

Staff recommends approval of the rezoning request from SF-1 to 2F.

Acting Chair Johnson opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Alaniz made a motion to approve Item 11, **Z-FY-16-28**, as presented, and Commissioner Pitts made a second.

*Motion passed: (7:0)*

Chair Jones and Commissioner Rhoads absent

There being no further business, the meeting was adjourned at 7:13 p.m.

Respectfully submitted,

Leslie Evans

**PLANNING AND ZONING COMMISSION  
MONDAY, MAY 2, 2016  
5:00 P.M.  
WORK SESSION**

**PLANNING AND ZONING MEMBERS PRESENT**

Vice-Chair Patrick Johnson

**COMMISSIONERS:**

Lydia Alaniz  
Blake Pitts  
Omar Crisp

Tanya Mikeska-Reed  
Will Sears  
Lester Fettig

**PLANNING AND ZONING MEMBERS ABSENT:**

Greg Rhoads

David Jones

**STAFF PRESENT:**

Brian Chandler, Director of Planning  
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, Vice-Chair Johnson opened the work session at 5:00 p.m. and asked Mr. Brian Chandler, Director of Planning, to proceed.

Mr. Chandler stated two plats would be at the beginning of the agenda.

The stealth tower monopole on I-35 behind the Mueller building does not meet the full distance requirement between the nearest single family residence which is why they need a CUP. A stealth tower is the only type of cell tower allowed in the I-35 overlay but in the Industrial Sub-District, it is allowed by right if all standards are met.

The rezoning on South Pea Ridge had several notices returned today. Kiella property (Westfield) is catty-corner from this property and he is concerned about traffic at that location. Mr. Kiella also had questions about TCIP and the timing of the road project, which is scheduled for Pea Ridge and 2305 for 2019. The project is not funded, only scheduled.

Bell County Flooring has a rezoning and accompanying plat.

Item 7 also has an accompanying plat.

Item 8, MF-2 to O-2, Staff is recommending O-1 designation. The main difference is allowable height; O-2 allows any height allowable by law and O-1 more appropriately meets the applicant's needs for a school.

The height was a concern for future generation of potential buildings which may not be compatible with the area.

Brief discussion regarding Floor to Area Ratio (FAR—regulates the mass of a building).

Item 9 is the Clem Mikeska residence zoned LI and it should be a single family zoning. There is a pending sale being held up and the property needs to be rezoned to come into conformity with the use. Mr. Baker added that the reference to the UE zoning in the item description was an inadvertent carryover and Staff is recommending only SF-1. The public notices specifically stated SF-1 only.

Adams Island Commercial lies between Adams Lane and FM 2305 and the entire strip is under the same PD. There was no site plan submitted for the original PD which is why this is coming to P&Z.

The existing 1920s/1930s built duplex located on North 5<sup>th</sup> Street is located within a single family neighborhood and zoned as SF-1. In order to sell the property, the lender would like the existing use to be current with the code so Staff is recommending 2F. The building is not located within the Historic District.

The May 16<sup>th</sup> agenda will have four confirmed zoning cases and Mr. Chandler gives a brief overview. Discussions regarding various issues on those cases.

Brief discussion about Taco Bell access on Adams Avenue.

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



## PLANNING AND ZONING COMMISSION ITEM MEMORANDUM

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05/16/16  
Item #2  
Regular Agenda  
Page 1 of 5

**APPLICANT / DEVELOPMENT:** Mark Zwerneman

**CASE MANAGER:** Mark Baker, Senior Planner

**ITEM DESCRIPTION:** Z-FY-16-29 Hold a public hearing to consider and recommend action on a rezoning from Agricultural (AG) District to General Retail (GR) District on 4.889 +/- acres situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 419 Hilliard Road.

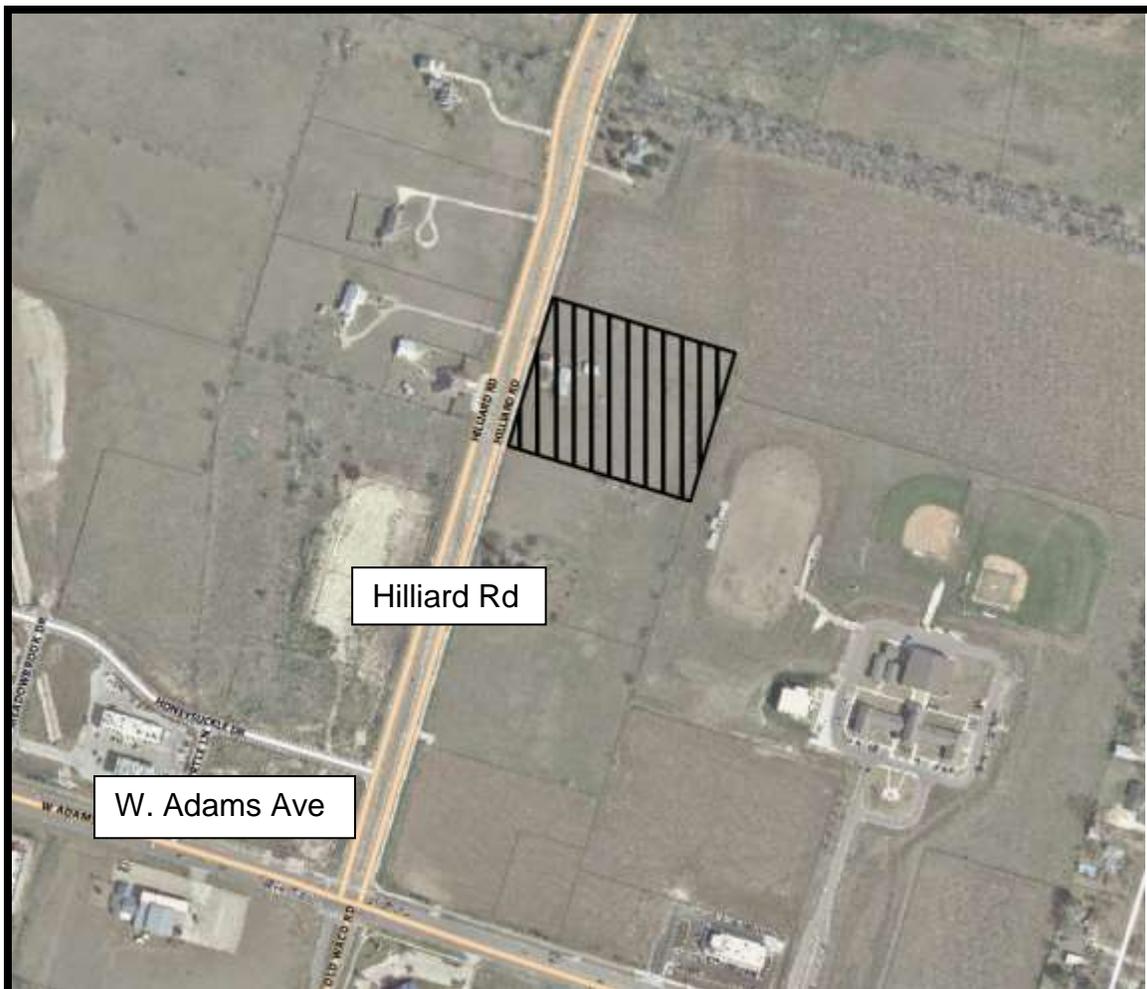


Figure 1: Aerial Location Map

**STAFF RECOMMENDATION:** Based on the following, staff recommends approval for a rezoning from Agricultural (AG) district to General Retail (GR) district for the following reasons:

1. The proposed rezoning is in compliance with the Future Land Use Map's Suburban Commercial District;
2. The proposed zoning is compatible with surrounding zoning and anticipated retail and service uses along this section of Hilliard Road;
3. The request complies with the Thoroughfare Plan; and
4. Public facilities are available to serve the subject property.

**ITEM SUMMARY:** The subject property contains a 4.889 +/- acre tract, (Exhibit A) which is being proposed for rezoning from Agricultural (AG) district to General Retail (GR) district. The property is currently developed with single residence.

Prior to the issuance of a building permit for any non-single-family residential development, a subdivision plat will be required. The applicant has indicated that there are currently no plans to immediately develop the property with a specific retail or service use. It is noteworthy that two separate property owners in the immediate vicinity have approached Planning staff to discuss the feasibility to also rezone their property to General Retail.

While there is currently a single-family residence on the property, it is anticipated the property will eventually be re-developed with retail and service uses. There are a number of residential and non-residential uses that are permitted by right in the GR zoning district. The uses allowed in the GR, include but are not limited to:

<b>Permitted &amp; Conditional Use Table - General Retail (GR)</b>	
<b>Agricultural Uses</b>	* Farm, Ranch or Orchard
<b>Residential Uses</b>	* Single Family Residence (Detached & Attached) * Duplex * Townhouse * Industrialized Housing * Family or Group Home * Home for the Aged
<b>Retail &amp; Service Uses</b>	* Most Retail & Service Uses * Alcoholic Beverage Sales, off-premise consumption, package Store (CUP)
<b>Commercial Uses</b>	* Plumbing Shop * Upholstery Shop * Kennel without Veterinary Hospital (CUP) * Indoor Flea Market
<b>Industrial Uses</b>	* Temporary Asphalt & Concrete Batching Plat (CUP) * Laboratory, medical, dental, scientific or research * Recycling collection location

<b>Recreational Uses</b>	* <b>Park or Playground</b> * <b>Beer &amp; Wine (On Premise Consumption) &lt; 75%</b>
<b>Vehicle Service Uses</b>	* <b>Auto Leasing, Rental</b> * <b>Auto Sales - New &amp; Used (outside Lot)</b> * <b>Car Wash</b> * <b>Vehicle Servicing (Minor)</b>
<b>Restaurant Uses</b>	* <b>With &amp; Without Drive-In</b>
<b>Overnight Accommodations</b>	* <b>Hotel or Motel</b>
<b>Transportation Uses</b>	* <b>Emergency Vehicle Service</b> * <b>Helistop</b>

Prohibited uses include HUD-Code manufactured homes and land lease communities, most commercial uses and industrial uses.

<b>Surrounding Property &amp; Uses</b>			
<b>Direction</b>	<b>Future Land Use Map</b>	<b>Zoning</b>	<b>Current Land Use</b>
Site	Suburban Commercial	AG	Existing SF Residence
North	Suburban Commercial	SF-1	Undeveloped & SF Uses
South	Suburban Commercial	AG & GR	Undeveloped & Scattered SF Uses
East	Suburban Commercial	SF-1	Holy Trinity Catholic High School
West	Suburban Commercial	AG, MF-2 & GR	Scattered SF Uses

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

<b>Document</b>	<b>Policy, Goal, Objective or Map</b>	<b>Compliance?</b>
CP	Map 3.1 - Future Land Use Map	YES
CP	Map 5.2 - Thoroughfare Plan	YES
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	YES
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	YES

CP = Comprehensive Plan      STP = Sidewalk and Trails Plan

Future Land Use Map (CP Map 3.1)

The subject property is entirely within the Suburban Commercial land use district. The Suburban Commercial district is intended for office and retail service-related zoning districts, of which the requested GR-zoning is in compliance with the Future Land Use Map. While there are no immediate

plans to develop the property for retail and service uses, if approved, the zoning would be in-place to accommodate future market trends to allow development along the Hilliard Road corridor, north of its intersection with West Adams Ave (FM 2305).

Thoroughfare Plan (CP Map 5.2)

The subject property takes access from Hilliard Road, located approximately 1200 feet north of its intersection with West Adams Ave. This section of Hilliard Road, also known as Research Parkway, is a major arterial, which requires a 6-foot sidewalk on both sides. Sidewalk improvements are currently in place on the project's side of Hilliard Road. Any sidewalk deficiencies will be addressed during the future platting process. Currently, there are no funded or scheduled TCIP improvement projects along this section of Hilliard Road.

Availability of Public Facilities (CP Goal 4.1)

Sewer is available to the subject property through an existing 8-inch sewer line in Hilliard Road and will require extension to the subject from its current location. Water is available through an existing 18-inch waterline in Hilliard Road. Public facilities will be addressed through the subdivision plat process.

Temple Trails Master Plan Map and Sidewalks Ordinance

The Trails Master Plan identifies an existing City-Wide spine trail in Hilliard Road. Any needed trail improvements or upsizing will be addressed during the future platting process.

**DEVELOPMENT REGULATIONS:** Residential setbacks in the Agricultural (AG) district & Non-Residential General Retail (GR) district are:

	Current (AG)	Proposed (GR)
Minimum Lot Size	1 Acre	N/A
Minimum Lot Width	100 Feet	N/A
Minimum Lot Depth	150 Feet	N/A
Front Setback	50 Feet	15 Feet
Side Setback	15 Feet	10 Feet
Side Setback (corner)	15 Feet	10 Feet
Rear Setback	10 Feet	❖ 10 Feet
Max Building Height	3 Stories	3 Stories

❖ 10' rear setback (Non-residential use abuts a residential zoning district or use - UDC Section 4.4.4.F3) and,

General provisions for buffering and screening for non-residential uses adjacent to residential uses are found in UDC Section 7.7, highlighted provisions include but not limited to:

- \* Landscaping or solid fencing from 6 to 8 feet in height (UDC Section 7.7.4),
- \* Refuse containers located in the side or rear of the property (UDC Section 7.7.6), and
- \* Screened outdoor storage (UDC Section 7.7.8.B1).

**PUBLIC NOTICE:** Nine 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 Thursday May 12, 2016 at 12:00 PM, No notices have been received. An update regarding late notices, will be provided at the Planning & Zoning Commission meeting, if necessary.

The newspaper printed notice of the public hearing on May 5, 2016, in accordance with state law and local ordinance.

**PROPOSED CITY COUNCIL MEETING SCHEDULE:** This rezoning is scheduled for the 1<sup>st</sup> Reading on June 16, 2016 and a 2<sup>nd</sup> Reading on July 7, 2016.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Site and Surrounding Property Photos  
Surveyor Sketch (Exhibit A)  
Aerial Map / Location Map  
Zoning Map / Future Land Use and Character Map  
Thoroughfare & Trails Map / Utility Map  
Notification Map

# Site & Surrounding Property Photos



**Site – Existing Single Family Residence (from Median in Hilliard Rd (AG))**



**Site – Existing Single Family Residence (AG)**



**North: Undeveloped Land and Scattered SF Uses (AG & SF-1)**



**North: Undeveloped Land & Scattered SF Uses (From Median in Hilliard Rd  
(SF-1 & AG)**



**South: Undeveloped Land (AG & GR)**



**South: Undeveloped Land (from Median in Hilliard Rd  
(AG & GR)**



**East: Holy Trinity Catholic High School  
(SF-1)**



**West: Existing SF Uses on Acreage (AG)**



BEING a 4.889 acre tract of land situated in the NANCY CHANCE SURVEY, ABSTRACT NO. 5, Bell County, Texas and being a part or portion of that certain 5.0 acre tract of land described in a General Warranty Deed dated August 31, 2007 from Willie Mae Martin to Milton Wayne Martin, et als and being of record in Document No. 2007-00038697, Real Property Records in Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1" iron pipe found being the called southeast corner (calls iron pipe) of said 5.0 acre tract (Martin Tract) and being the northeast corner of that certain 5.0 acre tract of land described in a Warranty Deed dated December 6, 1972 from E. L. Gribble and wife, Myrtle Effie Gribble to Bob J. Kasberg and wife, Delores Y. Kasberg and being of record in Volume 1155, Page 742, Deed Records of Bell County, Texas and being in the west boundary line of Lot 1, Block 1, HOLY TRINITY CATHOLIC HIGH SCHOOL SUBDIVISION, an addition to the City of Temple, Bell County, Texas according to the map or plat of record in Cabinet D, Slide 244-B, Plat Records of Bell County, Texas for corner;

THENCE N. 73° 23' 29" W., 512.43 feet departing said west boundary line and with the common boundary line (calls N. 71° 00' 00" W., 523.56 feet) of said 5.0 acre tract (Martin Tract) and said 5.0 acre tract (Kasberg Tract) to a ½" iron rod with cap marked "RPLS 2475" set being the southeast corner (calls 5/8" iron rod) of that certain 0.11 acre tract of land described in a General Warranty Deed dated October 24, 2007 from Milton Wayne Martin, et als to The City of Temple, Texas and being of record in Document No. 2007-00046829, Real Property Records in Bell County, Texas and being in the east right-of-way line of Hilliard Road for corner;

THENCE N. 16° 43' 57" E., 416.00 feet departing said common boundary line and with the east boundary line (calls N. 16° 36' 32" E., 416.07 feet) of said 0.11 acre tract; being the east right-of-way line of Hilliard Road to a ½" iron rod with cap marked "RPLS 2475" set being the northeast corner (calls 5/8" iron rod) of said 0.11 acre tract and being in the north boundary line of said 5.0 acre tract (Martin Tract) and being in a south boundary line of that certain 59.57 acre tract of land (Exhibit "A") described in a Warranty Deed dated April 26, 1993 from E. L. Gribble and wife, Myrtle E. Gribble to Robert Kasberg and being of record in Volume 2971, Page 726, Official Public Records of Bell County, Texas for corner;

THENCE S. 73° 23' 29" E., 511.53 feet departing said east right-of-way line and with the common boundary line of said 5.0 acre tract (Martin Tract) (calls S. 71° 00' 00" E., 523.56 feet) and said 59.57 acre tract (calls N. 71° 30' 15" W., 523.56 feet) to a 1" iron pipe found being the northeast corner (calls iron pipe) of said 5.0 acre tract (Martin Tract) and being an ell or angle corner of said 59.57 acre tract for corner;



THENCE S. 16° 36' 31" W., with the north boundary line (calls S. 19° 00' 00" W., 416.0 feet) of said 5.0 acre tract (Martin Tract) and with a boundary line (calls N. 18° 32' 00" E., 832.26 feet) of said 59.57 acre tract, at 114.38 feet a 5/8" iron rod with cap marked "All County" found being the northwest corner of said Lot 1, Block 1, HOLY TRINITY CATHOLIC HIGH SCHOOL SUBDIVISION and at 416.00 feet in all to the Point of BEGINNING and containing 4.889 acres of land.

\*\*\*\*\*

I, Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that these field notes are a correct representation of a survey made on the ground.

Michael E. Alvis, R.P.L.S. #5402  
September 3, 2009



Bearing Base: This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 205. The theta angle at City Monument No. 205 is 01° 30' 24". The combined correction factor (CCF) is 0.999853. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Reference tie from City of Temple Monument No. 205 to the southeast corner of this 4.889 acre tract is S. 15° 38' 44" W., 5602.75 feet. Published coordinates for project reference point 205 are N. = 10,388,617.28 E = 3,211,706.19

See attached surveyors sketch, which accompanies this set of field notes (ref: Turley Associates Inc. drawing No. 12159-C)





AG to GR

## AERIAL MAP

Zoning Case :  
Z-FY-16-29

Address :  
419 Hilliard

### 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.

mbaker  
Date: 4/18/2016



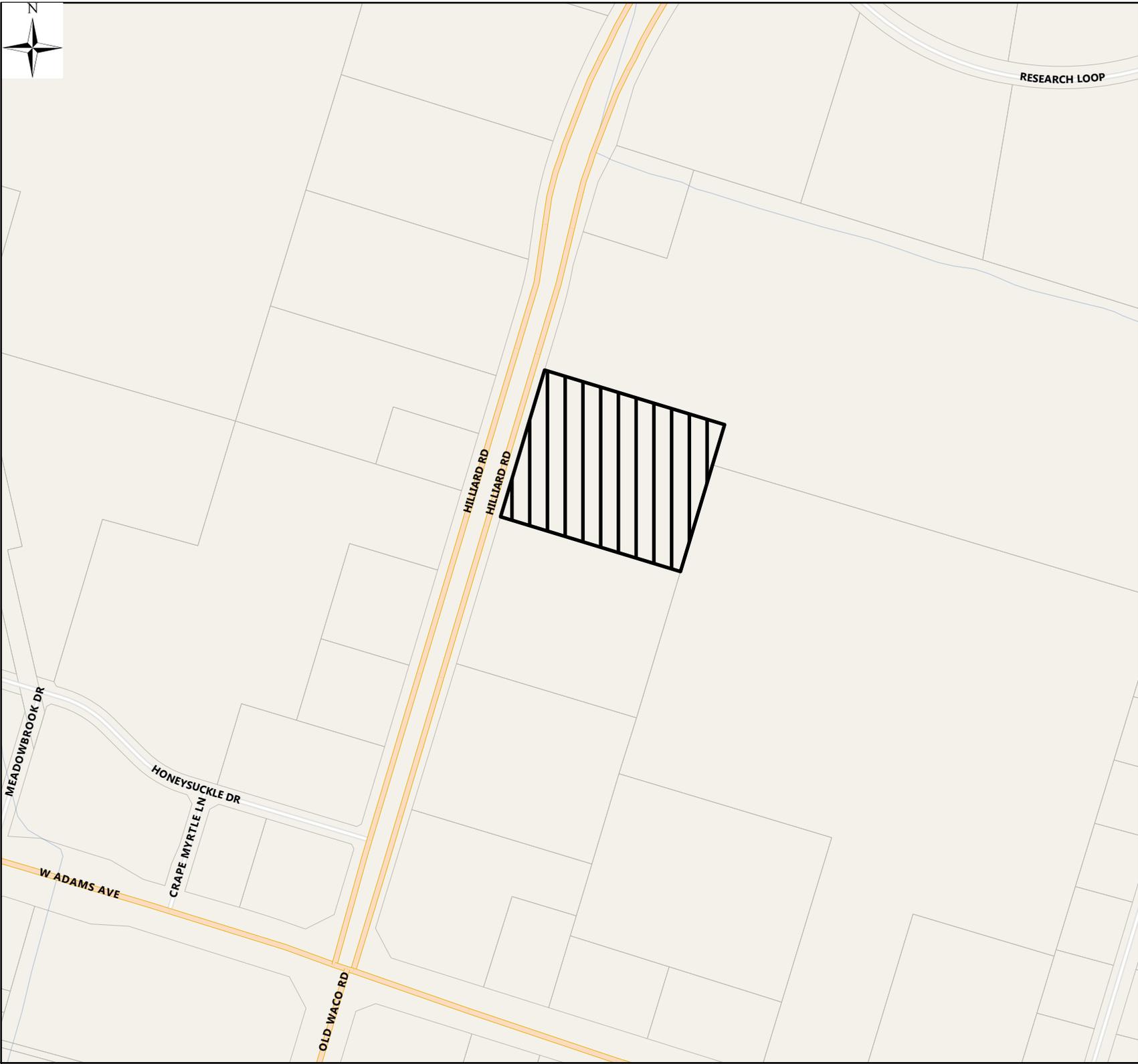


AG to GR

### LOCATION MAP

Zoning Case :  
Z-FY-16-29

Address :  
419 Hilliard

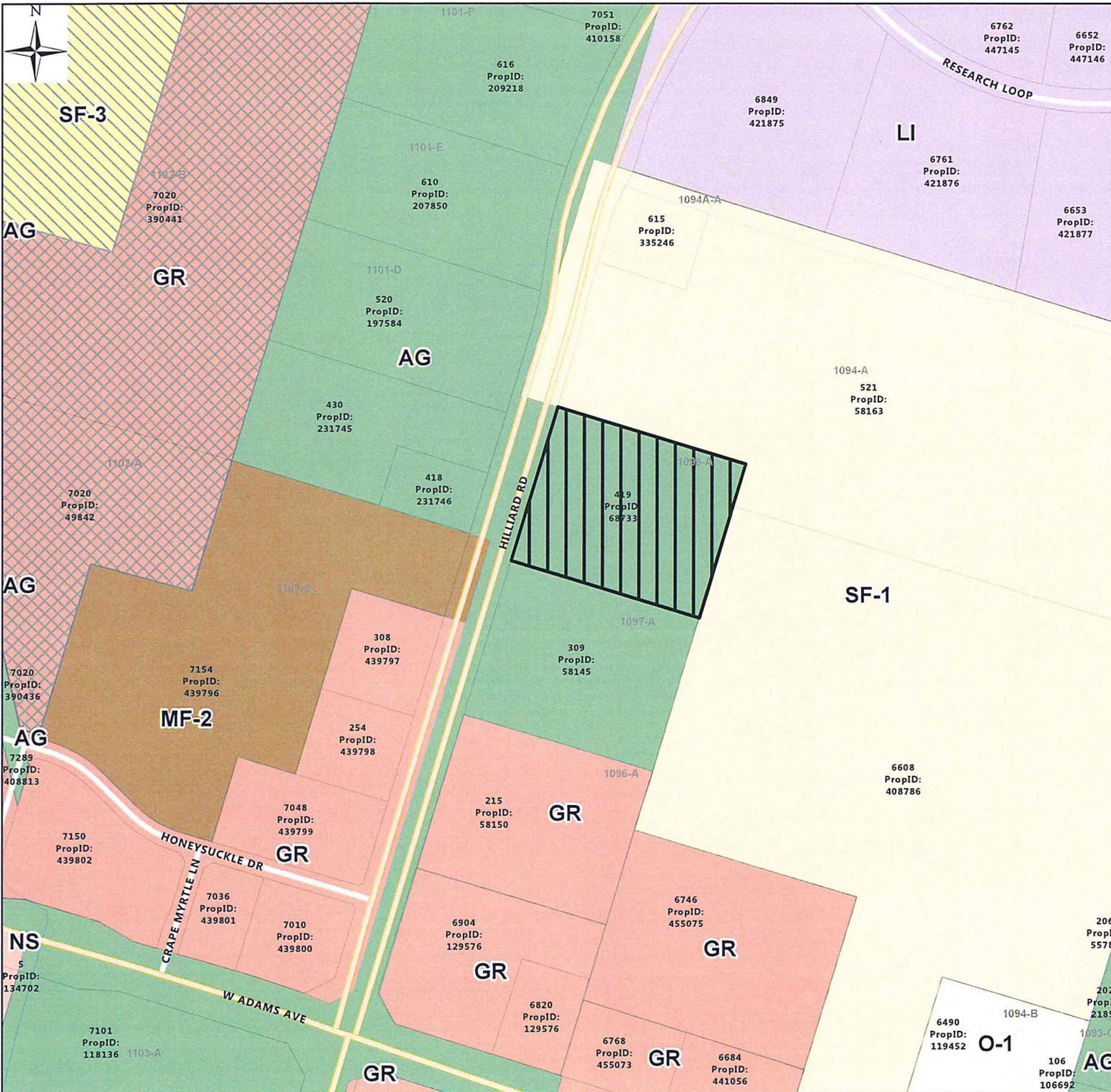


- Streets
- EXPRESSWAY
  - MAJOR ARTERIAL
  - COLLECTOR
  - LOCAL STREET
  - MINOR ARTERIAL
  - PRIVATE
  - RAMP
  - Railroad
  - Temple Municipal Boundary
  - Parcels
  - ETJ Parcels
  - CaseArea

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mbaker  
Date: 4/18/2016





# AG to GR

## ZONING MAP

Zoning Case :  
 Z-FY-16-29  
 Address :  
 419 Hilliard

CurrentZoning	Symbol	Symbol	Symbol
HI - CUP	[Red diagonal lines]	O-1	[White]
UE	[White]	O-1 - CUP	[Green]
UE - PD	[White]	O-1 - PD	[Yellow]
SF-1	[White]	O-2	[Pink]
SF-1 - CUP	[White]	O-2 - CUP	[Light Green]
SF-1 - PD	[White]	O-2 - PD	[Light Yellow]
SF-2	[White]	NS	[Light Blue]
SF-2 - PD	[White]	NS - CUP	[Light Blue]
SF-2 - PD	[White]	NS - PD	[Light Blue]
SF-3	[White]	GR	[Red]
SF-3 - PD	[White]	GR - CUP	[Red]
SF-3 - CUP, PD	[White]	GR - PD	[Red]
SFA	[White]	GR - CUP, PD	[Red]
SFA-2	[White]	CA	[Red]
SFA-2 - PD	[White]	CA - CUP	[Red]
SFA-3	[White]	CA - PD	[Red]
SFA-3 - PD	[White]	C	[Red]
2F	[White]	C - CUP	[Red]
2F - CUP	[White]	C - PD	[Red]
2F - PD	[White]	C - CUP, PD	[Red]
MF-1	[White]	LI	[Purple]
MF-1 - CUP	[White]	LI - CUP	[Purple]
MF-1 - PD	[White]	LI - PD	[Purple]
MF-2	[White]	LI - CUP, PD	[Purple]
MF-2 - CUP	[White]	HI	[Red]
MF-2 - PD	[White]	HI - PD	[Red]
MF-3 - PD	[White]	AG	[Green]
		AG - CUP	[Green]
		MH	[Yellow]
		MH - CUP	[Yellow]
		MH - PD	[Yellow]
		MU	[Light Green]
		MU - CUP	[Light Green]
		SD-C	[Light Blue]
		SD-C - CUP	[Light Blue]
		SD-H	[Light Blue]
		SD-H - CUP	[Light Blue]
		SD-T	[Light Blue]
		SD-V	[Light Blue]
		T4	[Blue]
		T4 - PD	[Blue]
		T4 - CUP	[Blue]
		T5-C	[Blue]
		T5-C - CUP	[Blue]
		T5-C - PD	[Blue]
		T5-E	[Blue]
		T5-E - CUP	[Blue]
		T5-E - PD	[Blue]
		NO BASE	[White]
		CUP	[White]
		PD	[White]
		CaseArea	[Black border]
		Buffer	[Red border]

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.

mbaker  
 Date: 4/18/2016





# AG to GR FUTURE LAND USE MAP

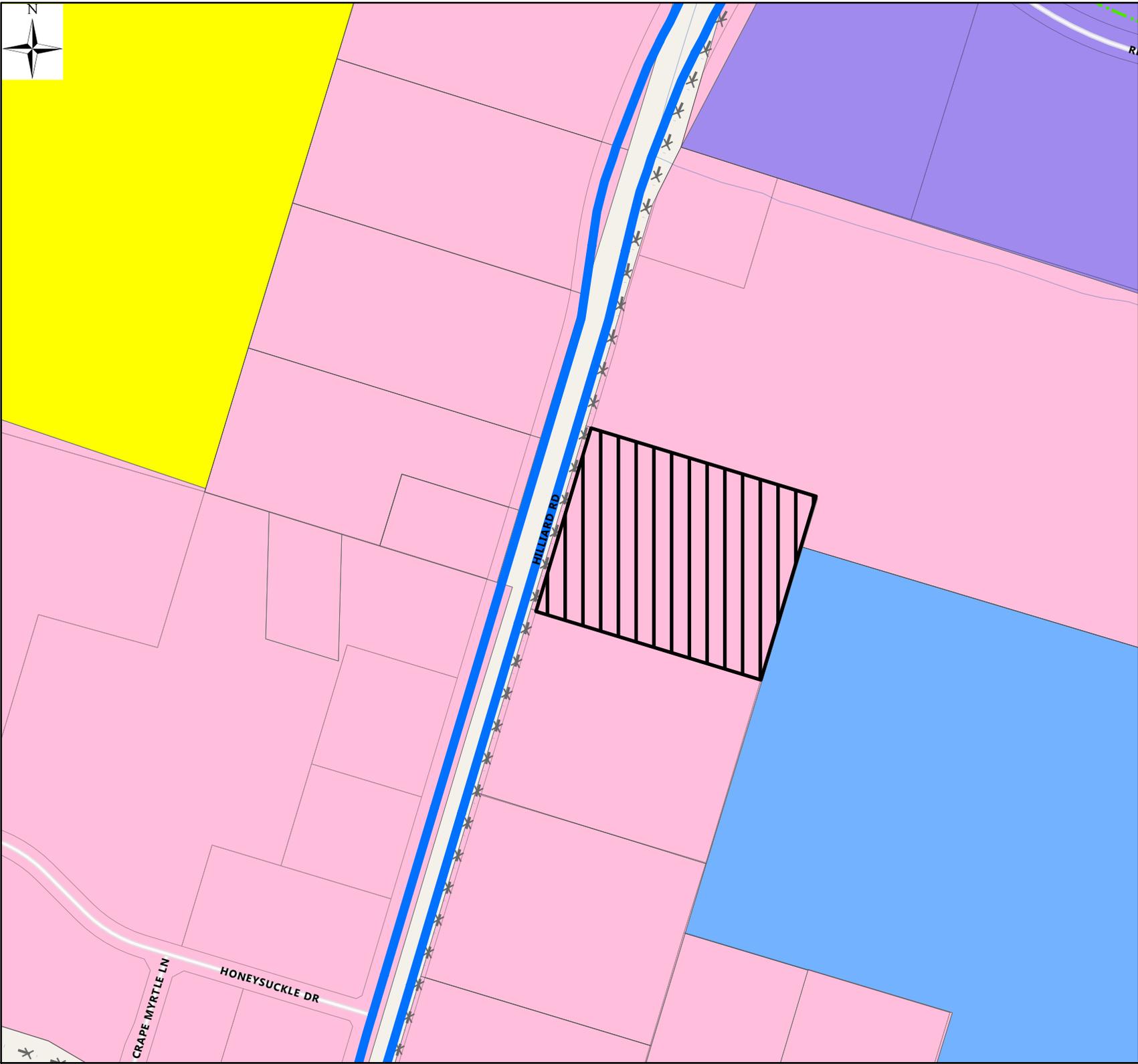
Zoning Case :  
Z-FY-16-29

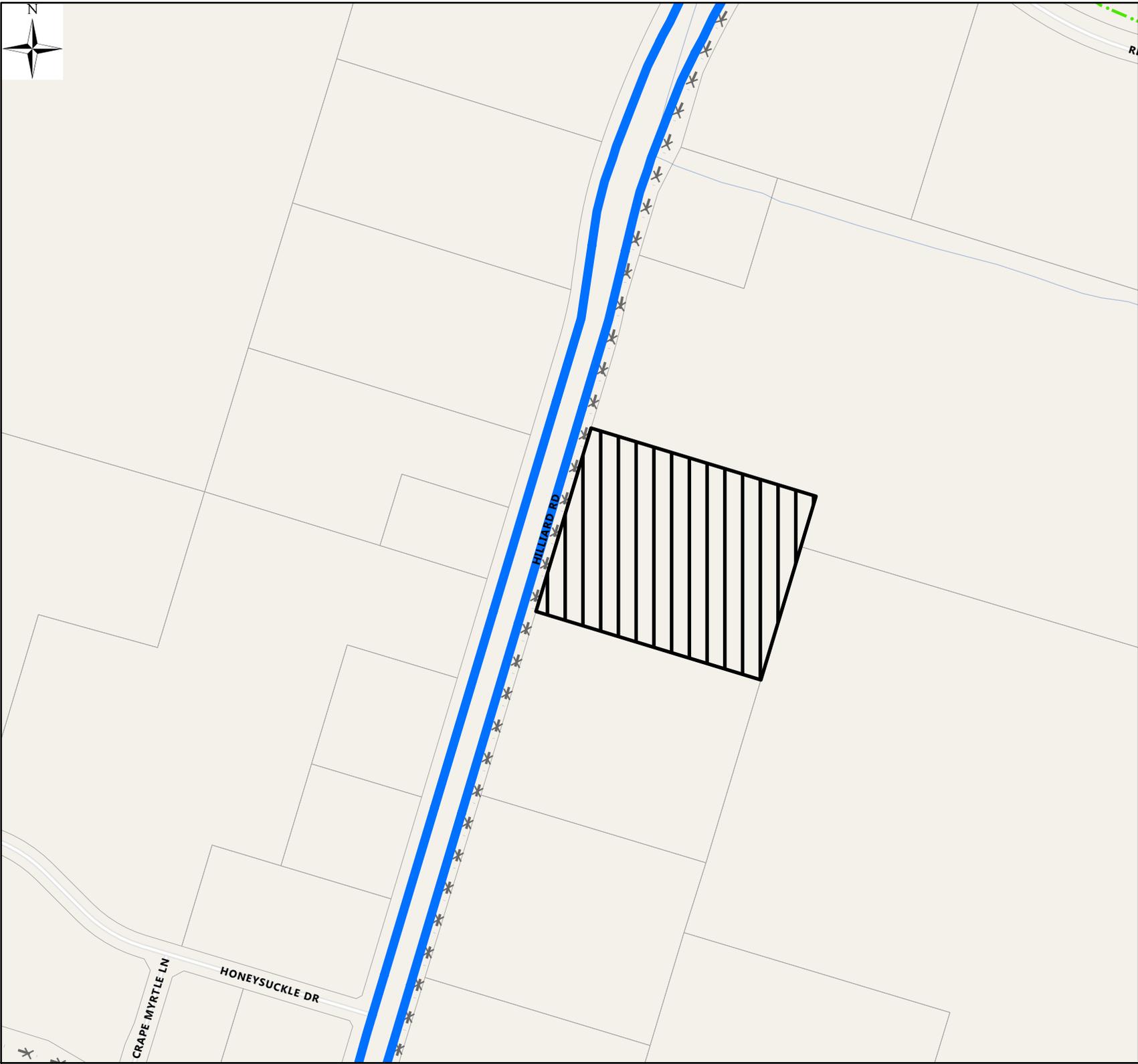
Address :  
419 Hilliard

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

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Date: 4/18/2016





# AG to GR THOROUGHFARE AND TRAILS MAP

Zoning Case :  
Z-FY-16-29

Address :  
419 Hilliard

- 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

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mbaker  
Date: 4/18/2016





AG to GR

# UTILITY MAP

Zoning Case :  
Z-FY-16-29

Address :  
419 Hilliard

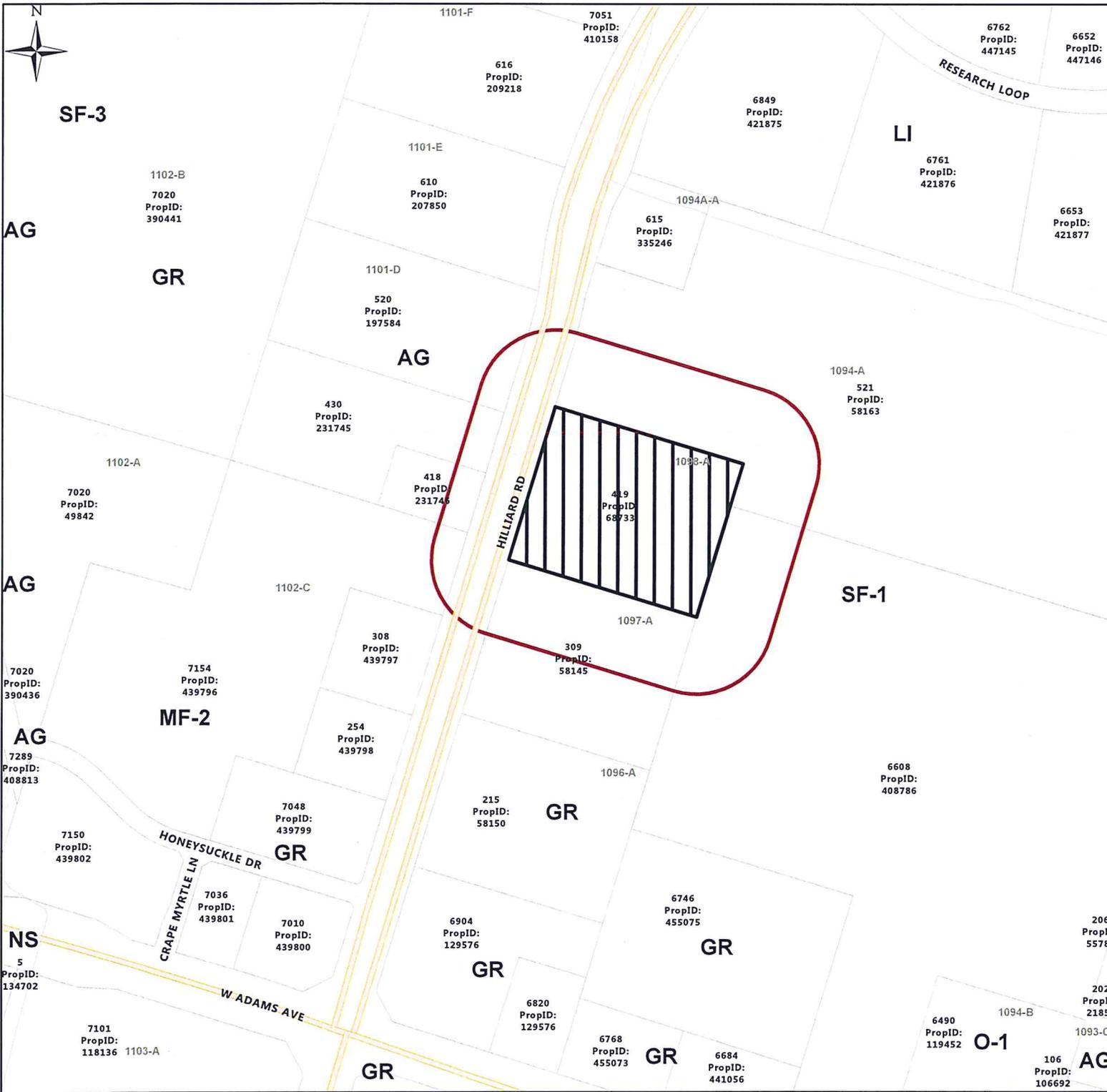
-  Manhole
-  Gravity Main
-  Hydrant
-  Main
-  Parcels
-  CaseArea



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.

mbaker  
Date: 4/18/2016





# AG to GR

## 200'

### NOTIFICATION MAP

Zoning Case :  
 Z-FY-16-29  
 Address :  
 419 Hilliard

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.

mbaker  
 Date: 4/18/2016





## PLANNING AND ZONING COMMISSION ITEM MEMORANDUM

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05/16/2016  
Item #3  
Regular Agenda  
Page 1 of 4

**APPLICANT / DEVELOPMENT:** Tavistock Freebirds LLC (On behalf of Morris Venture Partners)

**CASE MANAGER:** Mark Baker, Senior Planner

**ITEM DESCRIPTION:** Z-FY-16-30: 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 2, Block 1, of the Shoppes on the Hill, Phase II Subdivision, located at 2320 South 31st Street, Suite 100.



Figure 1: Aerial Location Map

**STAFF RECOMMENDATION:** Based on the following analysis that:

1. The project has demonstrated compliance with the specific standards in Unified Development Code (UDC) Section 5.3.15;
2. The project has demonstrated compliance to Chapter 4 of the City of Temple Code of Ordinances related to alcoholic beverages; and
3. The request is compatible with existing adjacent and anticipated retail and service uses.

Staff recommends approval of the requested Conditional Use Permit to allow establishments where less than 50% of the total gross revenue may be from the sale of all alcoholic beverages with on-premise consumption, subject to the following conditions:

1. That the sale of alcoholic beverages be restricted to on-premise consumption only, contained within the developed site of Lot 2, Block 1 of the Shoppes on the Hill, Phase II subdivision, located at 2320 South 31<sup>st</sup> Street, Suite 100;
2. The use is subject to compliance to Chapter 4 of the City Code of Ordinances related to alcoholic beverages; and
3. That the Conditional Use, complies with UDC Section 5.3.15 related to all alcoholic beverage sales with on-premise consumption.

**ITEM SUMMARY:** The applicant, Mark House on behalf of Tavistock Freebirds LLC., requests a Conditional Use Permit to allow the sale of less than 50% of the total gross revenue being from the sale of all alcoholic beverages with on-premise consumption only. The restaurant includes an outdoor patio area and on-premise alcohol consumption and sales is permitted since the exterior dining area is considered on-premise. This request is for an existing Freebirds Restaurant on Lot 2 of the recorded Shoppes on the Hill, Phase II subdivision, located in Suite 100 at 2320 South 31<sup>st</sup> Street.

**BACKGROUND:** The 2500 square foot suite is located within Lot 2, of the recorded Shoppes on the Hill, Phase II subdivision (attached). Phase II, is a 2.95 +/- acre, Replat of the larger Shoppes on the Hill subdivision being a total of 12.40 +/- acres, for the mixed use development which was rezoned on October 16, 2014, by Ordinance 2014-4689, to Planned Development - Temple Medical Education District (TMED) with an underlying transect zone designation of T-5C. Discussion related to Comprehensive Plan compliance was addressed during the related analysis of that request.

Specific to this request, a restaurant that generates less than 50% of its total gross revenue from the sale of all alcoholic beverages is a compatible use subject to approval of a Conditional Use Permit. The use as a restaurant with on-premise consumption of all alcohol is compatible with the existing and anticipated retail and service uses within "The Shoppes on the Hill" and the surrounding area along South 31<sup>st</sup> Street

Although not part of this request, it is noteworthy that included with Ordinance 2014-4689, exceptions to site plan standards were granted by City Council. Compliance to Ordinance 2014-4689 were confirmed during the building permit process.

Section 5.3.15 of the Unified Development Code provides for multiple performance standards related to the provision of a Conditional Use Permit for the on-premise sale of alcoholic beverages. Some of which include, but not limited to:

- *The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within 6 months from the date of the issuance of the Conditional Use Permit, such limitation in time being subject to City review and possible extension,*
- *The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the Citizens of the City,*
- *The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee must consult with the Chief of Police, who acts in an advisory capacity, to determine the number of qualified employees necessary to meet such obligations.*

*Additionally, the UDC states:*

*The City Council may deny or revoke a Conditional Use Permit in accordance with UDC Section 3.5 if it affirmatively determines that the issuance of the permit is:*

- a. Incompatible with the surrounding uses of property; or*
- b. Detrimental or offensive to the neighborhood or contrary to the health, safety and general welfare of the City and its inhabitants, and*
- c. Per UDC Section 3.5.5, the Planning & Zoning Commission may recommend and the City Council may impose additional conditions of approval.*

Adherence to UDC Section 5.3.15 in its entirety is included by reference in the Ordinance as conditions of approval. A Conditional Use Permit runs with the property and a change in ownership or change in the lessee does not affect the Conditional Use Permit.

Further, UDC Section 5.3.15B provides standards for all establishments with alcoholic beverage sales with on-premise consumption that is less than 75% of the gross total revenue. The standards include a distance requirement of not being within 300 feet of a place of worship, public school or public hospital as well as how the distance is measured. None of the identified uses are within 300 feet of the existing restaurant. However, it is noteworthy of mentioning that the existing Baylor, Scott & White Hospital is located approximately 570 feet directly to the east across South 31<sup>st</sup> Street.

Lastly, Chapter 4 of the City of Temple Code of Ordinances reiterates state laws for distancing with regard to alcohol sales and on-premise consumption. Compliance to Chapter 4 standards are required and are included as a condition.

**DEVELOPMENT REVIEW COMMITTEE (DRC):** The DRC reviewed the proposed conditional use permit on May 2, 2016. No issues were identified during the review.

**PROPOSED CITY COUNCIL MEETING SCHEDULE:** This Conditional Use Permit is scheduled for 1st Reading on June 16, 2016 and a 2nd Reading for July 7, 2016.

**PUBLIC NOTICE:** Six (6) properties within 200-feet of the subject property, were sent notice of the public hearing as required by State law and City Ordinance. As of Thursday May 12, 2016 at 12:00 PM, no notices have been received. Staff will provide an update relative to late responses, if necessary.

The newspaper printed notice of the public hearing on May 5, 2016, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Chapter 4 – Code of Ordinances – Alcoholic Beverages  
Site and Surrounding Property Photos  
Aerial Map  
Shoppes on the Hill subdivision - Final Plat  
Freebirds Restaurant (Site Plan) (Exhibit A)  
Notification Map

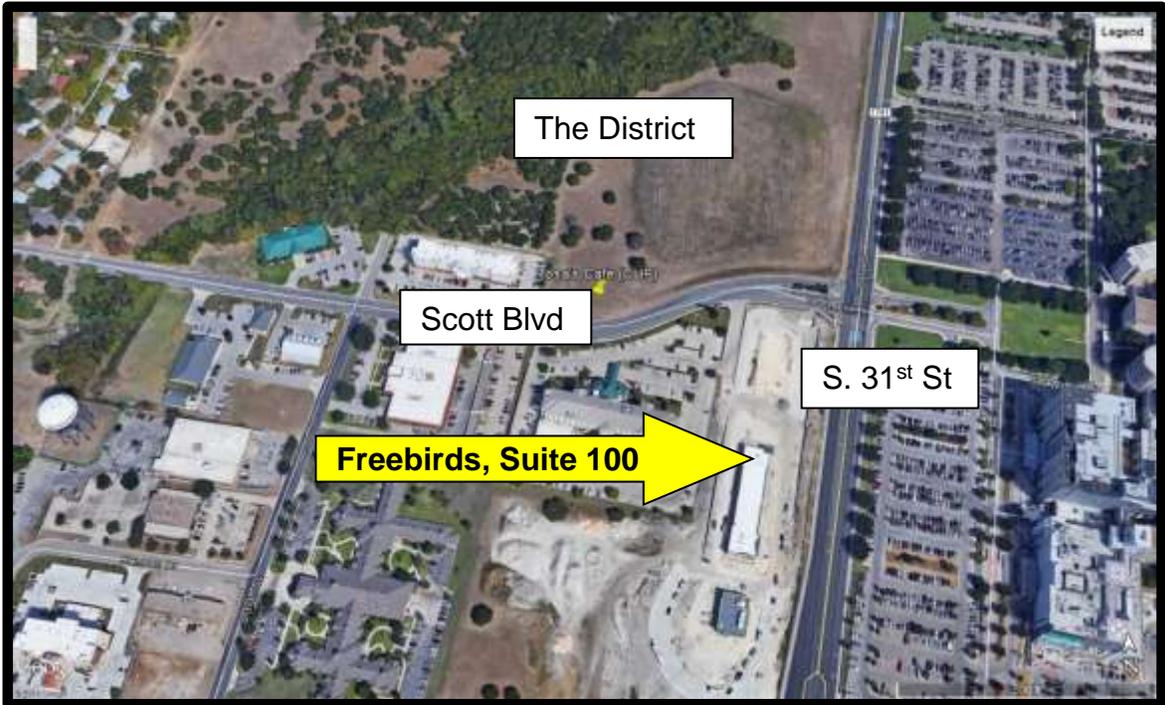
# Site & Surrounding Property Photos



Site – Existing Freebirds Restaurant (TMED – T5-C)



Site (Alternative View) – Existing Restaurant (TMED – T5-C)



**North: Aerial – Shoppes on the Hill & Relative to the “The District”  
(TMED-T5-C & T-4)**



**North: Undeveloped Pad Site – Shoppes on the Hill  
(TMED-T5-C)**



**South: Existing Business at the Shoppes on the Hill (TMED – T5-C)**



**South: (Alt. View) Existing Business at the Shoppes on the Hill (TMED T5-C)**



**East: Baylor, Scott & White Hospital across S. 31<sup>st</sup> St. (TMED – T5-C & SD-H)**



**West: Developing Multi-Family Uses - Apartment Complex (TMED T5-C)**

## **Chapter 4**

### **ALCOHOLIC BEVERAGES**

#### **ARTICLE I. EXTENDED HOURS**

##### **Sec. 4-1. Extended hours.**

The City of Temple is an “extended hours area” as that term is defined in the Texas Alcoholic Beverage Code. (Ref. V.T.C.A., Alcoholic Beverage Code § 105.06)

#### **ARTICLE II. SPACING**

##### **Sec. 4-2. Sales near school, church or hospital.**

It is an offense for any person to sell alcoholic beverages at a place of business which is within 300 feet of a church, public school or public hospital. (Ref. V.T.C.A., Alcoholic Beverage Code § 109.33)

##### **Sec. 4-3. Measurement for church or public hospital.**

The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.

##### **Sec. 4-4. Measurement for public school.**

The measurement of the distance between the place of business where alcoholic beverages are sold and the public school shall be:

(a) in a direct line from the property line of the public school to the property line of the place of business, and in a direct line across intersections; or

(b) if the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

**Sections 4-5 through 4-10 reserved.**

### ARTICLE III. LICENSE AND PERMIT FEES

#### **Sec. 4-11. Alcoholic beverage license and permit fees.**

A license fee and permit fee is levied in the amount of one-half of the state license and permit fees for each permit issued for premises located within the City, except for permits that are exempted from municipal fees. The city license and permit fees shall be paid to the City at the same time that the state license and permit fees are paid to the state. (Ref. V.T.C.A. Alcoholic Beverage Code § 11.38, § 61.36.

#### **Sec. 4-12. Display.**

It is an offense for any person licensed under this article to fail to display ~~such~~ the City license and keep the same displayed in a conspicuous place in the place of business licensed.

**Sections 4-13 through 4-20 reserved.**

### ARTICLE IV. SALE OF ALCOHOLIC BEVERAGES ON CITY PROPERTY

#### **Sec. 4-21. Sale of alcoholic beverages on city property prohibited except where specially permitted.**

(a) **City Property.** It shall be unlawful for any person to sell alcoholic beverages in any public park of the city, or on or in other publicly owned property, save and except that the city and concessionaires or caterers having a contract with the city to sell alcoholic beverages at the Frank W. Mayborn Civic and Convention Center, Santa Fe Depot, and at Sammons Park, if properly licensed, may sell alcoholic beverages upon the premises of the civic and convention center, depot, and within the Sammons Park Restaurant, Clubhouse, and deck exclusively. The city manager or his designee may authorize a special event permit for the sale of alcoholic beverages on city property other than a city park.

(b) **Criteria for Permits.** The City Council shall from time to time by resolution establish criteria for special event permit applications and approvals under this section.

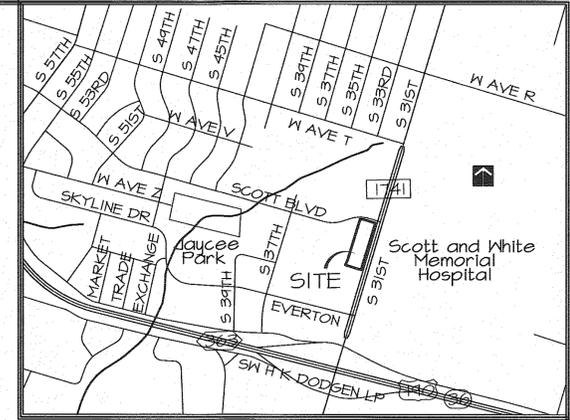
(Ordinance No. 2009-4323, 11-05-09)

FINAL PLAT of  
**SHOPPES ON THE HILL PHASE II, BEING AN  
 AMENDING PLAT OF LOTS 1 & 2, BLOCK 1,  
 SHOPPES ON THE HILL**  
 WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS

BEING PART OF THE REDDING ROBERTS SURVEY, ABSTRACT 642, BELL COUNTY, TEXAS, AND BEING AN AMENDING PLAT OF THE LOTS 1 AND 2, BLOCK 1, SHOPPES ON THE HILL, AN ADDITION IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS, ACCORDING TO THE PLAT OF RECORD IN YEAR 2014, PLAT # 141, PLAT RECORDS OF BELL COUNTY, TEXAS.

MORRIS VENTURE PARTNERS VI, LLC,  
 3000 S. 31ST STREET STE 500  
 TEMPLE, TX 76502

LOTS - 2  
 BLOCKS - 1  
 AREA - 2.950 ACRES



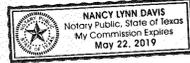
STATE OF TEXAS  
 COUNTY OF BELL  
 MORRIS VENTURE PARTNERS VI, LLC, A TEXAS LIMITED LIABILITY COMPANY, OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS SHOPPES ON THE HILL PHASE II, BEING A REPLAT OF LOTS 1 & 2, BLOCK 1, SHOPPES ON THE HILL, WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN HEREON WITHIN THE PLAT BOUNDARIES OF THIS SUBDIVISION.

MORRIS VENTURE PARTNERS VI, LLC, A TEXAS LIMITED LIABILITY COMPANY  
 P O BOX 676  
 SALADO, TEXAS 76571

BY: *William C. Morris IV*  
 WILLIAM C. MORRIS IV  
 Manager

STATE OF TEXAS  
 COUNTY OF BELL  
 BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED WILLIAM C. MORRIS IV, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.  
 GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 4<sup>th</sup> DAY OF March, 2016.

*Nancy Lynn Davis*  
 NOTARY PUBLIC, STATE OF TEXAS



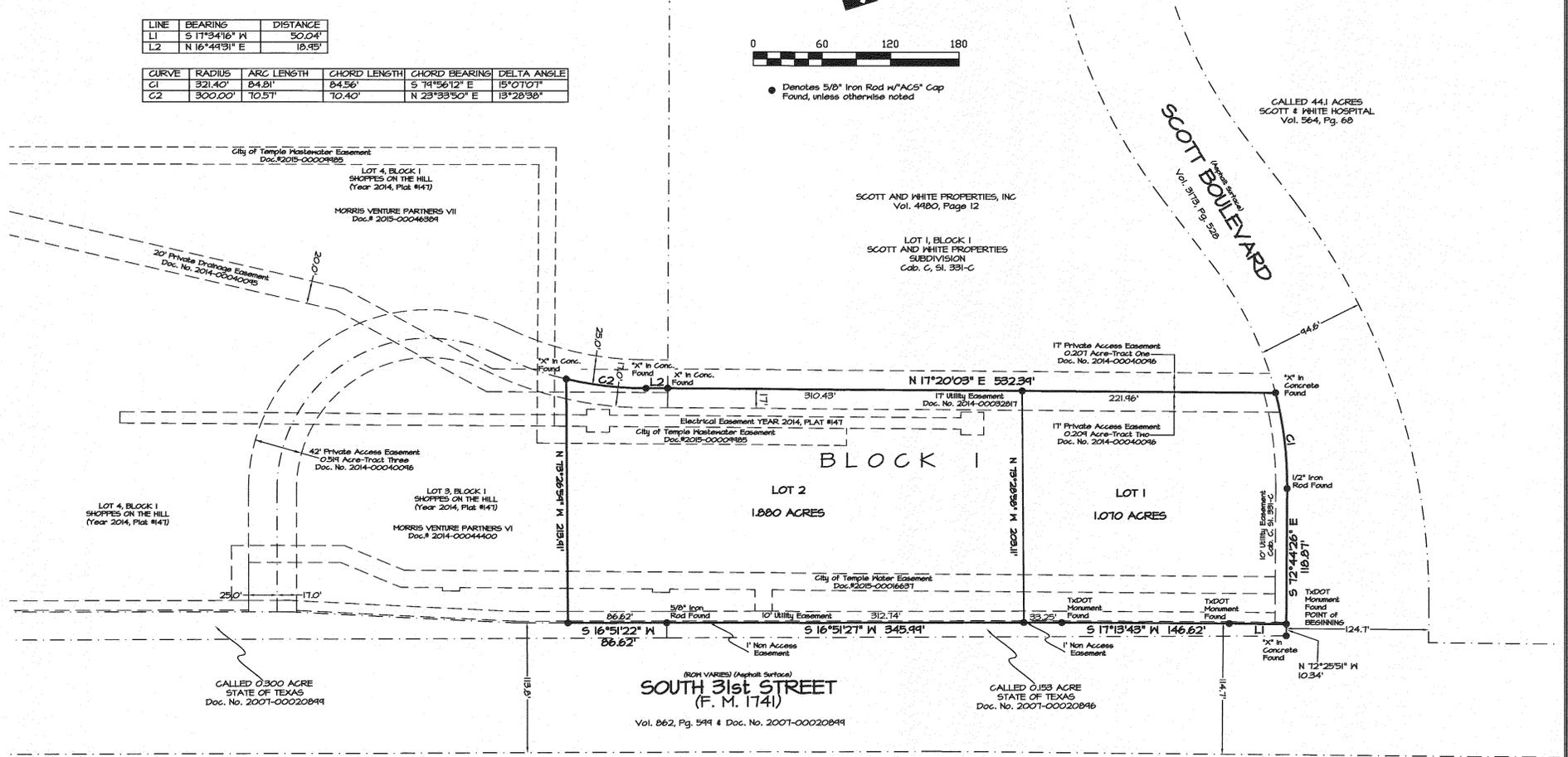
LINE	BEARING	DISTANCE
L1	S 17°34'16" W	50.04'
L2	N 16°44'31" E	18.45'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	321.40'	84.21'	84.56'	S 74°56'12" E	15°07'07"
C2	300.00'	10.57'	10.40'	N 23°33'50" E	13°28'38"



Denotes 5/8" Iron Rod w/AC'S Cap Found, unless otherwise noted



I, THE UNDERSIGNED, DIRECTOR OF PLANNING OF THE CITY OF TEMPLE, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE CITY OF TEMPLE, IT QUALIFIES FOR ADMINISTRATIVE PLAT APPROVAL AS PROVIDED IN THIS ORDINANCE, AND IT IS HEREBY APPROVED.

*Brian O'Connell* 3-7-16  
 DIRECTOR OF PLANNING DATE

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 10<sup>th</sup> day of March, 2016 A. D.  
 By: *Melissa Rodriguez*  
 Bell County Tax Appraisal District

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

*Charles C. Lucko*  
 CHARLES C. LUCKO, R.P.L.S.  
 REGISTRATION NO. 4636  
 DATE SURVEYED: JANUARY 27, 2016

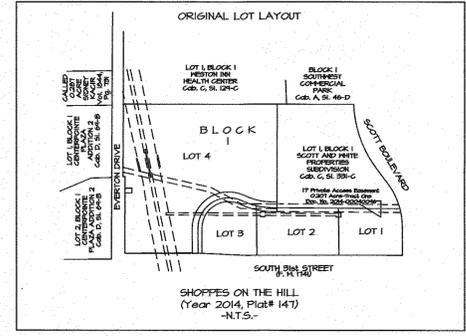


This project is referenced to the City of Temple Coordinate System, NAD 83, Texas Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 3. The theta angle of City Monument No. 3 is 01° 31' 42". The combined correction factor (CCF) is 0.999848. Grid distance = surface distance x CCF. Geodetic north = grid north + theta angle. Published City coordinates for City Monument No. 3 are N= 10,368,408.84 E= 3,225,933.17. Reference tie from City Monument No. 3 to the northeast corner of this 2.950 Acre tract is N 57°12'40" W 30.06 feet.

Note: There is an existing 8' wide sidewalk along South 31st Street and a 5' wide sidewalk along Scott Boulevard. Per UDC Section 6.3.11, a minimum 8' wide sidewalk is required along South 31st Street and a minimum 6' wide sidewalk is required along Scott Boulevard.

Based upon what can be scaled from the graphics shown on FEMA Flood Insurance Rate Map (FIRM), Map No. 48021C0385E, effective date September 26, 2008, the above shown property does not appear within the "Special Flood Hazard Area", and appears to be situated in Zone X. This flood statement does not imply that this tract will never flood, nor does it create any liability in such event on the part of this surveyor or company.

Purpose Statement:  
 The purpose of this Amending Plat is to adjust the property line between existing Lot 1 and Lot 2.



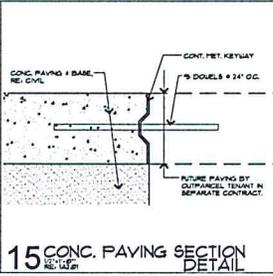
FILED FOR RECORD THIS 10 DAY OF March, 2016.  
 IN YEAR 2016, PLAT # 87 PLAT RECORDS OF BELL COUNTY, TEXAS.  
 DEDICATION INSTRUMENT # 2016-8779, OFFICIAL RECORDS OF BELL COUNTY, TEXAS.

FINAL PLAT of  
**SHOPPES ON THE HILL PHASE II,  
 BEING AN AMENDING PLAT OF LOTS  
 1 & 2, BLOCK 1, SHOPPES ON THE HILL**  
 WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS

1303 South 21st Street  
 Temple, Texas 76504  
 254-778-2272 Killeen 254-634-4636  
 Fax 254-774-1608  
 Tx. Firm Lic. No. 10023600



Plot Date: 02-26-2016  
 Survey completed: 07-23-2014  
 Scale: 1" = 60'  
 Job No. 140533  
 Dwg No. 140533P2  
 Drawn by: SLW/MDH  
 Surveyor: CCL #4636  
 Copyright 2016 All County Surveying, Inc.



**10 SITE ACCESSIBILITY NOTES**

10.1 ALL ACCESSIBLE ROUTES + ACCESSIBLE PARKING SPACES SHALL NOT EXCEED A 2% SLOPE IN EITHER A LONGITUDINAL OR CROSS SLOPE DIRECTION TYPICAL FROM PARKING SPACES AND PUBLIC SIDEWALK TO

10.2 ALL HANDICAP STRIPING, SIGNAGE AND ACCESSIBLE ROUTES FROM PARKING SPACES TO STORE ENTRANCES SHALL BE PROVIDED TO MEET THE TEXAS ACCESSIBILITY STANDARDS IN ALL RESPECTS. A COPY OF THE STANDARDS IS AVAILABLE FOR REFERENCE FROM THE ARCHITECT.

10.3 ALL PORTIONS OF THE STRIPED ACCESSIBLE ROUTES SHALL NOT EXCEED A SLOPE OF 2% IN ANY DIRECTION LONGITUDINAL OR CROSS SLOPE, TYPICAL.

10.4 THRESHOLDS AT STORE ENTRANCES SHALL NOT EXCEED A MAXIMUM HEIGHT OF 1/2" PROJECTION ABOVE THE SIDEWALK OR THE STORE ENTRANCE. ALL CHANGES IN ELEVATION SHALL NOT EXCEED 1/4" ADMITT OR 1/2" AT A 45 DEGREE TAPERED ANGLE.

10.5 SEE DETAIL #410 FOR CURB RAMP PLAN.

**5 SITE GENERAL NOTES**

5.1 REFER TO CIVIL DRAWINGS FOR THE CONCRETE PAVING JOINT PATTERNS AND CONSTRUCTION JOINT DETAILS.

5.2 REFER TO THE LANDSCAPE DRAWINGS FOR THE LOCATION OF IRRIGATION CONTROLLERS AND POINT VALVES TO BE INSTALLED THE LANDSCAPE STRIP BETWEEN THE SIDE WALK AND THE PARKING LOT.

5.3 CONTRACTOR SHALL FIELD VERIFY GRADE ELEVATION OF EXISTING ROADWAY PAVES RELATIVE TO SPECIFIED PARKING LOT PAVING. ELEVATION DOES NOT EXCEED ROADWAY ELEVATION BY MORE THAN 2" TYPICAL TO INSURE THAT DRIVEWAY APPROX SHALL NOT BE TOO STEEP. SEE CIVIL DRAWINGS FOR DRIVEWAY CURB CUT APPROX DETAILS.

5.4 REFER TO CIVIL SITE UTILITY PLAN FOR THE LINE NUMBER TO THE SHELL BUILDING IN THIS CONTRACT AND TO FUTURE TRENCHES TO BE CONSTRUCTED UNDER EXISTING PAVEMENT PACKAGES INCLUDING CHECK VALVES CONNECTION VAULTS, PETERS AND UTILITY LINE TAPS.

Revision/Issue  
 02/04 ISSUED FOR PERMIT  
 02/04 ISSUED FOR BIDS  
 02/04 ISSUED FOR JAPAN DENTAL CONTENTS  
 02/06 REVISED FOR PERMITING PER ADDENDUM NO. 02  
 02/15 REVISED FOR PERMIT  
 02/15 REVISED FOR PERMITING + CONSTR PER CH NO. 01  
 02/15 REVISED FOR CONSTR PER CH NO. 02

15 CONC. PAVING SECTION DETAIL

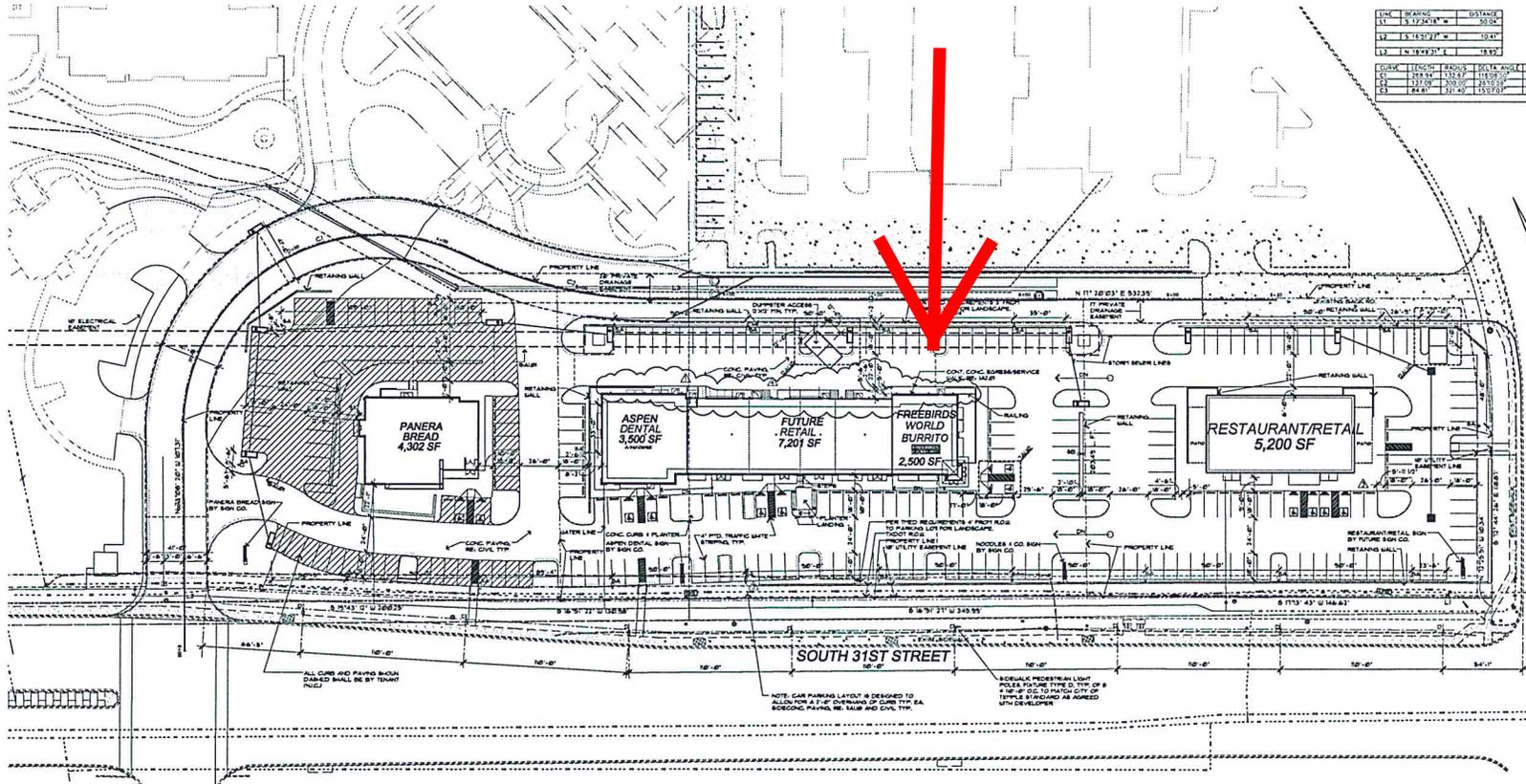
10 SITE ACCESSIBILITY NOTES

5 SITE GENERAL NOTES

LINE	BEARING	DISTANCE
11	S 12°29'31" W	70.00
12	S 15°15'27" W	100.00
13	N 1°18'03" E	18.00

CURB	TRENCH	PANTRY	SCALE	WALK	DOOR	STAIRS	POOL	LEACH
01	020.04	132.07	110.00	N 105.0000	120.00	0.00	0.00	0.00
02	020.07	132.07	110.00	S 79.2474	124.00	0.00	0.00	0.00



George D. 0104  
 STATE OF TEXAS, ARCHITECT  
 SITE AND RETAIL SHELL BUILDING FOR  
**THE SHOPPES ON THE HILL**  
 2510 South 31st Street Temple, Texas 76502

MIKE TRELDIVAN ARCHITECTS, INC.  
 111-091-1895  
 Houston, Texas 77027

MTA  
 Sheet Title  
**Site Plan**

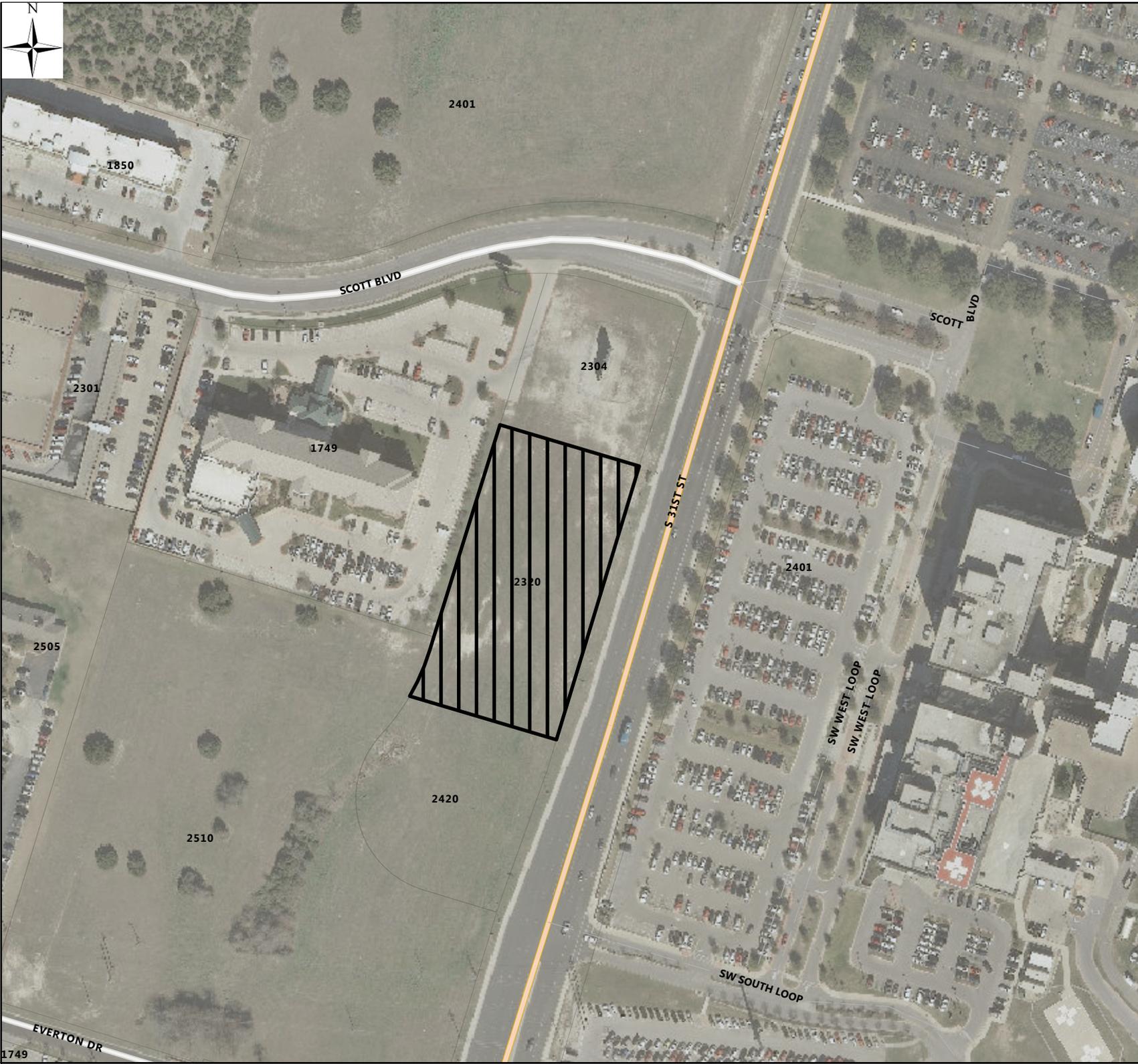
Project: 14019  
 Date: 02/02/2014  
 Drawn: IR/MT  
 Checked: MT  
 Sheet:

**A1.01**  
 of 11

**EXHIBIT A**

LEASE USE	GRASS LEASABLE AREA	REQD. PARKING RATIO	PARKING REQD.	PARKING PROVIDED	PARKING RATIO PROVIDED	HANDICAP REQD.	VAN ACCESSIBLE REQD.	HANDICAP PROVIDED
RESTAURANT OUTPARCEL 1	4,302 SF - 180 BEATS	1/8 CAR/3 SEATS	80 CARS	56 CARS	4.30 CARS/1000SF			
STOR. RETAIL	13,518 SF	1/8 CAR/250SF	51 CARS	184 CARS	1.32 CARS/1000SF			
RESTAURANT OUTPARCEL 2	9,808 SF - 283 BEATS	1/8 CAR/3 SEATS	54 CARS	53 CARS	8.8 CARS/1000SF			
TOTAL	33,263 SF		187 CARS	293 CARS	2.43 CARS/1000SF	1 CAR	2 CARS	2 CARS (4 VAN)

1 SITE PLAN



Conditional Use Permit

# AERIAL MAP

Zoning Case :  
Z-FY-16-30

Address :  
2320 S. 31st Street

- 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.

mbaker  
Date: 4/15/2016



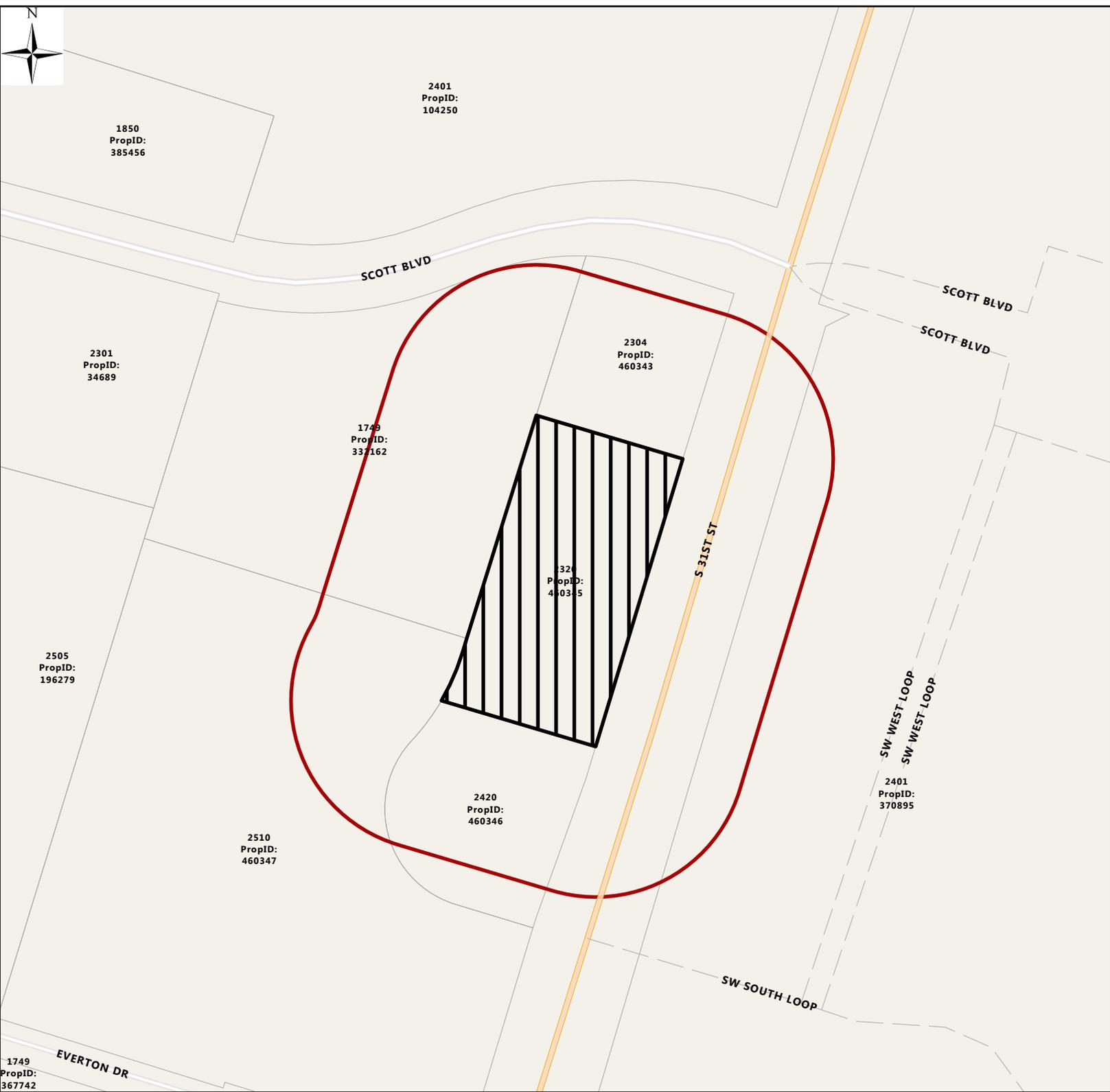


Conditional Use Permit

# 200' NOTIFICATION MAP

Zoning Case :  
Z-FY-16-30

Address :  
2320 S. 31st Street



 CaseArea

 Buffer

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.

mbaker  
Date: 4/15/2016





## PLANNING AND ZONING COMMISSION ITEM MEMORANDUM

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05/16/16  
Item #4  
Regular Agenda  
Page 1 of 5

**APPLICANT / DEVELOPMENT:** Barry Massey

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

**ITEM DESCRIPTION:** Z-FY-16-31: Hold a public hearing to discuss and recommend action on a rezoning from Single Family-One District (SF-1) to Planned Development Single Family-One District (PD-SF-1) to allow continued use of existing secondary residential dwellings on Lot part of 4, 6, Block 4, Roselawn Addition, located at 1516 North 5th Street.



**STAFF RECOMMENDATION:** Staff recommends approval of a rezoning from Single Family One District (SF-1) to 2F District (2F) for the following reasons and with the following conditions:

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 facilities are available to serve the subject property.
5. Staff is only able to support the existing secondary residential uses on the property with the condition that the existing non-compliant carport and storage structure be removed.
6. The existing residential structure would be allowed to remain, per the property's survey which serves as the Planned Development site plan

**ITEM SUMMARY:** The applicant requests a rezoning from Single Family-One District (SF-1) to Planned Development-Single Family-One District (PD-SF-1) for continued use of the property's existing multiple family uses. The applicants have a buyer for the property and request this rezoning to bring this property into compliance with the Unified Development Code (UDC).

The property consists of a single-family home (1116 sq. ft.) with a rear expansion that includes an upstairs apartment (480 sq. ft.) and a downstairs apartment (480 sq. ft.). Both of these existing secondary dwelling units share a common wall with the existing house and have their own entrances from the driveway.

**The existing detached carport and storage unit (in the rear yard observes zero side yard and rear yard setbacks and is in violation of residential accessory structure setbacks.** Staff recommends the carport and storage unit be removed for potential safety issues and to allow increased maneuverability in the rear parking area. The property's survey is serving as the planned development site plat for this rezoning request.

The requested Planned Development's base zoning of Single Family-One District allows the following uses, but are not limited to:

<b>Permitted &amp; Conditional Use Table – Single Family One (SF-1)</b>	
<b>Agricultural Uses</b>	* Farm, Ranch or Orchard
<b>Residential Uses</b>	* Single Family Residence (Detached Only) * Industrialized Housing * Family or Group Home
<b>Retail &amp; Service Uses</b>	* None
<b>Commercial Uses</b>	* None
<b>Industrial Uses</b>	* Temporary Asphalt & Concrete Batching Plat (CUP)
<b>Recreational Uses</b>	* Park or Playground

<b>Educational &amp; Institutional Uses</b>	* Cemetery, Crematorium or Mausoleum (CUP) * Place of Worship * Child Care: Group Day Care (CUP) * Social Service Center (CUP)
<b>Restaurant Uses</b>	* None
<b>Overnight Accommodations</b>	* None
<b>Transportation Uses</b>	* Railroad Track Right-of-Way

**Prohibited uses within the Single Family-One District (SF-1)** include townhouse, HUD-Code manufactured home land lease community or subdivision, duplex, apartment, recreational vehicle parks, and retail and commercial uses, among others.

**The proposed Planned Development-Single Family-One District (PD-SF-1) would allow the continued use of both existing apartment units, per the Planned Development Site Plat (survey) as a condition to the Planned Development-Single Family-One District (PD-SF-1).**

**DEVELOPMENT REGULATIONS:** Dimensional standards for development in the SF-1 District are as follows:

- Minimum lot size – 7,500 Sq. Ft.
- Minimum Lot Width – 60 feet (single-family detached dwelling)
- Minimum Lot Depth – 100 feet
- Front Yard Setback – 25 feet
- Side Yard Setback – 5 feet
- Side Yard Setback (corner) – 15 feet
- Rear Yard Setback – 10 feet

**PROPOSED PLANNED DEVELOPMENT:** Current dimensions based on the property’s survey which will suffice as the property’s PD Site Plan:

- **Minimum lot size – 6,000 Sq. Ft. (existing)**
- **Minimum Lot Width – 50 feet (existing)**
- Minimum Lot Depth – 100 feet
- Front Yard Setback – 25 feet
- **Side Yard Setback – 3.4 feet**
- Side Yard Setback (corner) – 15 feet
- Rear Yard Setback – 10 feet

**The existing detached carport and storage unit currently observe zero lot line side yard and rear yard setbacks. The existing detached carport and storage unit does not meet the minimum residential accessory structure separation of 10 feet from the house (primary structure), per Unified Development Code (UDC) Section 5.5.2.B. And staff recommends the Planned Development condition that the existing detached carport and storage unit be removed for potential safety issues and to improve vehicle maneuverability.**

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

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Neighborhood Conservation	SF-1	Multiple Family Residential
North	Neighborhood Conservation	SF-1	Single-Family Residential
South	Neighborhood Conservation	SF-1	Single-Family Residential
East	Auto-Urban Commercial	SF-1	Single-Family Residential
West	Neighborhood Conservation	SF-1	Single-Family Residential and Childcare

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

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

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

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

The property is within the Neighborhood Conservation character district of the *Choices '08* City of Temple Comprehensive Plan. The applicant's requested rezoning to Planned Development-Single Family-One District (PD-SF-1) complies with this character district.

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

The subject property fronts North 5<sup>th</sup> Street, a local street, which is appropriate for residential uses.

**Availability of Public Facilities (CP Goal 4.1)**

Water services are provided by existing water lines in the North 5<sup>th</sup> Street right-of-way. Sewer services are provided by a sewer line within the alley adjacent to the subject property.

**Planned Development:** UDC Section 3.4.1 defines a Planned Development as:

"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."

As a Planned Development, a Development Plan is subject to review and approval as part of the rezoning. As opposed to a standard rezoning, conditions of approval can be included into the rezoning Ordinance. The property's existing survey is serving as the Development Plan in this rezoning request. **While enhancements are normally an expectation of a Planned Development to off-set the unique manner of the request, the nature and location of this request did not generate the extensive need for such enhancements, other than staff's recommendation that the existing detached carport and storage unit be removed.**

**Per UDC Section 3.4.2C, the City Council may include additional conditions of approval into the rezoning ordinance.**

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

**PUBLIC NOTICE:** Owners of Twenty-two (22) properties within 200-feet of the subject property, were sent notice of the public hearing as required by State law and City Ordinance. As of Thursday May 12, 2016 at 10:00 AM, one notice was received in favor of the request and none were received in opposition.

The newspaper printed notice of the public hearing on May 5, 2016, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Site and Surrounding Property Photos  
Aerial Map  
Zoning Map  
Future Land Use and Character Map  
Utility Map  
Notification Map  
Planned Development Site Plan (Survey)  
Applicant's Exhibits  
Notification Response Letter

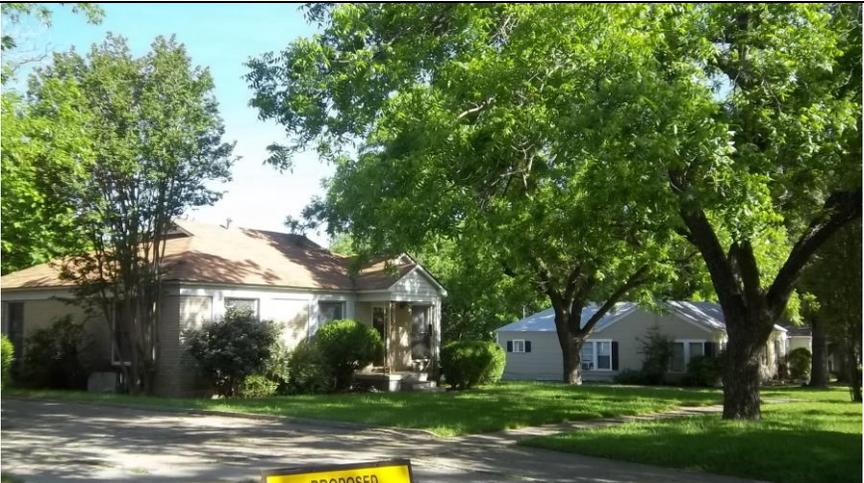
**SURROUNDING PROPERTY AND USES:**

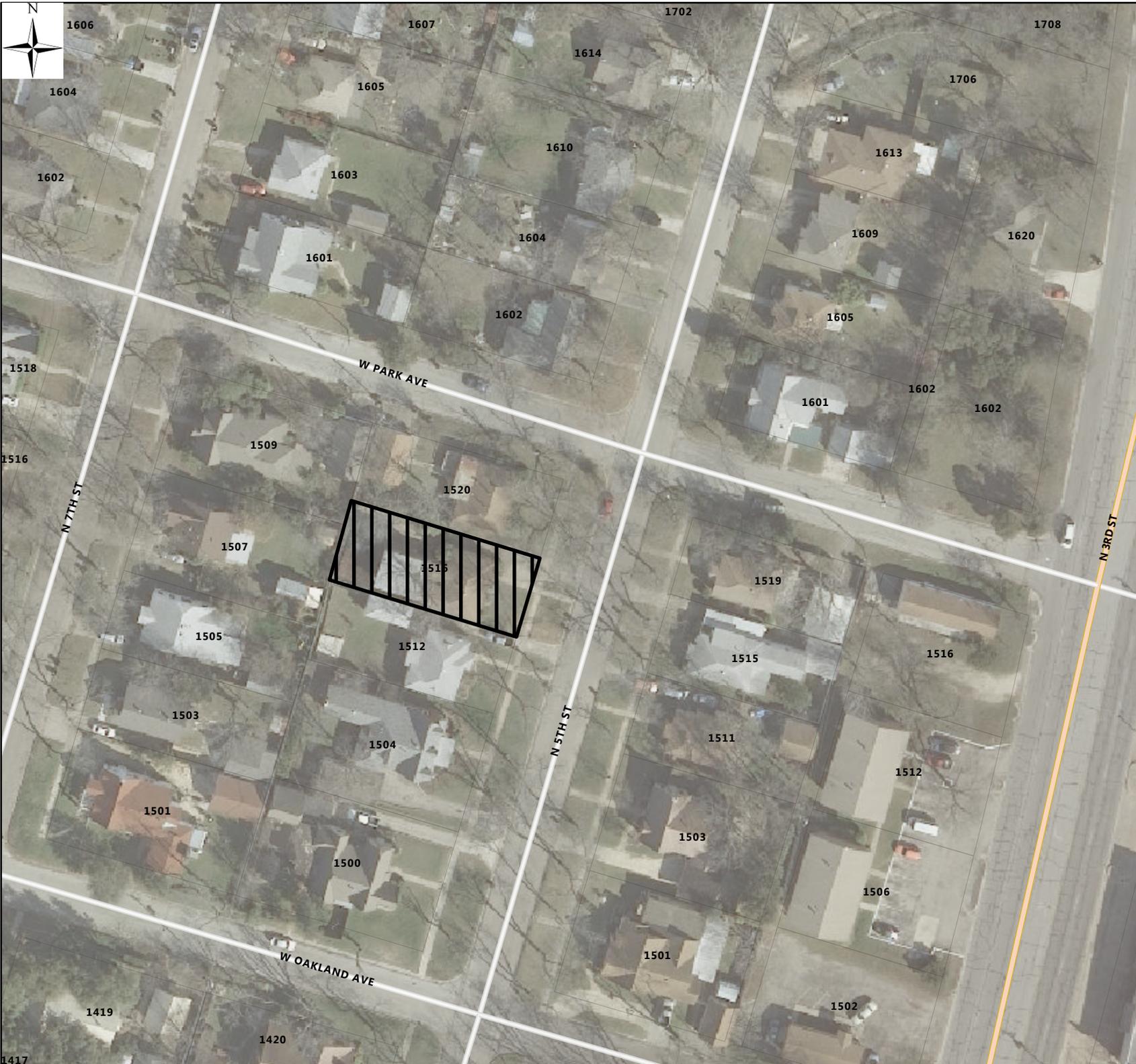
The following table shows the subject property, existing zoning and current land uses:

Direction	Zoning	Current Land Use	Photo
Subject Property	SF-1	Multiple-Family Residential Uses	
			
			

Direction	Zoning	Current Land Use	Photo
			 A close-up photograph of a house's exterior. On the left, there is a wall with light-colored, rectangular stone or brick-like siding. To the right, the house has horizontal tan-colored siding. A window with a white frame is visible, partially obscured by the branches of a green tree. A white utility box is mounted on the tan siding.
			 A photograph showing a two-story house with tan horizontal siding. A large green tree is in the foreground on the left. The house has a small porch with a white door and a black metal railing. A red mailbox is visible on the porch. The house is surrounded by lush greenery.
			 A photograph of a red car parked in a covered carport. The carport has a dark roof supported by wooden posts. The car is parked on a concrete surface. The background is filled with dense green trees and foliage.

Direction	Zoning	Current Land Use	Photo
			
East	SF-1	Single-Family Residential Uses	

Direction	Zoning	Current Land Use	Photo
West	SF-1	Single-Family Residential Uses	
South	SF-1	Single-Family Residential Uses	
North	SF-1	Single-Family Residential Uses	



SF-1 to PD-SF1

## AERIAL MAP

Zoning Case :  
Z-FY-16-31

Address :  
1516 N 5th St

- 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: 5/3/2016





SF-1 to PD-SF-1

Zoning Case :  
Z-FY-16-31  
Address :  
1516 N 5th St

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

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

tlyerly  
Date: 5/3/2016





# SF-1 to PD-SF-1 FUTURE LAND USE MAP

Zoning Case :  
Z-FY-16-31

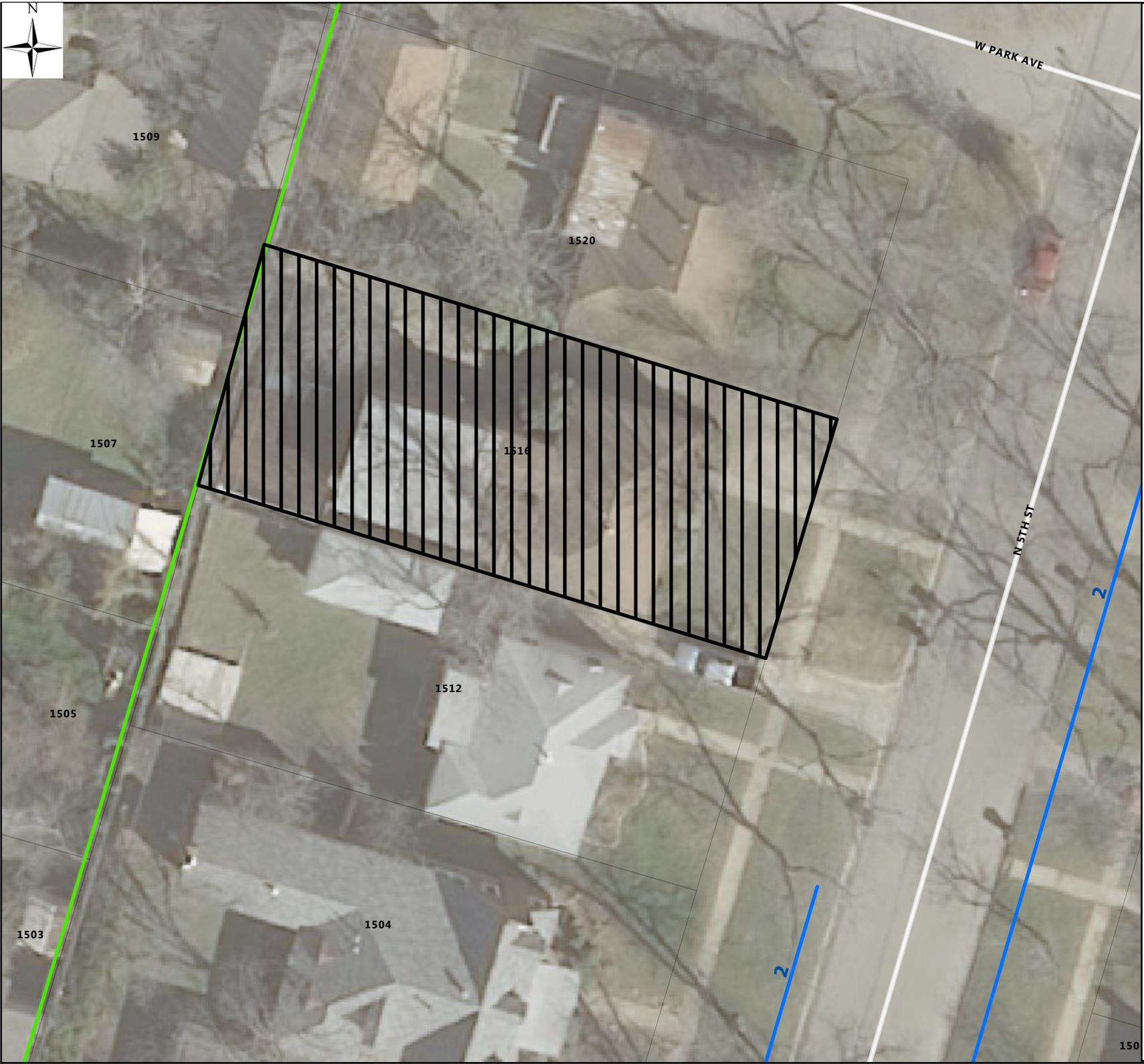
Address :  
1516 N 5th St

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

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tlyerly  
Date: 5/3/2016





SF-1 to PD-SF1

### UTILITY MAP

Zoning Case :  
Z-FY-16-31

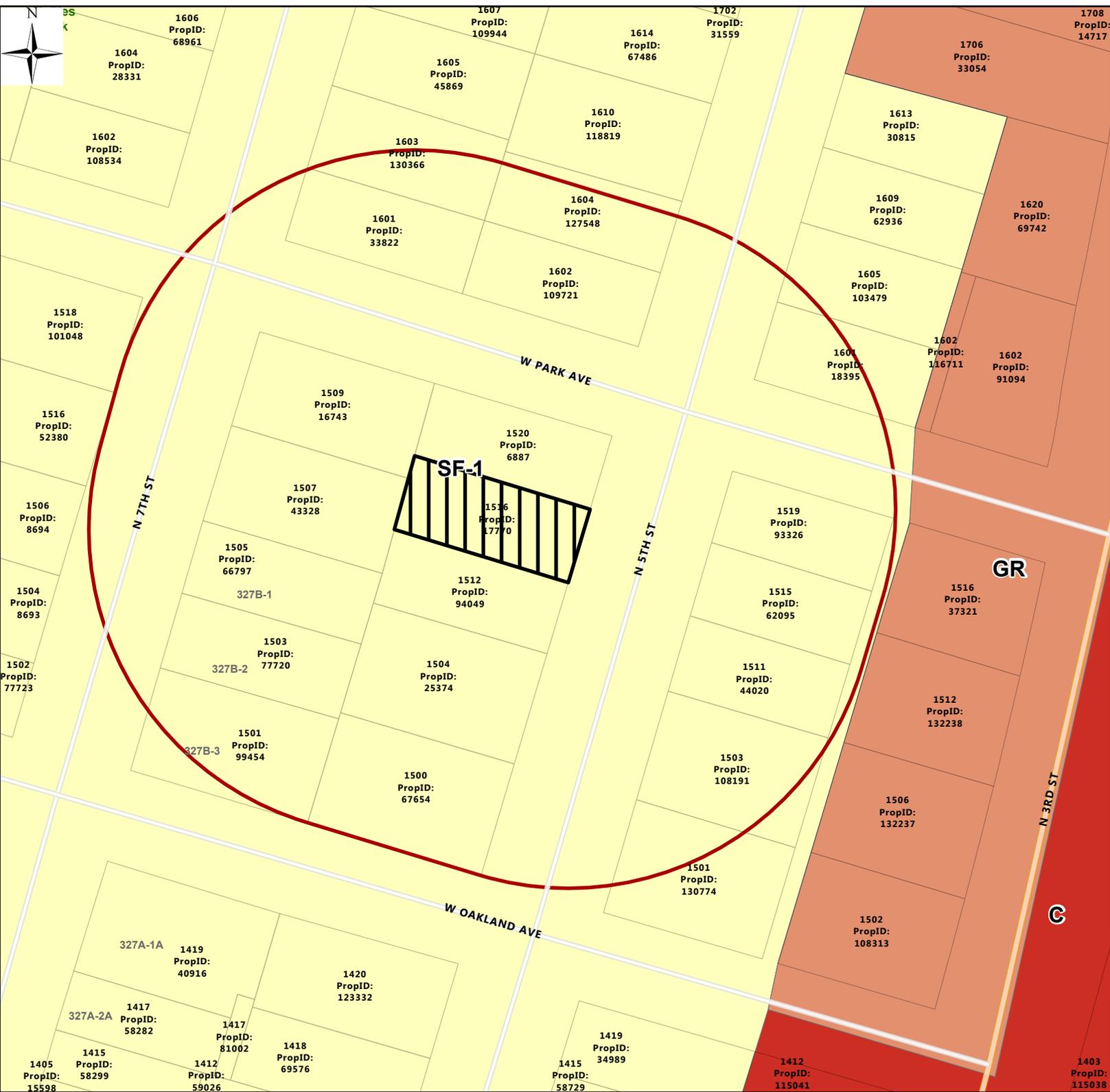
Address :  
1516 N 5th St

-  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: 5/3/2016





SF-1 to PD-SF-1  
 200'  
 NOTIFICATION MAP

Zoning Case :  
 Z-FY-16-31  
 Address :  
 1516 N 5th St

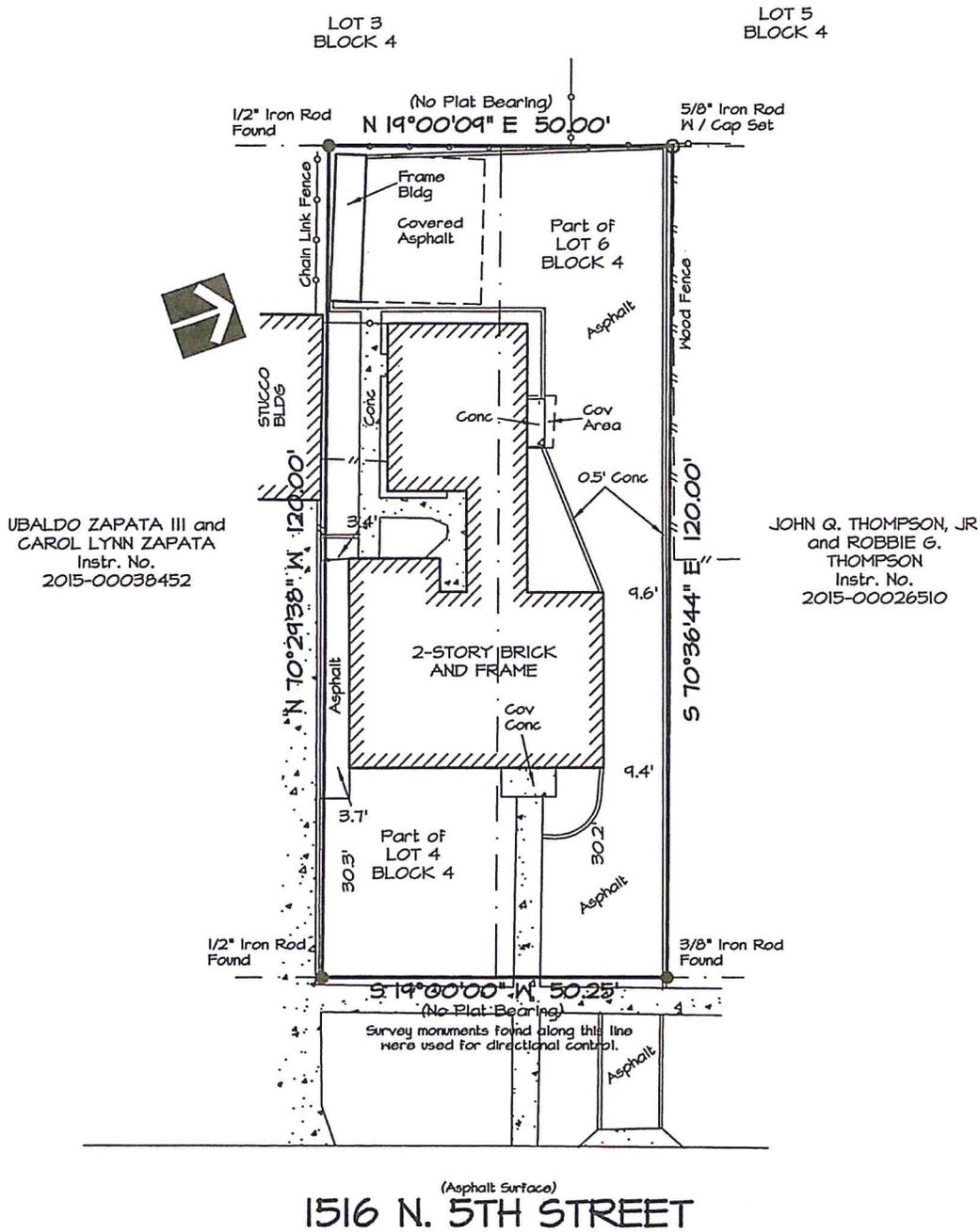
CurrentZoning	Legend	Legend	Legend
HI - CUP	O-1	AG - CUP	
UE	O-1 - CUP	MH	
UE - PD	O-1 - PD	MH - CUP	
SF-1	O-2	MH - PD	
SF-1 - CUP	O-2 - CUP	MU	
SF-1 - PD	O-2 - PD	MU - CUP	
SF-2	NS	SD-C	
SF-2 - PD	NS - CUP	SD-C - CUP	
SF-3	NS - PD	SD-H	
SF-3 - PD	GR	SD-H - CUP	
SF-3 - CUP, PD	GR - CUP	SD-T	
SFA	GR -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

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

tlyerly  
 Date: 5/3/2016



Survey showing THE NORTH TWENTY-FIVE FEET (25') of LOT FOUR (4) and THE SOUTH TWENTY-FIVE FEET (25') of LOT SIX (6), BLOCK FOUR (4), of ROSELAWN ADDITION, an addition in the City of Temple, Bell County, Texas, according to the plat of record in Volume 387, Page 204, Deed Records of Bell County, Texas.



UBALDO ZAPATA III and  
CAROL LYNN ZAPATA  
Instr. No.  
2015-00038452

JOHN G. THOMPSON, JR  
and ROBBIE G.  
THOMPSON  
Instr. No.  
2015-00026510

Survey performed for: LAURA SULAK  
as per that title commitment provided by,  
CENTRALAND TITLE COMPANY, GF No. C1676423,  
EFFECTIVE DATE: February 15, 2016.

This sketch represents a survey made on the ground. During the performance of this survey, persons working under my supervision observed conditions within and along the boundaries and to the best of my knowledge they are as shown. The location of visual structural improvements with respect to the boundary lines are as shown. This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.

**A C S**  
ALL COUNTY SURVEYING, INC.  
1303 South 21st Street  
Temple, Texas 76504  
254-778-2272 Killeen 254-634-4636  
Fax 254-774-7608  
Tx. Firm Lic. No. 10023600



Survey completed: 03-12-2016  
Scale: 1" = 20'  
Job No.: 160161  
Dwg No.: 160161  
Drawn by: GWM  
Surveyor: GWM # 4482  
Copyright © 2016 All County Surveying, Inc.

Plot Date: 03-15-2016

1516N5th house - refinished bath



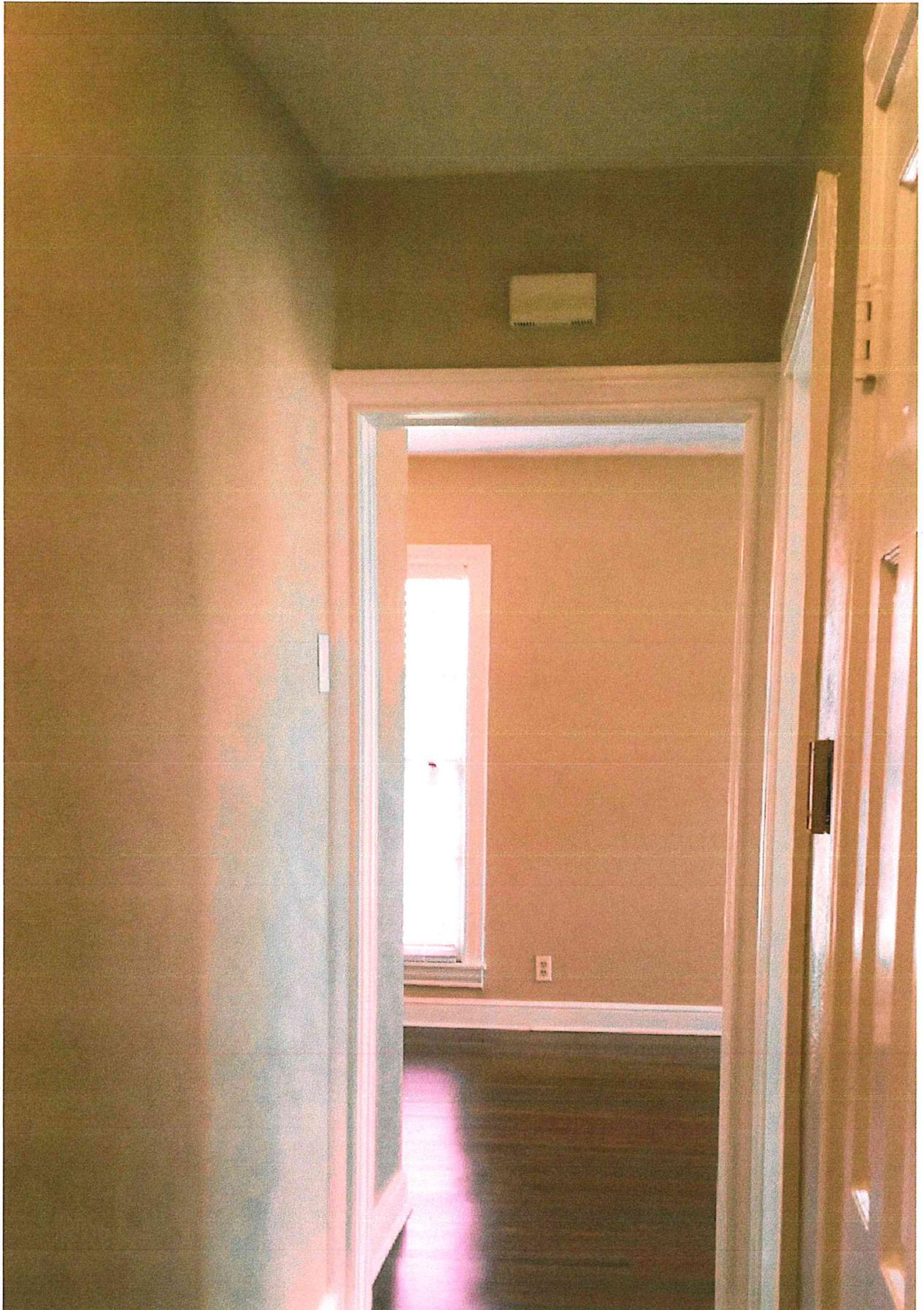
1516N5th house - front elevation



1516N5th - house - LR and DR with floor redone



1516N5th - BR with new carpet









**1516 North 5<sup>th</sup> Street**

**Apartment A downstairs (Apartment)**

RESIDENTIAL                      A1                      1116.0                      \$41,351  
sqft

Type	Description	<u>Class</u> <u>CD</u>	Exterior Wall	Year Built	SQFT
RES	RESIDENCE	MSRV04	EXBR	0	1116.0
OP.	OPEN PORCH *			0	24.0

RESIDENTIAL                      A1                      sqft                      \$529

Type	Description	<u>Class</u> <u>CD</u>	Exterior Wall	Year Built	SQFT
CP.	CARPORT	*		0	1.0
STGA	LOW QUAL STORAGE *	*		0	1.0

RESIDENTIAL                      A1                      960.0                      \$2,694  
sqft

Type	Description	<u>Class</u> <u>CD</u>	Exterior Wall	Year Built	SQFT
APT	APARTMENT	APTK		0	480.0
2ND	2ND FLOOR *	*		0	480.0

Zimbra

bmassey@vvm.com

± Font Size -

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## Fwd: 1516N5th Apt A (down)

---

**From :** Bmassey <bmassey@vvm.com>  
**Subject :** Fwd: 1516N5th Apt A (down)  
**To :** Barry M Massey <Barry.Massey@xerox.com>

Tue, Apr 12, 2016 03:09 PM

📎 1 attachment

Sent from my iPhone

Begin forwarded message:

**From:** Bmassey <bmassey@vvm.com>  
**Date:** April 12, 2016 at 2:44:37 PM CDT  
**To:** "Barry Massey." <bmassey@vvm.com>  
**Subject:** 1516N5th Apt A (down)







1516N5th Apt A (down) - main room with bedroom area, new carpet and repainted

Sent from my iPhone

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2 KB

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**1516 North 5<sup>th</sup> Street**

**Apartment B upstairs (2<sup>nd</sup> Floor)**

	RESIDENTIAL		A1	1116.0	\$41,351
				sqft	
<b>Type</b>	<b>Description</b>	<b><u>Class</u></b>	<b>Exterior</b>	<b>Year</b>	<b>SQFT</b>
		<b><u>CD</u></b>	<b>Wall</b>	<b>Built</b>	
RES	RESIDENCE	MSRV04	EXBR	0	1116.0
OP.	OPEN PORCH *			0	24.0

	RESIDENTIAL		A1	sqft	\$529
<b>Type</b>	<b>Description</b>	<b><u>Class</u></b>	<b>Exterior</b>	<b>Year</b>	<b>SQFT</b>
		<b><u>CD</u></b>	<b>Wall</b>	<b>Built</b>	
CP.	CARPORT	*		0	1.0
STGA	LOW QUAL STORAGE *	*		0	1.0

	RESIDENTIAL		A1	960.0	\$2,694
				sqft	
<b>Type</b>	<b>Description</b>	<b><u>Class</u></b>	<b>Exterior</b>	<b>Year</b>	<b>SQFT</b>
		<b><u>CD</u></b>	<b>Wall</b>	<b>Built</b>	
APT	APARTMENT	APTK		0	480.0
2ND	2ND FLOOR *	*		0	480.0

Zimbra

bmassey@vvm.com

Font Size -

**Fwd: 1516N5th Apt B (up)**

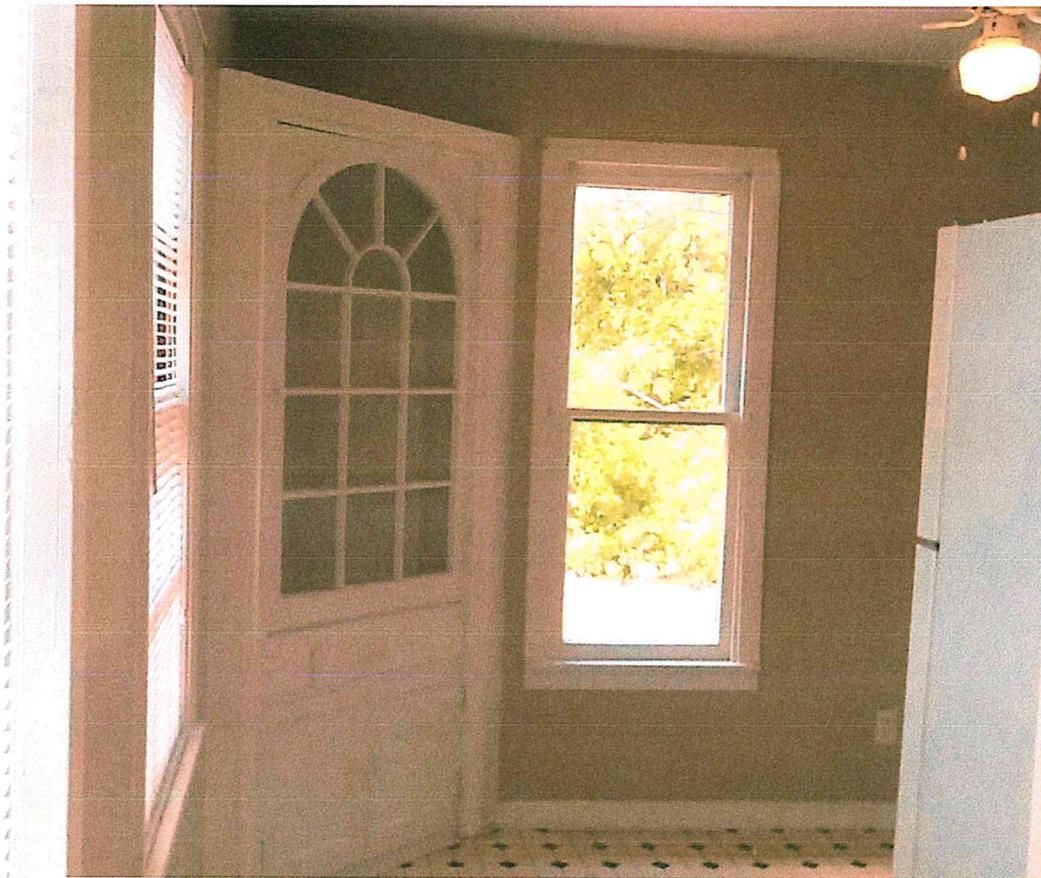
**From :** Bmassey <bmassey@vvm.com>  
**Subject :** Fwd: 1516N5th Apt B (up)  
**To :** Barry M Massey <Barry.Massey@xerox.com>

Tue, Apr 12, 2016 03:09 PM  
1 attachment

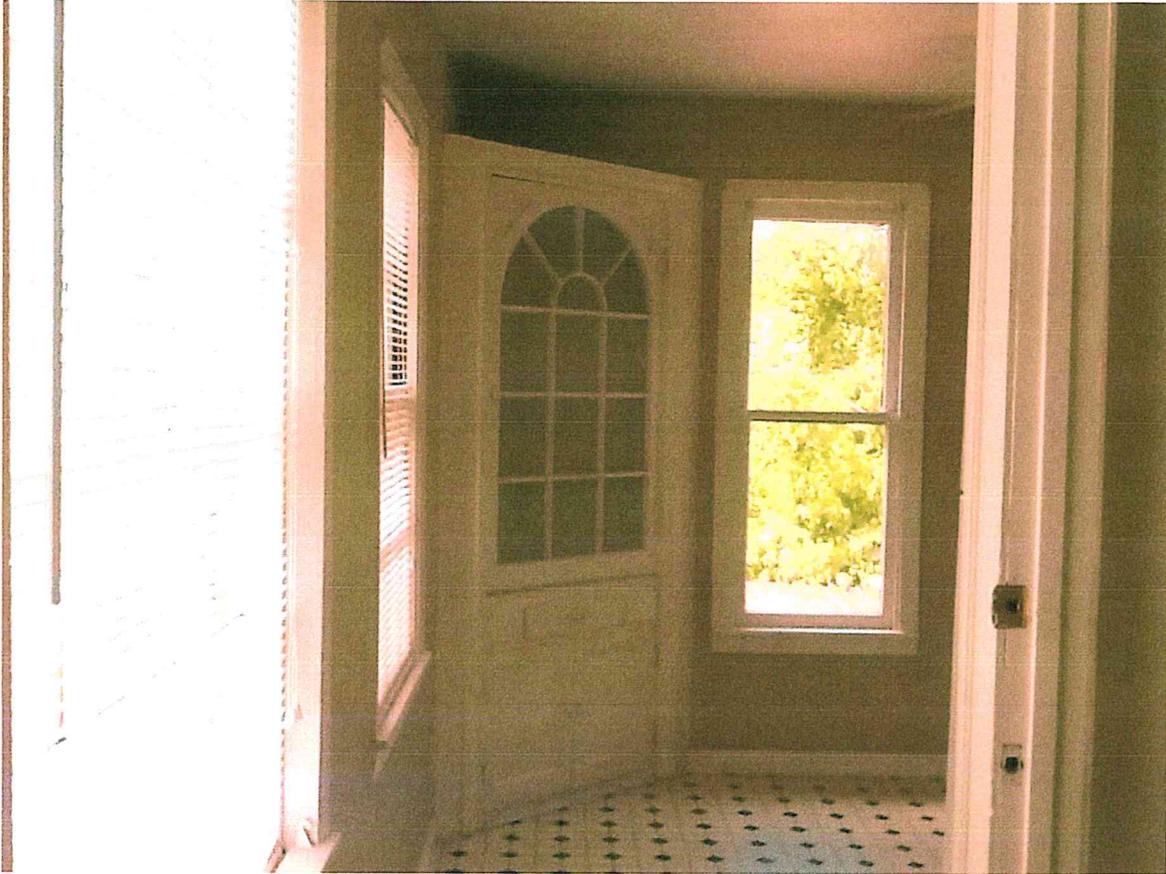
Sent from my iPhone

Begin forwarded message:

**From:** Bmassey <bmassey@vvm.com>  
**Date:** April 12, 2016 at 2:51:22 PM CDT  
**To:** "Barry Massey." <bmassey@vvm.com>  
**Subject:** 1516N5th Apt B (up)



1516N5th Apt B (up) - kitchen area with cabinetry



1516N5th Apt B (up) - kitchen area with cabinetry



1516N5th Apt B (up) - main room looking into bedroom with refinished floors



1516N5th Apt B (up) - main room and hallway into kitchen



1516N5th Apt B (up) - bedroom looking into bathroom and closet

Sent from my iPad

---

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3 KB

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

MASSEY, BARRY ETAL  
1707 SCHIEFFER AVE  
AUSTIN. TX 78722-1227

**Zoning Application Number: Z-FY-16-31**

**Project Manager: TAMMY LYERLY**

Location: 1516 North 5<sup>th</sup> Street

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:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**RECEIVED**

**MAY 11 2016**

City of Temple  
Planning & Development

*Barry Massey*  
Signature

*Barry Massey*  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 16, 2016**.

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

Number of Notices Mailed: 22

Date Mailed: May 5, 2016



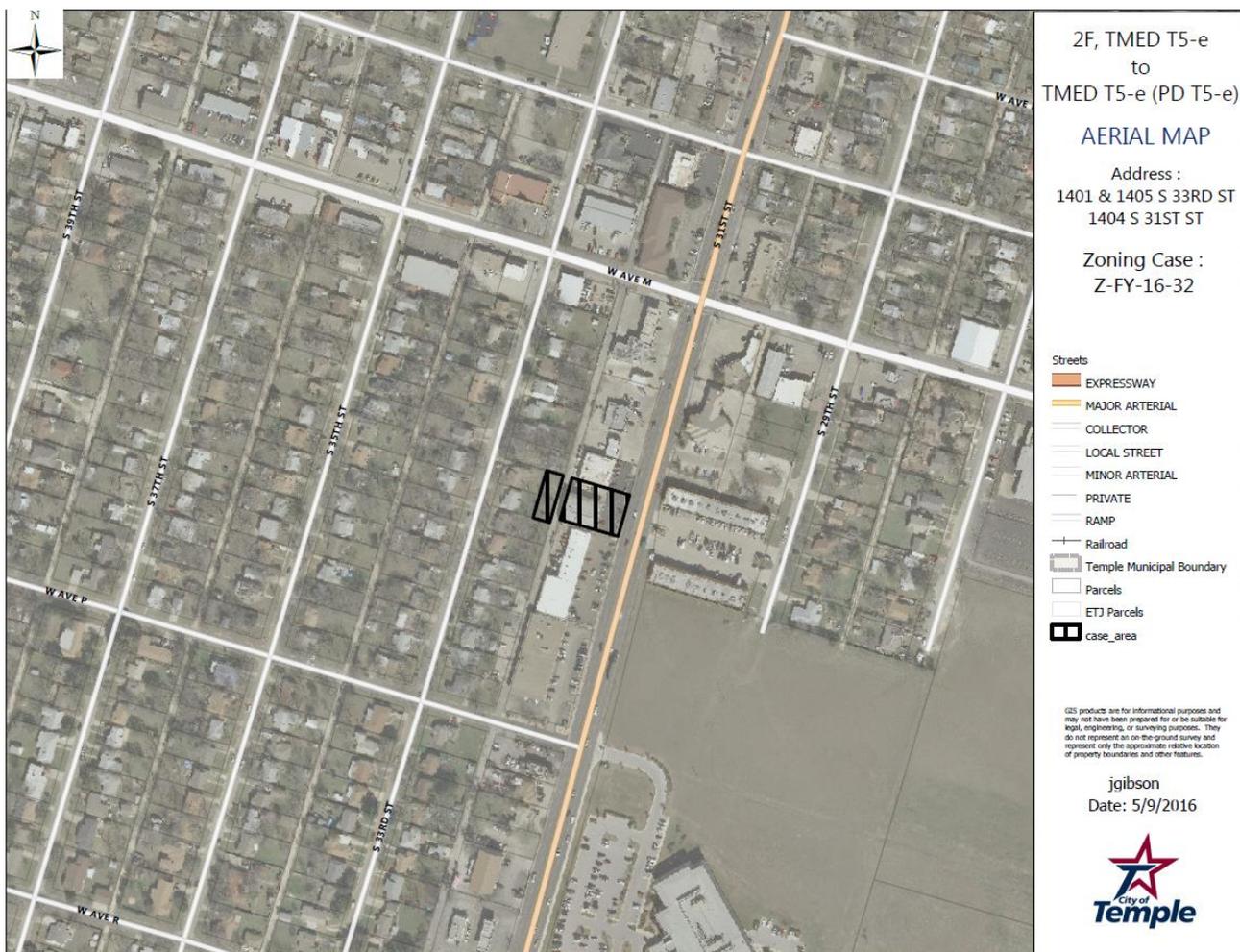
## PLANNING AND ZONING COMMISSION ITEM MEMORANDUM

05/16/2016  
Item #5  
Regular Agenda  
Page 1 of 3

**APPLICANT / DEVELOPMENT:** Selese Thompson (Precious Memories and property owner)

**CASE MANAGER:** Brian Chandler, Director

**ITEM DESCRIPTION:** Z-FY-16-32: Hold a public hearing to consider and recommend action on a rezoning from Two Family (2F) District for the east 40 feet of Lots 1 and 2, Block 1, Fairview Addition (1401 and 1405 S. 33rd Street), and from TMED T5-e located at 1404 South 31st Street to Planned Development District TMED T5-e (PD T5-e) to allow for a commercial parking lot to serve an existing business.



**STAFF RECOMMENDATION:** Staff recommends approval of the rezoning and accompanying development plan (site plan) with the following conditions:

1. A wood privacy fence or masonry wall at least 6 feet in height is installed around the north, south and west boundaries of the parking lot to provide screening from adjacent residential properties
2. Curb and gutter is installed
3. Parking lot is paved with asphalt or concrete
4. The east 40 feet of Lots 1 and 2, Block 1, Fairview Addition shall be used only for accessory parking tied to the business at 1404 S. 31<sup>st</sup> Street or as part of the residential uses at 1401 and 1405 S. 33<sup>rd</sup> Street

Staff recommends approval of an exception to the following TMED T5-e (Neighborhood Edge Zone) development standard for the parking lot:

- Sec. 6.3.10.D. Parking Lot Landscaping: Landscaped parking islands are required in all parking lots

**ITEM SUMMARY:** The applicant, Seleese Thompson, has requested approval of the rezoning to allow for supplementary parking for her business, Precious Memories, which would be located to the rear across the alley. She purchased the two residential properties at 1401 and 1405 S. 33<sup>rd</sup> Street with the intention of converting the east 40 feet of those lots to parking. The following provides additional relevant details:

- The TMED standards encourage parking to the rear accessed by public alleys
- The 20-foot alley is paved and is currently used for solid waste pick up for the businesses in that block of S. 31<sup>st</sup> Street
- The two single-family residential lots (1401 and 1405 S. 33<sup>rd</sup> Street) would still comply with the 100-foot minimum lot length requirements in the 2F (Two-Family) zoning district
- The 5300 sf retail building would require 22 parking spaces (1 space per 250 sf of total floor area) per Sec. 7.5 of the Unified Development Code (UDC):
  - Precious Memories currently has 19 spaces on-site
  - Additional rear parking would bring the business into compliance with Sec. 7.5

**OTHER COMPLIANCE:**

	Compliance	Notes
<b>Zoning</b>	Yes	With wood privacy fence for screening
<b>Future Land Use Map</b>	No	Existing business in "Auto-Urban Commercial" designation; parking lot in "Neighborhood Conservation" designation – privacy fence screening addresses compatibility and the 40-foot depth of the parking lot allows for preservation of the 2 existing homes
<b>Thoroughfare Plan</b>	Yes	S. 31st is a Major Arterial
<b>Trails</b>	N/A	Not applicable to request
<b>Utilities</b>	Yes	Utilities are available; sewer line in alley

**PROPOSED CITY COUNCIL MEETING SCHEDULE:** This zoning case is scheduled for 1st Reading on June 2, 2016 and a 2nd Reading on June 16, 2016.

**PUBLIC NOTICE:** Owners of twenty-seven (27) properties within 200-feet of the subject property, were sent notice of the public hearing as required by State law and City Ordinance. As of Thursday May 12, 2016 at noon, 4 notices in agreement had been received (including 2 from the property owner) and 0 in disagreement. Staff will provide an update relative to late responses, if necessary.

The newspaper printed notice of the public hearing on May 5, 2016, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Site and Surrounding Property Photos  
Development Plan (Site Plan)  
Aerial Map/Location Map  
Zoning Map/Notification Map  
Thoroughfare Plan/Trails Map  
Utilities Map  
Returned Property Notices

**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	TMED T5-3 and 2F	Retail and Parking/ Residential	

Direction	Zoning	Current Land Use	Photo
North	2F	Single-Family Residential	
South	2F	Single-Family Residential	
East	TMED T5-3	Subject Property (Precious Memories)	

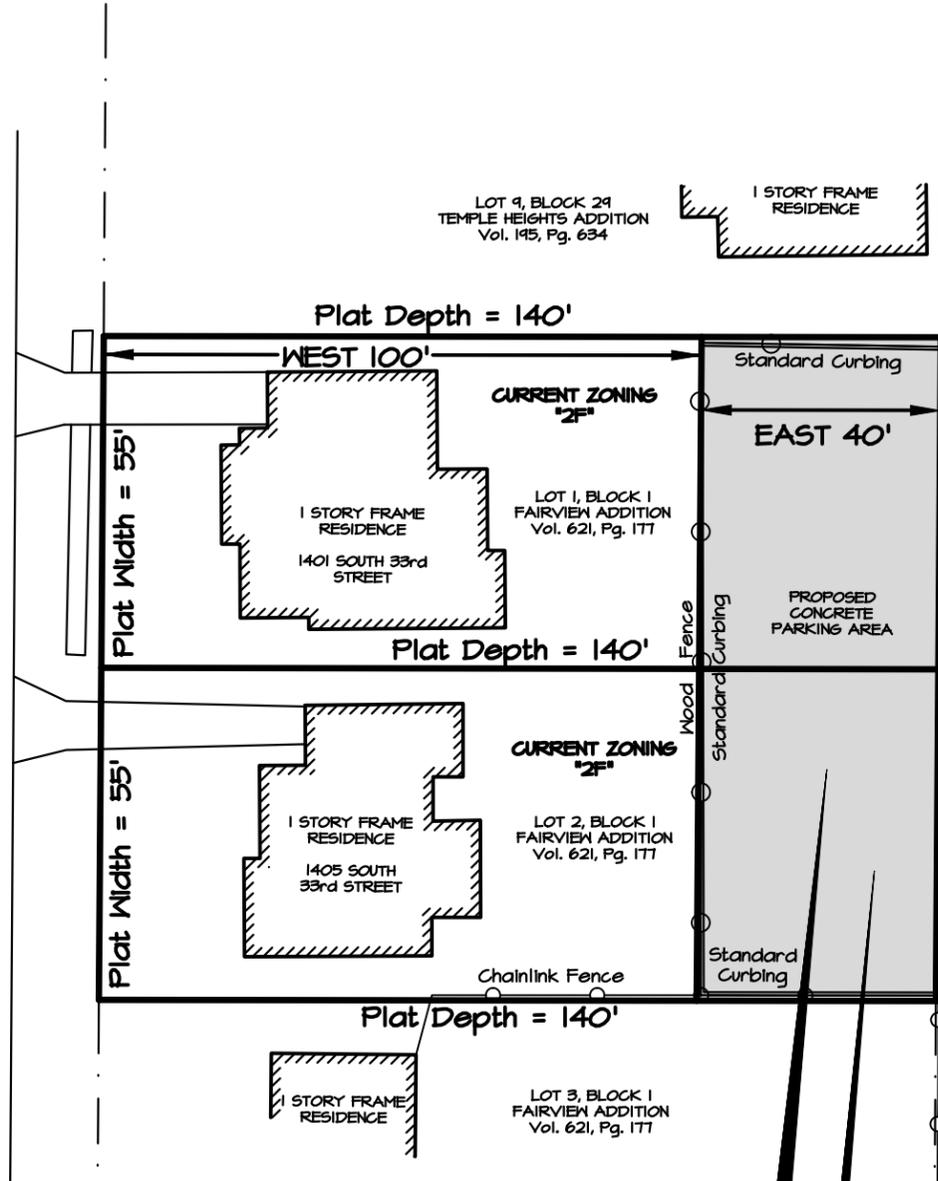
Direction	Zoning	Current Land Use	Photo
South (1501- 1513 S. 33 <sup>rd</sup> Street)	2F	Paved Commercial Parking	

# PRECIOUS MEMORIES

## CURRENT CONDITIONS / SITE EXHIBIT



(Asphalt Surface)  
**SOUTH 33rd STREET**  
 Vol. 621, Pg. 177

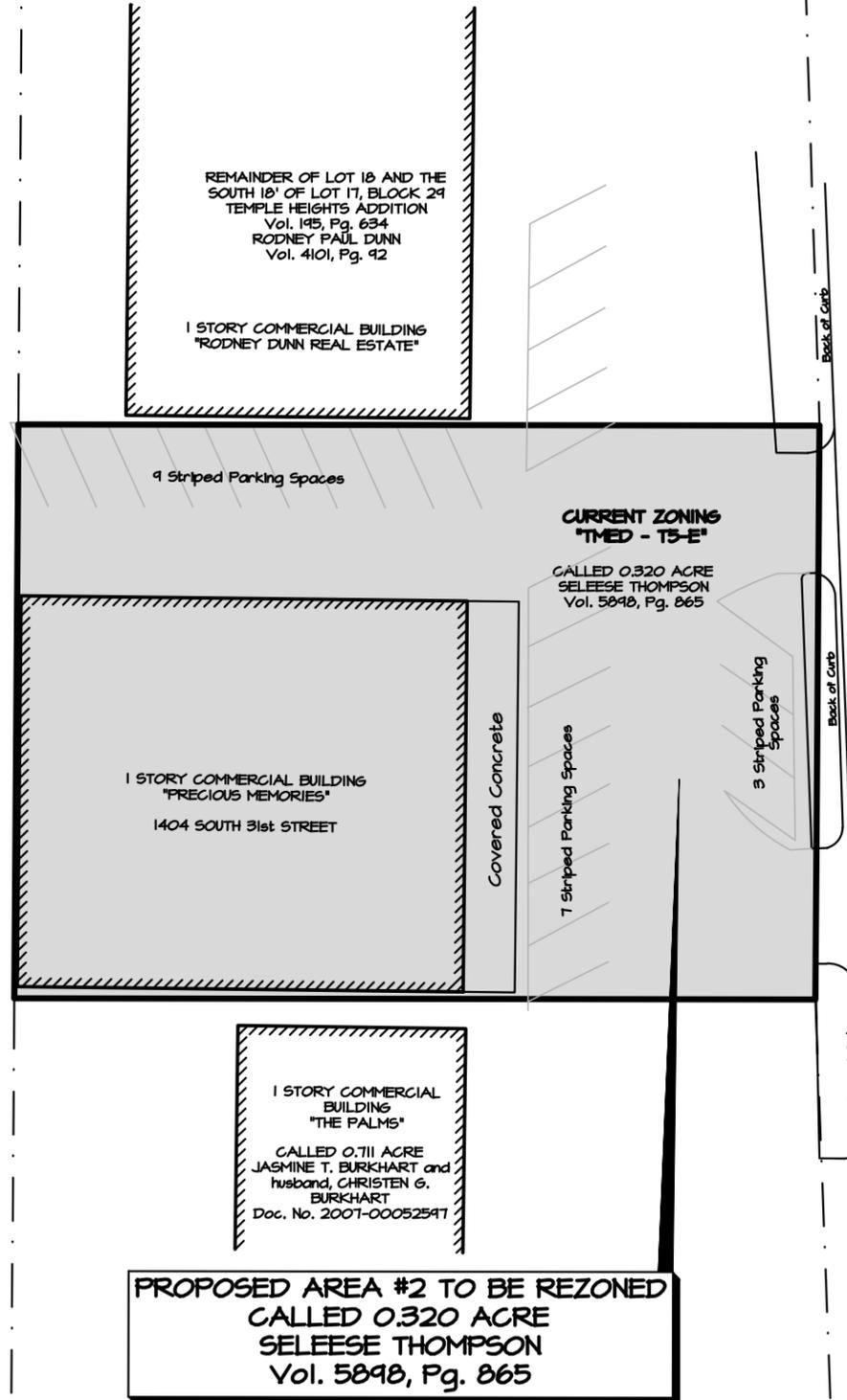


**PROPOSED AREA #1 TO BE REZONED**  
 "EAST 40' OF LOTS 1 & 2, BLOCK 1  
 FAIRVIEW ADDITION  
 Vol. 621, Pg. 177

**NOTE - 6' WOOD PRIVACY FENCING TO  
 BE INSTALLED AND MAINTAINED ON THE  
 NORTH, WEST, AND SOUTH SIDES OF THE  
 40' x 110' PROPERTY BEING RE-ZONED.**

Edge of Asphalt Alley

(Asphalt Surface)  
**20' ALLEY**  
 Vol. 621, Pg. 177



(Asphalt Surface)  
**SOUTH 31st STREET**  
 F. M. 1741

\* NOT A BOUNDARY SURVEY

Scale: 1" = 30'  
 Job No.: 160239  
 Dwg No.: 160239  
 Drawn by: SLW  
 Surveyor: CCL #4636

Copyright 2016 All County Surveying, Inc.

**A C S**  
 ALL COUNTY SURVEYING, INC.  
 1303 South 21st Street  
 Temple, Texas 76504  
 254-778-2272 Killeen 254-634-4636  
 Fax 254-774-7608  
 Tx. Firm Lic. No. 10023600

Plot Date: 05-10-2016

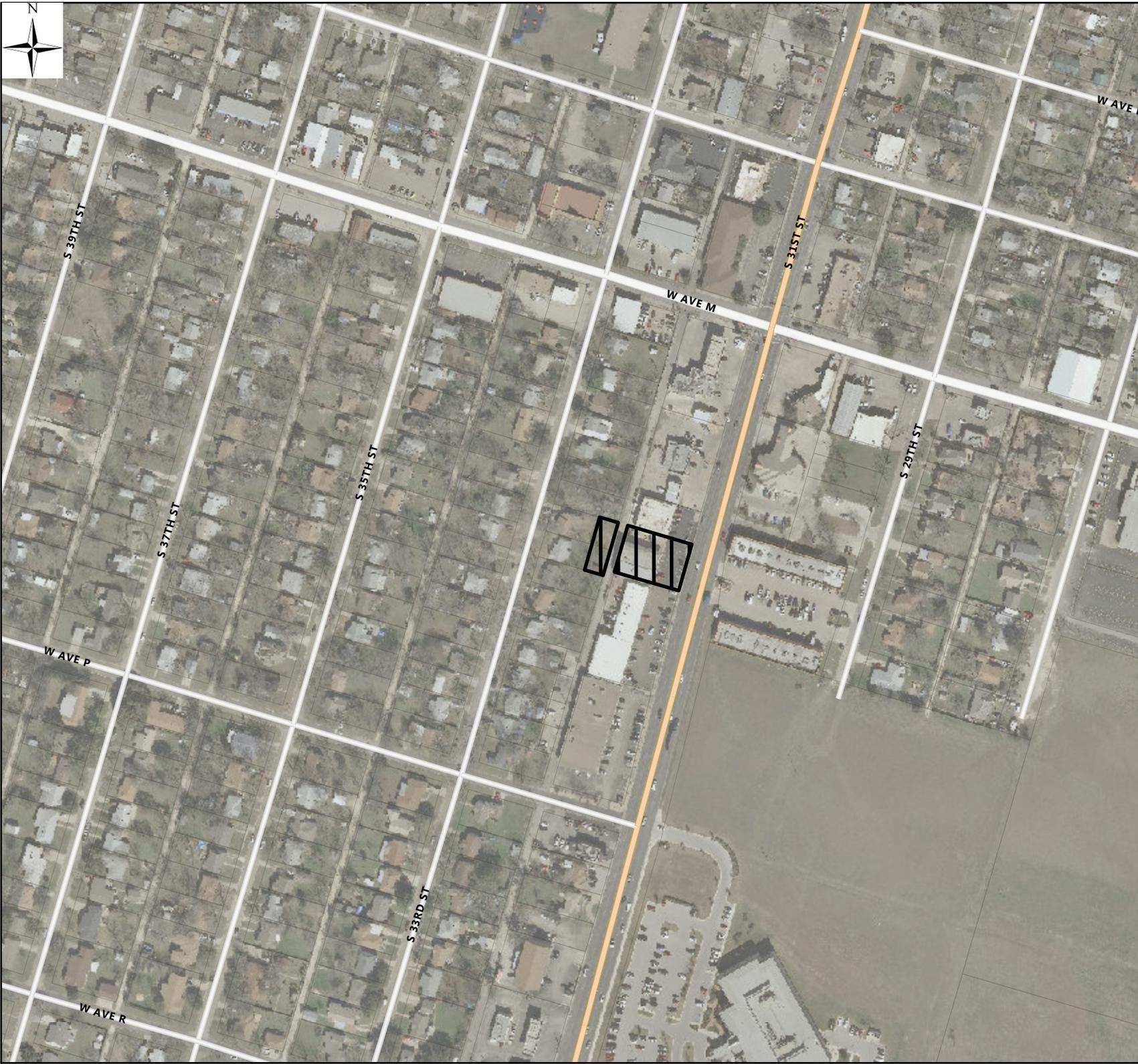


2F, TMED T5-e  
to  
TMED T5-e (PD T5-e)

**AERIAL MAP**

Address :  
1401 & 1405 S 33RD ST  
1404 S 31ST ST

Zoning Case :  
Z-FY-16-32

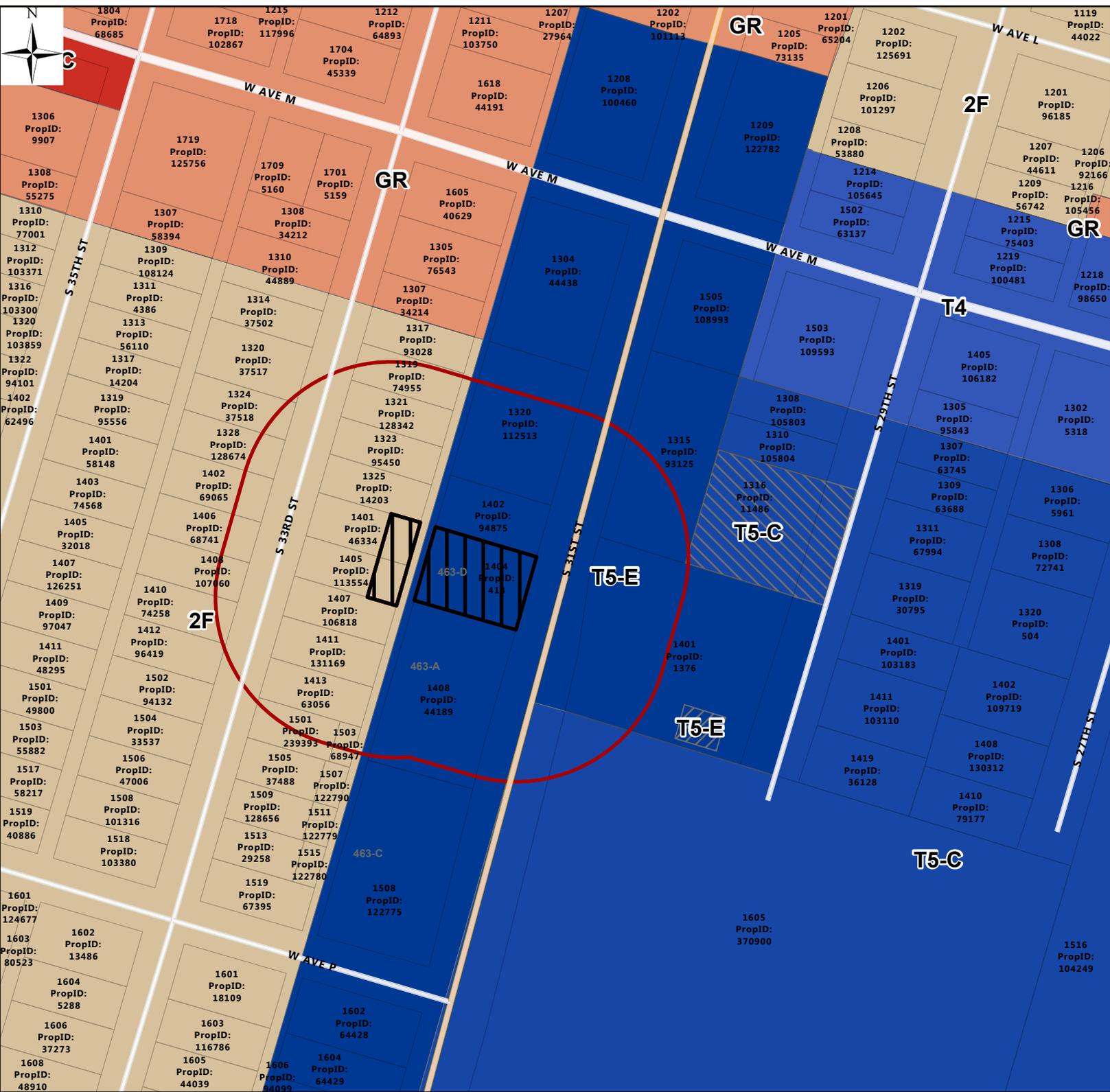


- Streets
- EXPRESSWAY
  - MAJOR ARTERIAL
  - COLLECTOR
  - LOCAL STREET
  - MINOR ARTERIAL
  - PRIVATE
  - RAMP
  - Railroad
  - Temple Municipal Boundary
  - Parcels
  - ETJ Parcels
  - case\_area

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.

jgibson  
Date: 5/9/2016





**2F, TMED T5-e  
to  
TMED T5-E (PD T5-e)**  
200'  
Notification Map  
1401 & 1405 S 33RD ST  
1404 S 31ST ST  
Z-FY-16-32

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

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.

Date: 5/12/2016



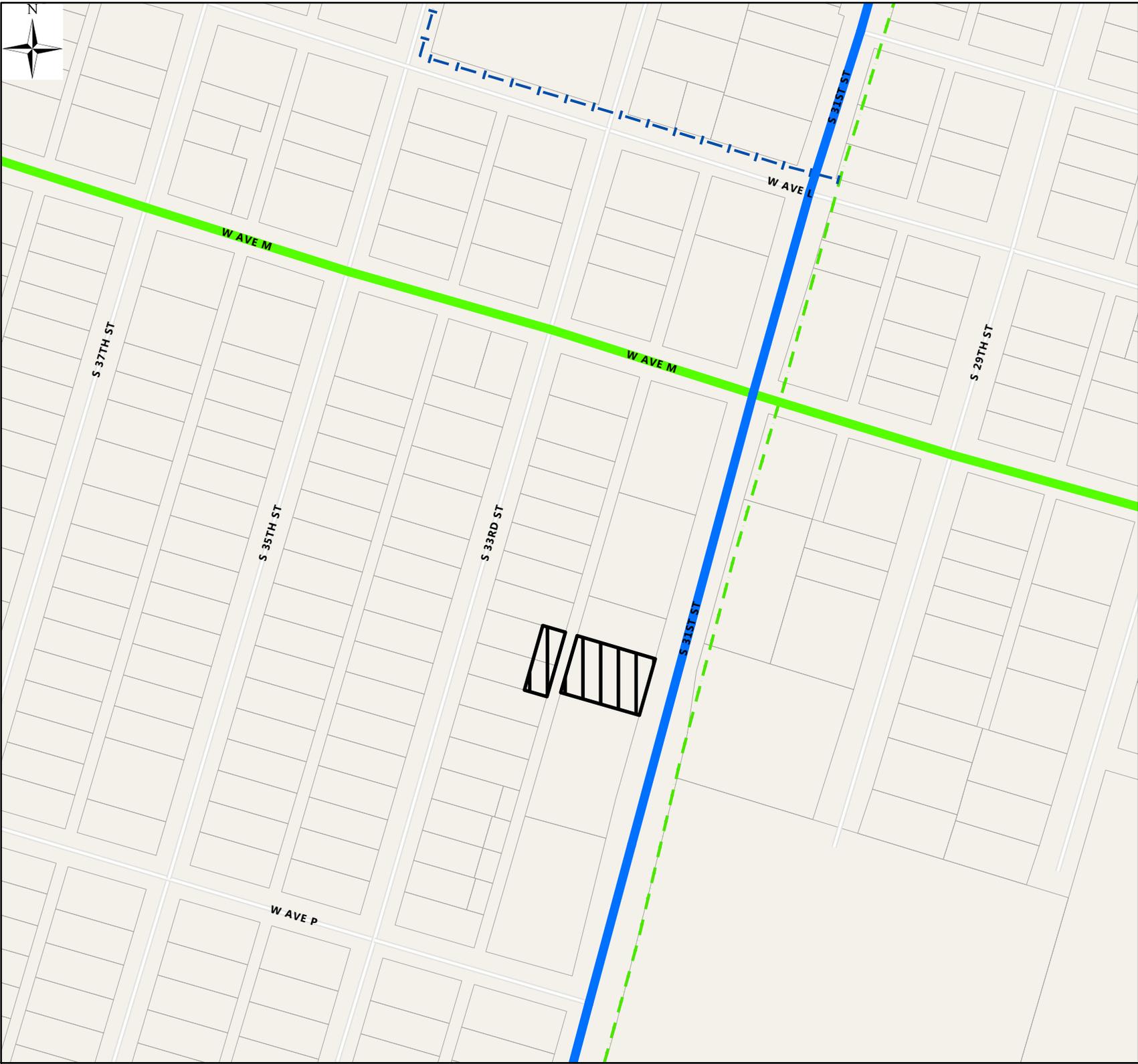


# 2F, TMED T5-e to TMED T5-e (PD T5-e)

## THOROUGHFARE AND TRAILS MAP

1401 & 1405 S 33RD ST  
1401 S 31ST ST

Z-FY-16-32

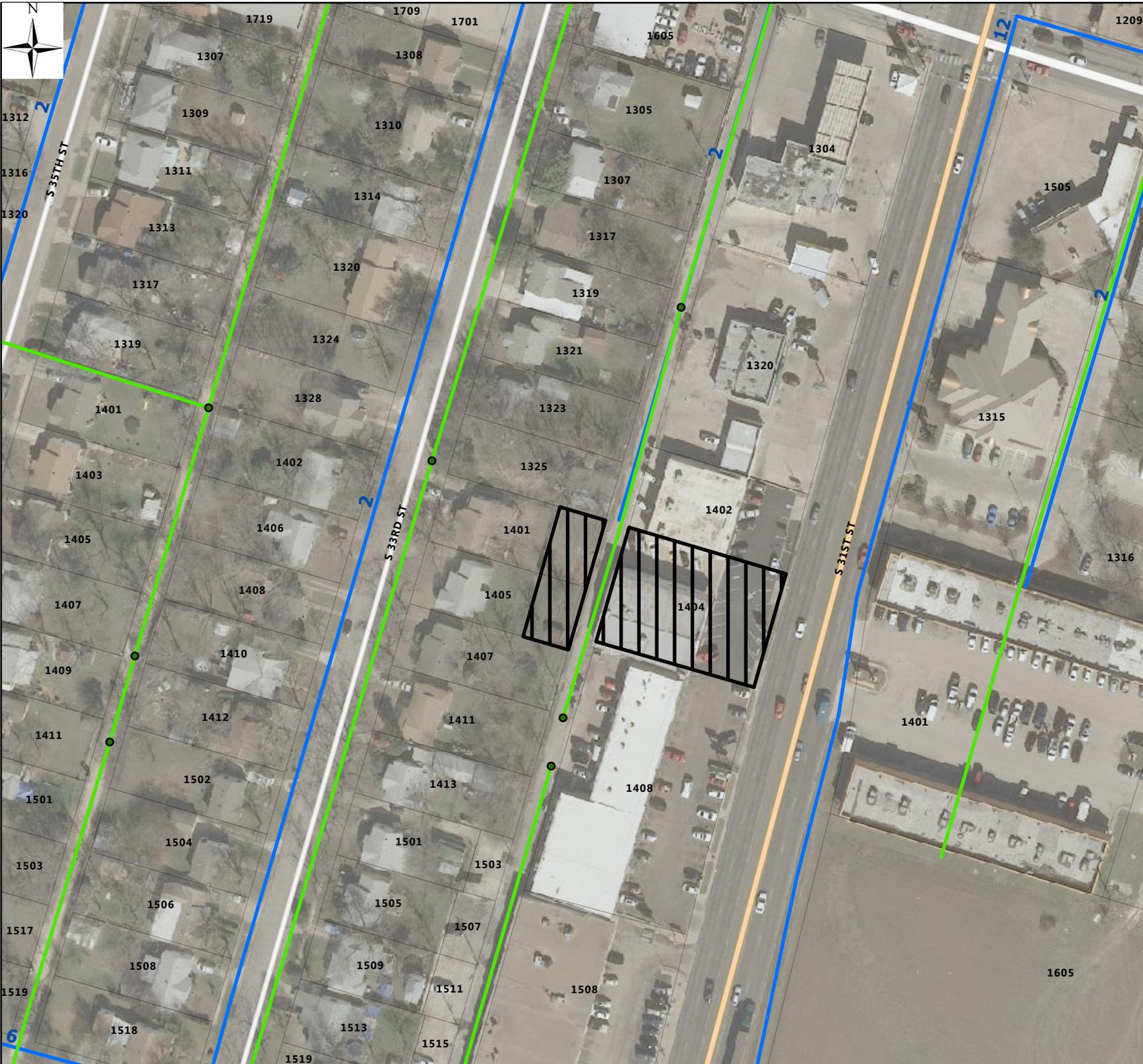


- Parcels
- Expressway
- Major Arterial
- Proposed Major Arterial
- Minor Arterial
- Proposed Minor Arterial
- Collector
- Proposed Collector
- case\_area
- PROPOSED, COMMUNITY WIDE CONNECTOR
- PROPOSED, LOCAL CONNECTOR
- case\_area
- EXISTING, CITY WIDE SPINE
- EXISTING, COMMUNITY WIDE CONNECTOR
- EXISTING,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

Date: 5/9/2016

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.





2F, TMED T5-E  
TO  
TMED T5-E (PD T5-E)

### UTILITY MAP

ADDRESS :  
1401 & 1405 S 33RD ST  
1404 S 31ST ST

Zoning Case :  
Z-FY-16-32

-  Manhole
-  Gravity Main
-  Hydrant
-  Main
-  Parcels
-  case\_area

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.

jgibson  
Date: 5/9/2016





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

BIG FOUR INVESTMENTS LLC  
18 N 3RD ST  
TEMPLE, TX 76501-7617

**Zoning Application Number: Z-FY-16-32**

**Project Manager: Brian Chandler**

Location: 1404 South 31<sup>st</sup> Street

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:**

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\_\_\_\_\_  
**Signature**

A. LLOYD THOMAS  
\_\_\_\_\_  
**Print Name**

Please mail or hand-deliver this comment form to the address shown below, no later than **May 16, 2016**.

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

Number of Notices Mailed: 27

Date Mailed: May 5, 2016



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

DUNN, RODNEY PAUL  
1400 S 31ST ST  
TEMPLE, TX 76504-6706

**Zoning Application Number: Z-FY-16-32**

**Project Manager: Brian Chandler**

Location: 1404 South 31<sup>st</sup> Street

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:

*I think this is a very reasonable request and am in full agreement with the zoning change.*

*Rodney P. Dunn*  
Signature

RODNEY P. DUNN  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 16, 2016**.

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

**RECEIVED**

MAY 11 2016

City of Temple  
Planning & Development

Number of Notices Mailed: 27

Date Mailed: May 5, 2016



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

THOMPSON-MANN, SELEESE  
4610 SUNFLOWER LN  
TEMPLE, TX 76502-4879

**Zoning Application Number: Z-FY-16-32**

**Project Manager: Brian Chandler**

Location: 1404 South 31<sup>st</sup> Street

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:**

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Seleese Thompson-Mann  
Signature

Seleese Thompson-Mann  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 16, 2016**.

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

**RECEIVED**  
**MAY 11 2016**  
City of Temple  
Planning & Development

Number of Notices Mailed: 27

Date Mailed: May 5, 2016



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

THOMPSON, SELEESE  
1404 S 31ST ST  
TEMPLE, TX 76504-6706

**Zoning Application Number: Z-FY-16-32**

**Project Manager: Brian Chandler**

Location: 1404 South 31<sup>st</sup> Street

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.

agree

disagree with this request

**Comments:**

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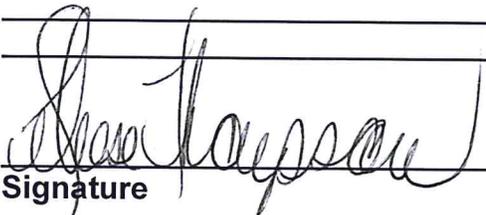
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Signature

Seleeese Thompson  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 16, 2016**.

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

**RECEIVED**  
**MAY 11 2016**  
City of Temple  
Planning & Development

Number of Notices Mailed: 27

Date Mailed: May 5, 2016



## PLANNING AND ZONING COMMISSION AGENDA ITEM

**05/16/16**  
**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.
<b>P-FY-15-27</b> - 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
<b>P-FY-15-46</b> - 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
<b>P-FY-15-47</b> - 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
<b>P-FY-16-08</b> - 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

<b>Future Commission Projects</b>	<b>Status</b>	<b>Applicant</b>	<b>Project Mgr.</b>
<b>P-FY-16-16</b> - 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.	DRC 2/04/16 Awaiting revisions from applicants	Mark Rendon	Tammy
<b>P-FY-16-17</b> - 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.	DRC 2/04/16 Awaiting revisions from applicants	Ronald & Angelica Cox	Mark
<b>P-FY-16-18</b> - 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.	DRC 2/25/16 DRC reviewing revisions	Clark & Fuller	Mark
<b>P-FY-16-20</b> - 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	DRC 2/25/16 Awaiting response to Post-DRC comments	All County Surveying	Mark
<b>P-FY-16-21</b> - 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.	Waiting on mylars	Yalgo Engineering	Dessie
<b>P-FY-16-23</b> - 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.	DRC 3/10/16	Ron Carroll	Tammy
<b>P-FY-16-24</b> - 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.	On hold. County is requiring applicant submit a Prelim Plat. (see P-FY-16-31 below)	All County Surveying	Dessie

Future Commission Projects	Status	Applicant	Project Mgr.
<p><b>P-FY-16-25</b> - 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><b>P-FY-16-26</b> - 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 &amp; Surveying</p>	<p>Tammy</p>
<p><b>P-FY-16-27</b> - 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 &amp; Fuller</p>	<p>Tammy</p>
<p><b>P-FY-16-30</b> - 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>waiting on mylars</p>	<p>All County Surveying</p>	<p>Dessie</p>
<p><b>P-FY-16-31</b> - 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>Waiting for county's comments to be addressed</p>	<p>All County Surveying</p>	<p>Dessie</p>
<p><b>P-FY-16-32</b> - Consider and take action on the Amending Plat for Lot 13, Block 1, Woodbridge Creek Phase V and Lot 1, Block 1, Woodbridge Creek Phase VI, located at 602 &amp; 604 Park Place Lane.</p>	<p>DRC 5/05/16</p>	<p>All County Surveying</p>	<p>Tammy</p>
<p><b>P-FY-16-33</b> - Consider and take action on the Amending Plat of The Plains at Riverside Phase III, 17.708 +/- acres, 65-lot, 5-block residential subdivision, being a tract of land situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located between South Pea Ridge Road and Old Waco Road, west of the intersection with Riverside Trail.</p>	<p>DRC 5/05/16 Awaiting response to Post-DRC comments</p>	<p>Cory Herring</p>	<p>Mark</p>

Future Commission Projects	Status	Applicant	Project Mgr.
<b>P-FY-16-34</b> – Consider and take action on the Amending Plat for Tract C and Lot 11, Block 4, Carriage House Trails, Phase I, located at 2113 Broken Shoe Trail.	DRC 5/25/16	All County Surveying	Mark
<b>P-FY-16-35</b> – Consider and take action on the Minor Plat for Lot 1, Block 1, R.C. Moore Survey, Abstract No. 581, on 4.483 +/- acres, located at 3600 Range Road.	DRC 5/25/16	Ralph Roberts on behalf of Grady Jenkins	Tammy
<b>Z-FY-16-33</b> – Hold a public hearing to consider and recommend action on a rezoning from Neighborhood Services (NS) to General Retail (GR) on Lot 1, Block 1, D'Antoni's Crossing Phase V, located at 6365 South 31 <sup>st</sup> Street.	PZC 6/06/16	Thomas Baird	Dessie
<b>Z-FY-16-34</b> - Hold a public hearing to consider and recommend action on a Conditional Use Permit (CUP) to allow a substance abuse outpatient counseling service on Lot PT 2, 75' of 2, Block 2, LR Taylor Addition, located at 416 North 3 <sup>rd</sup> Street, Suite A.	PZC 6/06/16	Nick Vaché	Tammy
<b>Z-FY-16-35</b> – Hold a public hearing to consider and recommend action on property zoned Planned Development-General Retail (PD-GR), to consider a Conditional Use Permit (CUP) to allow and construct a 5,000 square foot office warehouse on Lot 1, Block 1, Lake Belton Phase II, located at 37 Morgan's Point Road.	PZC 6/06/16	Reuben Marek	Mark

City Council Final Decisions	Status
<p><b><u>Z-FY-16-17</u></b>: Consider adopting an ordinance authorizing a rezoning from Agricultural (AG) District to Commercial (C) District, 1.8+/- acres out of 6.97 acres, Nancy Chance Survey, Abstract No. 5 in the City of Temple, Bell County, Texas, at 3404 South Kegley Road, located between Kegley Lane and South Kegley Road, north of Charter Oak Drive.</p>	<p>APPROVED at 2<sup>nd</sup> Reading on May 5, 2016</p>
<p><b><u>Z-FY-16-17</u></b> - Consider adopting an Ordinance authorizing 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 Boulevard, west of its intersection with South 31st Street.</p>	<p>APPROVED at 1<sup>st</sup> Reading on May 5, 2016</p>
<p><b><u>Z-FY-16-23</u></b> - Consider adopting an ordinance authorizing 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.</p>	<p>Failed for lack of a second on May 5, 2016</p>

P&Z COMMISSION ATTENDANCE

2016														P	A
	Jan 4	Jan 19	Feb 1	Feb 16	Mar 7	Mar 21	Apr 4	Apr 18	May 2	May 16	June 6	June 20			
Lydia Alaniz	P	P	P	P	P	P	P	P	P					9	
Tanya Mikeska-Reed	P	A	P	P	P	A	P	P	P					7	2
Blake Pitts	A	P	P	P	A	P	A	P	P					6	3
Patrick Johnson	P	P	P	A	P	P	A	P	P					7	2
Omar Crisp	P	A	P	P	P	P	P	P	P					8	1
David Jones	P	A	P	P	P	A	P	P	A					6	3
Greg Rhoads	P	P	P	A	P	P	P	P	A					7	2
Will Sears	A	A	P	P	P	A	P	P	P					6	3
Lester Fettig	P	P	P	P	P	P	P	A	P					6	1

	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