

**NOTICE OF MEETING  
PLANNING AND ZONING COMMISSION  
CITY MUNICIPAL BUILDING, 2 NORTH MAIN STREET  
PLANNING CONFERENCE ROOM  
AUGUST 15, 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, August 15, 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  
AUGUST 15, 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 August 1, 2016.

**B. ACTION ITEMS**

**Item 2:** [Z-FY-16-38](#) – Hold a public hearing to consider and recommend action on a rezoning from Agricultural (AG) district to Planned Developed Two-Family (PD-2F) district on 13.39 +/- acres, Lot Tract 7 and Lot Tract 8, Bluebonnet Ridge Estates, 1985 South Pea Ridge and 2255 South Pea Ridge.

**Item 3:** [Z-FY-16-42](#) - Hold a public hearing to discuss and recommend action on a rezoning from General Retail (GR) District to Commercial (C) District, Lot 1, Block 1, Daniel A. Magana Subdivision, located at 1801 East Adams Avenue.

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 2:00 pm on August 11, 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  
AUGUST 1, 2016  
5:30 P.M.**

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

**COMMISSIONERS:**

Jeremy Langley                      Blake Pitts  
Patrick Johnson                     Greg Rhoads  
Omar Crisp

**PLANNING AND ZONING MEMBERS ABSENT:**

Lydia Alaniz                         Will Sears  
Lester Fettig

**STAFF PRESENT:**

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

**The agenda for this meeting was posted on the bulletin board at the Municipal Building, July 8, 2016 at 4:30 p.m. in compliance with the Open Meetings Law.**

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

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

Invocation by Vice-Chair Johnson; Pledge of Allegiance by Commissioner Langley.

**A. CONSENT ITEMS**

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

Approved by general consent.

Chair Jones stated Item 5: **P-FY-16-42**, would be moved to the first item for discussion under Action Items and then proceed in the normal order of remaining items.

## B. ACTION ITEMS

**Item 5: P-FY-16-42** – Consider and take action on the Final Plat of Villages of Westfield Phase II, a 31.691 +/- acres, 103-lots, 6-block, residential and nonresidential subdivision, situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas and the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, located south of Stonehollow Drive, west of Meadowbrook Drive, east of Arboredge Drive and Fair Springs Drive and north of Honeysuckle Drive.

Ms. Tammy Lyerly, Senior Planner, stated P&Z would be the final authority on this plat since the applicant has not requested any exceptions to the Unified Development Code (UDC).

Aerial map shown.

The subject property consists of 103 lots, both residential and nonresidential.

The Development Review Committee (DRC) reviewed this plat on July 18, 2016 and it was deemed it administratively complete on July 28, 2016.

The proposed plat is in agreement with the Westfield Master Preliminary Plat (Resolution No. 2015-7735-R). Tracts A, B, and C will be utilized as common areas and be owned and maintained by the Home Owner's Association (HOA).

Lots 1 through 28 of Block 1 will not have access off Meadowbrook Drive or Stonehollow Drive, designated as a collector.

A four-foot wide sidewalk is required along one side of Stonehollow Drive per UDC Section 8.2.

Water and sewer services will be available to the development through a series of eight-inch and 10-inch lines within street rights-of-ways and easements.

A series of private parks and trails are proposed within this overall development, as shown within the Master Preliminary Plat. Tract A of this phase is part of the trail and park network proposed through the private park agreement.

Land being dedicated for HOA maintained, developable park land (7.3 acres) meets the minimum UDC requirements and was approved with the Master Preliminary Plat.

Plat shown. The portion south of Stonehollow is the residential area and the non-residential portion is located on the east side.

Topo/utility map is shown.

Staff recommends approval the Final Plat of Villages of Westfield, Phase II.

This item does not require a public hearing.

Commissioner Rhoads made a motion to approve Item 5, **P-FY-16-42**, as presented, and Vice-Chair Johnson made a second.

*Motion passed: (6:0)*

Commissioners Alaniz, Sears, and Fettig absent

**Item 2: Z-FY-16-39** - Hold a public hearing to discuss and recommend action on a rezoning from Agricultural (AG) District to Commercial (C) District, on Lots 14 & 15, Block 001, Honeycutt Subdivision, 7099 Airport Road.

Ms. Lyerly stated this item was scheduled to go forward to City Council for first reading on September 1, 2016 and second reading on September 15, 2016.

The applicant's requested rezoning from AG to C is to allow for marketing of the property for office/warehouse and service uses. There have been several inquiries regarding this type of development.

There is a school located to the west of the property.

The Zoning Map designates the property as Commercial District (C), it fronts a major arterial (Airport Road), and adjacent property is zoned Light Industrial (LI). The request is in compliance with the Zoning Map.

The Future Land Use and Character Map designates the subject property as Agricultural Rural which is intended for areas of agricultural use and homes are an accessory or secondary use. The request is not in compliance with the Future Land Use and Character Map.

Water is available from a 24-inch line located in Airport Road right-of-way. There is no sewer available. The applicant would need to install septic system and work with the Public Works Department in Bell County if the request is approved. This request is in partial compliance since water is available. These type of issues would be addressed during the platting process.

Surrounding properties include residential and agricultural use to the north, agricultural use to the south, undeveloped land to the east, and the school and airport water tower to the west.

Allowed and prohibited uses for both AG and C are cited, along with current and proposed Development Standards.

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

This request is not in compliance with the Future Land Use and Character Map, is only in partial compliance with public facilities available to serve the property, and in full compliance with the Thoroughfare Plan and surrounding uses and zoning.

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

Brief discussion regarding Commercial setback requirements located off of a highway.

Chair Jones asked how often the land use map was updated. Ms. Lyerly stated this was from *Choices '08* Comprehensive Plan and was updated in 2008.

Mr. Brian Chandler, Director of Planning, added when there is a discrepancy between the Future Land Use and Character Map and what is recommended, it was considered taking them one at a time before P&Z and City Council, concurrently with the zoning case request. Instead, the discrepancies are tracked and is more efficient to take them as a group rather than individually.

Mr. Chandler also commented that Comprehensive Plans ideally get updated every five years or at least every ten. There are many changes and development patterns occurring in the subject area being discussed and amendments will be forthcoming to the P&Z and City Council.

Chair Jones opened the public hearing.

There being no speakers, the public hearing was closed.

Vice-Chair Johnson made a motion to approve Item 2, **Z-FY-16-39**, as presented, and Commissioner Pitts made a second.

*Motion passed: (6:0)*

Commissioners Alaniz, Sears, and Fettig absent

**Item 3: Z-FY-16-40** - Hold a public hearing to consider and recommend action on a Conditional Use Permit (CUP) to allow wholesale auto auctions for dealers on Lot 1, Block 1, Wildflower Commerce Park IV, located at 5615 SW H.K. Dodgen Loop.

Ms. Dessie Redmond, Planner, stated this item was tentatively scheduled for City Council for a first reading on September 1, 2016 and for second reading on September 15, 2016.

The applicant is Ms. Nicole Graham-Ponce with Manheim Remarketing, Inc. and the property owner is Cedon Realty LTD.

The property is three acres and a vacant warehouse approximately 10,256 square feet exists on the property.

This request is for a CUP to allow wholesale automobile auctions for dealers in the commercial zoned district.

This property was platted in 2000 and in 2010 a CUP was approved for outdoor retail display of storage sheds, with garden center, landscaping, and lawn supplies.

Surrounding properties include Loop 363 to the east, Greenview Drive to the west, office and retail uses to the south, and office use and vacant lots to the west.

Zoning Map is shown. UDC, Section 5.1 Use Tables states that a CUP is required for an auto auction use in the Commercial zone. If approved, this request would be in compliance.

The Future Land Use and Character Map designate the subject property as Suburban Commercial. In areas where the Suburban Commercial character district is adjacent to non-residential uses (as in this case) it is intended to be the community's image and aesthetic value is to be promoted, such as at "gateways" and high-profile corridor locations. Therefore, it

requires a higher landscape surface than in the Auto-Urban Commercial district. The subject property is located in the HK Dodgen Loop corridor and there are some existing large and medium canopy trees on the property that provide aesthetic value. The Thoroughfare Plan designates Greenview Drive as a local street and SW H.K. Dodgen Loop as an expressway. The request is in compliance.

Sidewalks not required for either designation.

No existing or proposed trails are proposed in or adjacent to the subject site. The request is in compliance.

Sewer and water are readily available to serve the site. The request is in compliance.

Site map shown.

Operational Details for the proposed business:

The applicant has no plans to improve or develop the property other than cleaning and maintenance of the site.

The wholesale automobile auctions would only be opened to licensed automobile dealers.

Regular business hours proposed are Monday through Thursday beginning at 9:00 a.m. and ending at 5:00 p.m. and Fridays beginning at 9:00 a.m. and ending at 3:00 p.m.

Inventory maintenance, inspection of vehicles, and other business related to the transfer of vehicles titles, and auctioning of automobiles will take place on site.

All automobiles will be contained on the parking lot on site.

A typical auction consists of two lane automobile auctions held entirely within the existing building.

Auctions would be held every other Monday in the beginning of business operations with the potential to grow to an auction held every week.

Any noise would be inside the building from auctioning the automobiles. Five to ten employees are anticipated to be associated with the use.

24 hours is a typical turnaround time for an automobile to be sold.

Possible future expansion to the north adjacent property would require an additional CUP process which the applicant is fully aware of.

The automobiles are operable when they come in; it would be a rare case to have an inoperable automobile.

The business would generally look like an automobile dealership.

During an automobile auction a vehicle would be parked around the building and driven through the two service bays, offered for sale, then parked back outside for buyers to pick them up.

Pending approval of the CUP, the applicant hopes to open in late October 2016.

CUP Review Criteria: UDC, Section 3.5.4 states, in determining whether to approve, approve with conditions or deny a CUP application, the following criteria must be considered:

- Compatible with and not injurious to the use and enjoyment of the property;
- Does not impede the normal development of surrounding vacant properties;
- Adequate utilities and facilities have been or will be provided;
- Designed for convenient movement of vehicular and pedestrian traffic;
- Adequate nuisance prevention measures have been or will be taken;
- Directional lighting is provided to not adversely affect neighboring properties; and
- Landscaping and screening to insure harmony with adjacent property.

UDC, Section 3.5.5 Additional Conditions:

- Additional conditions may be added to the CUP;
- A certain time period for which a CUP is valid may be added; and
- Developmental standards and safeguards as conditions may be added to protect adjacent property from any possible nuisances.

DRC did discuss the requested CUP on July 18, 2016. Some of the questions discussed were mentioned previously in more detail:

- Are the automobiles operable or non-operable;
- How does the business appear visually;
- Is there possible future expansion to the north?

Twelve notices were mailed out in accordance with state and local regulations with two notices returned in agreement (both returned letters were from the property owner) and zero notices returned in disagreement.

Staff recommends approval of a CUP to allow a wholesale automobile auction use with the following conditions:

1. All automobile auction operations are held inside the existing building;
2. All automobiles offered for sale are contained on the property;
3. No junked or inoperable automobiles are visible from outside;
4. All repair work must take place completely inside of the existing building;
5. Newly striped parking; and
6. No salvage auctions are permitted on the site.

Ms. Redmond confirmed that all parking for the automotive auction business will remain on the paved subject property.

Commissioner Pitts was concerned about the parking for the actual auctions. Is the applicant able to handle all of the parking within the facility or will trucks and transport vehicles be

parked up and down the access road and public streets and right-of-ways? Ms. Redmond deferred the question to the applicant.

Commissioner Pitts also asked if they would have any special signage. Ms. Redmond explained the signage would be regulated by the normal sign code.

The P&Z Commission has the option to make a recommendation to repeal the previously approved CUP for this property (specifically for landscaping business/open storage use) or leave it in place.

Discussion regarding CUPs and applicability.

Mr. Chandler explained that some properties have had multiple CUPs with previously approved CUPs being revoked. Otherwise, the CUPs would run with the land. Mr. Chandler explained Staff was fine with leaving the prior CUP in place; however, the Commission has the option to recommend revocation of the prior CUP.

Discussion about a time period recommendation being added to the current CUP request.

Mr. Chandler stated Ms. Trudi Dill, Deputy City Attorney, explained that the prior CUP should be “repealed” and reads from the UDC, Section 3.5.6, Revocation and Modification:

A CUP may be revoked or modified, after notice to the property owner and a hearing before the City Council, for any of the following reasons:

- A. The CUP was obtained or extended by fraud or deception;
- B. One or more of the conditions imposed by the permit has not been met or has been violated; or
- C. The CUP previously authorized is determined to be detrimental to the public health, safety and/or welfare.

Chair Jones opened the public hearing.

Ms. Nicole Graham-Ponce, 12101 Trinity Boulevard, Euless, Texas 76040, stated she was the General Manager at the Manheim Dallas-Fort Worth location. Manheim would like to have a two lane wholesale auto auction for licensed car dealers only.

Ms. Graham-Ponce stated they do anticipate getting one-car, three-car haulers. Usually on smaller off-site sales the independent car dealers are attracted, typically local, within 60 miles. The dealers that buy outside of the local area will bring a one- or three-car hauler in. Eight- to ten-car haulers are not typical for these sales since they are fairly small and contained.

Ms. Graham-Ponce could not guarantee there would never be an inoperable car on the premises nor could she guarantee there would not be someone who would pull up with a one-car hauler on the back road (Greenview Drive) but believes there is enough room on-site to contain those.

Ms. Redmond and the applicant have discussed the possibility of taking the adjacent property to the north and providing additional parking if needed. Staff informed Ms. Graham-Ponce of the additional CUP that would be required for this adjacent property to the north.

Ms. Graham-Ponce informed the Commission she is currently in discussions with the property owner on this issue. If her company finds out this auction business turns into a bigger thing, they will definitely go down that route.

This is a sale Ms. Graham-Ponce believes they could fulfill twice a month, second and fourth Mondays. If the volume increases sales would be held every Monday. This would keep capacity down and the cars will turn quickly. Unlike a normal auto auction, these are dealer cars, people come in, they sell, and buyers pick them up quickly so they do not sit very long.

The number of cars expected to be sitting at one time could be 100 to 150 and approximately 50 people will show up in lane at these auctions and approximately 70 online since online simulcast is offered.

Chair Jones was concerned about the parking space available. Ms. Graham-Ponce responded when they walked off the lot there were approximately 200 spaces, without restriping.

Mr. Justin Fuller, Clark & Fuller, 215 North Main Street, stated with the existing layout there are 152 parking spaces.

Ms. Graham-Ponce added if overcapacity occurred sales could be held every week. Currently they are gathering the business and going through the entire process which includes the CUP request. Based on the information they know today, if they could get 100 cars every two weeks (which they feel is feasible) but reach capacity, they could go every week. Eventually they would like to go every week.

Ms. Graham-Ponce stated their mission was to try to keep traffic off of the road but could not guarantee it. Manheim wants to be compliant with the CUP and also be a good neighbor.

Mr. Fuller commented that Greenview was not a heavily used road and felt it would have enough room for a small transporter to park and still allow plenty of room for other traffic.

When asked how many transporters, trailers, haulers, etc., could be on site at any one time, Ms. Graham-Ponce stated it would depend on the buyer base. Off-site sales do not typically see a lot of them since most of the buyers are small independents within 60 miles and it is highly unlikely they would all show up at the same time. The business would be staffed to assist folks with loading and unloading.

The two service bays are the only part of the property that will be used. The showroom side will not be used. The cars will be parked like a car dealership, the parking spaces will be restriped which will provide more spaces, the cars will drive through the property through the service bays, auctioned off in the service bays, drive out and go back into that parking spot.

Typically the cars are gone within 24 hours and by that time if a car buyer comes in with a three-car hauler, a third of the inventory is already gone. This is a fast turn business; not a bunch of repossessed cars or commercial cars that sit for a long time.

Ms. Graham-Ponce commented that an auction with 100 cars lasts approximately one and half hours.

The vehicles come from car dealers. They bring them to Manheim and Manheim sell them to other car dealers. They have a business in Killeen, a couple in Weatherford, one in Arlington.

Chair Jones asked the applicant her thoughts on the previously approved CUP. Ms. Graham-Ponce replied they have no interest in selling landscaping/equipment, etc.; they want to sell cars and would leave it to the Commission to decide.

Mr. Chandler commented on the overflow parking and cited Condition No. 2 previously stated that all automobiles offered for sale are contained on the property. The P&Z Commission could modify that statement to state essentially that all vehicles are contained on the property which includes customers. No overflow parking on Greenview or on the lot to the north. If the applicant needs that north lot they would return for another CUP.

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

Commissioner Pitts asked that any motion made include absolutely no parking of any kind on the frontage road of Loop 363.

Mr. Chandler stated the Loop frontage belonged to TxDOT and Greenview was a City street.

Just to clarify, Mr. Chandler informed the Commission if it is a condition of the CUP right now, that condition is only related to the automobiles offered for sale and not the transport vehicles, not the customers, and not the employees. The Commission might want to consider that to revise the previous six conditions mentioned.

Vice-Chair Johnson recommended the inclusion of repealing the previously approved CUP for landscaping/equipment, etc. in any motion made.

Vice-Chair Johnson made a motion to approve Item 3, **Z-FY-16-40**, to include the six conditions stated by Staff, and adding two additional conditions: 1) that transport vehicles are prohibited to park on Loop 363 frontage road, and 2) the previous CUP (Ordinance No. 2010-4362) approved for outdoor retail display including storage sheds, a garden center with landscaping and lawn supplies be repealed. Commissioner Rhoads made a second.

*Motion passed: (6:0)*

Commissioners Alaniz, Sears, and Fettig absent

**Item 4: Z-FY-16-41** - Hold a public hearing to consider and recommend action on a Conditional Use Permit (CUP) to allow sales of beer and wine only, for on-premise consumption, where the gross revenue from such sales is less than 75% of the total gross revenue of the establishment, on Lot 1A, Block 1, Canyon Creek Place Section 2, located at 1710 Canyon Creek Drive, Suites B & C.

Mr. Mark Baker, Senior Planner, stated this item was scheduled to go forward to City Council for first reading on September 1, 2016 and for second reading on September 15, 2016.

Lot 1A (includes Suites B and C) are already addressed in Ordinance No. 2011-4442, approved May 5, 2011, for a Planned Development (PD) with a base zoning of Neighborhood Service (NS) to allow beer and wine sales with off-premise consumption (convenience store).

This PD does not address the current request which is the sale of beer and wine for on-premise consumption with a base zoning of NS which requires a CUP.

This request is for the existing Roopa's Kitchen which is currently occupied in Suites B and C.

Site plan and aerial map shown.

Subject to Chapter 4 of the Code of Ordinances (Alcoholic Beverages), this request is in compliance for:

Sale of alcoholic beverages, and

300 foot minimum distances from sensitive uses (place of worship, public school or public hospital). The closest use is Canyon Creek Baptist Church located 1,641 feet east, per Chapter 4, Code of Ordinances and Texas Alcohol & Beverage Commission (TABC) measurement requirements.

UDC Section 5.3.15 reiterates those requirements in Chapter 4 and the request is in compliance for:

UDC provisions for distance requirements from sensitive uses;

Based on percentage of gross revenue generated by the type and percentage of anticipated gross generated income by establishment;

Reiterates Chapter 4 requirements; and

Provides additional distances from a public park for bars.

Zoning map is shown for NS base zoning:

Establishment which receives less than 75 percent of total gross revenue from the sales of beer and wine only with on-premise consumption is consistent with the base NS-district, subject to approval of a CUP.

Surrounding properties include Raintree Apartment Complex zoned C to the south, single family residential uses (Terrace Gardens First Unit Subdivision) zoned Two Family (2F) to the north, retail and service uses along Canyon Creek Drive zoned C, PD-NS, NS and Office-One (O-1) to the east, and single family uses (Canyon Creek, Phase 1 Subdivision) to the west.

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

The request is in compliance with UDC Section 5.3.15, Chapter 4 (Code of Ordinances), and is consistent with zoning and compatible with existing adjacent and anticipated retail and service uses.

Staff recommends approval of the request for a CUP to allow sales of beer and wine only, for on-premise consumption, where the gross revenue from such sales is less than 75 percent of the total gross revenue of the establishment, subject to three conditions:

That the sale of beer and wine only be restricted to on-premise consumption only, contained within the developed site of Lot 1A, Block 1 of the Canyon Creek Place Section 2 subdivision, located at 1710 Canyon Creek Drive, Suites B & C;

The use is subject to compliance to Chapter 4 of the Code of Ordinances related to alcoholic beverages; and

That the conditional use, complies with UDC Section 5.3.15, related to alcoholic beverage sales with on-premise consumption.

Chair Jones opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Crisp made a motion to approve Item 4, **Z-FY-16-41**, as presented, and Vice-Chair Johnson made a second.

*Motion passed: (6:0)*

Commissioners Alaniz, Sears, and Fettig absent

There being no further business, the meeting was adjourned at 6:38 p.m.

Respectfully submitted,  
Leslie Evans

**PLANNING AND ZONING COMMISSION  
MONDAY, AUGUST 1, 2016  
5:00 P.M.  
WORK SESSION**

**PLANNING AND ZONING MEMBERS PRESENT**

Chair David Jones

**COMMISSIONERS:**

Jeremy Langley  
Omar Crisp

Blake Pitts  
Patrick Johnson

**PLANNING AND ZONING MEMBERS ABSENT:**

Lydia Alaniz  
Will Sears

Greg Rhoads  
Lester Fettig

**STAFF PRESENT:**

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

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

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

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

Mr. Chandler stated an inquiry was made on moving Item #5, Villages of Westfield Phase II, up to the beginning of the agenda. No objections were made.

The Airport Road zoning case from AG to C is straightforward.

The CUP for wholesale auto auctions is located at the old Saturn auto dealership off of Loop 363 and Greenview Drive. There was a previously approved CUP for landscape materials and equipment and this would create an additional CUP on the property.

Brief discussion regarding Code Enforcement's description of inoperable/junked vehicles.

Ms. Redmond clarified the applicant (Manheim) is not proposing a salvage yard/auction; it is language to protect the City from potential future similar uses.

The applicant wants to sell used operable cars which are purchased wholesale and then auctioned off. The applicant will be in attendance to answer questions.

A CUP for Roopa's Kitchen to sell beer and wine for on-premise consumption. Ms. Mark Baker stated The Plaza has an existing CUP under the current PD for a convenience store for on-premise sales but no on-premise consumption. This would apply only to Suites B and C. Staff received one letter in opposition.

At the last City Council meeting, D'Antoni's Crossing for rezoning from NS to GR on South 31<sup>st</sup> Street had been tabled at the first City Council meeting held in July. City Council discussed a PD to provide other options. At the second meeting City Council denied the request.

The applicant could come back in another six months with another request if desired.

The substance abuse outpatient facility proposed for 3<sup>rd</sup> Street was approved. Their permit is currently pending due to the ADA ramp proposed in the front which would block off the entire sidewalk access. The applicant is redesigning the component.

The office warehouse for Rueben Marek at Lake Belton Plaza was approved at City Council first reading. Staff was able to work with the applicant before City Council was held to address a condition that a shared cross access easement from FM 2305 was available before a permit was issued.

Mr. Chandler mentioned that elections for Chair and Vice-Chair are scheduled for September. Commissioner Sears' term expires in September and he is willing to serve on the Commission until he is replaced.

Discussion regarding elections and process.

Vice-Chair Johnson announced he would be moving out of the city limits in the near future.

Commissioners Pitts and Crisp are eligible for reappointment.

It was decided that elections would be held the second P&Z meeting in September.

Mr. Chandler reminded the Commissioners about the upcoming APA State Conference to be held in San Antonio in November. Commissioners are encouraged to attend and to let Planning know by end of August, if possible, for early registration.

Ms. Lynn Barrett will be starting as the Assistant Director of Planning on August 22<sup>nd</sup> and will attend the first meeting in September. Ms. Barrett brings a wealth of development experience to Temple.

There being no further business, Chair Jones closed the meeting at 5:22 P.M.



## PLANNING AND ZONING COMMISSION ITEM MEMORANDUM

8/15/16  
Item #2  
Regular Agenda  
Page 1 of 5

### DEPARTMENT / DIVISION SUBMISSION & REVIEW:

Dessie Redmond, Planner

**ITEM DESCRIPTION:** PUBLIC HEARING - Z-FY-16-38: Consider and recommend action on a rezoning from the Agricultural (AG) zoning district to the Planned Developed-Two Family (PD-2F) zoning district on 13.39 +/- acres, Lot Tract 7 and Lot Tract 8, Bluebonnet Ridge Estates, 1985 South Pea Ridge and 2255 South Pea Ridge.



Figure 1: Aerial Location Map

**STAFF RECOMMENDATION:** Based on the following, staff recommends approval with conditions for a rezoning from the AG zoning district to the PD-2F zoning district:

1. That the proposed Development/Site Plan has demonstrated compliance with the provisions of the Planned Development Criteria as required by Unified Development Code (UDC) Section 3.4.5;
2. The proposed rezoning is in partial compliance with the Future Land Use Map's Suburban Commercial District;
3. The request complies with the Thoroughfare Plan;
4. Public facilities are available to serve the subject property;
5. The request exceeds the minimum lot size (4,000 square feet) in a 2F zoning district as the smallest lot proposed is +/- 8,700 square feet.

Conditions:

1. Substantial compliance with the attached development/site plan.
2. Compliance with other items listed in proposed conditions.
3. The applicant shall comply with OnCor's requirements for encroachment into the existing OnCor easement.

**ITEM SUMMARY:** This request is for a rezoning from the AG zoning district to the PD-2F zoning district to allow for future development of residential uses including duplexes. The subject property is located within the Bluebonnet Ridge Estates Subdivision and is on two lots with a total of 13.39 +/- acres. The property is currently vacant and undeveloped with existing easements.

The applicant proposes to build 32 duplexes (attached Development/Site Plan) with proposed lot width dimensions ranging from 70 to 84 feet and up to 130 feet in depth (with an average lot size of +/- 11,325 square feet). The proposal includes installation of an interior sidewalk, an entryway monument sign with landscaping and +/- 1.5 acres of community green space. The proposal also includes overall neighborhood design, architectural design and landscaping details which is located in the attachments (Edanbra Development L.C. Proposed Details). Additionally, the proposal consist of conceptual elevations and floor plans also included in the attachments (Proposed Conceptual Elevations and Floor Plan). Per UDC, Section 3.4.3 & 3.4.4, a Planned Development requires approval of a Development/Site plan that is binding.

On August 1, 2016, the DRC met to discuss the proposal. Discussion included existing easements, infrastructure, and future requirements during the platting process. There is an existing 100 foot wide OnCor Transmission easement that intersects the property. The proposal shows utilizing this easement as community greenspace. Any encroachment into OnCor's Transmission easements must be reviewed by Oncor and handled through an encroachment request. There is also an existing 10 foot wide city utility easement that contains an old 2 inch water pipe no longer in use. As part of the platting process, the easement would be required to be abandoned. The applicant is aware of these requirements.

Other important infrastructure requirements will be addressed during the platting process. This includes sufficient right-of-way dedication, looping of waterlines, location of new city utility easements, drainage requirements and others. These details are outlined in the attachments (Pre-DRC Comments). The property will be required to be platted prior to any development of the property. The applicant is aware of this requirement.

The subject property is located within the Bluebonnet Ridge Estates Subdivision. Properties located in this subdivision are subject to restrictions, protective covenants and condition which are included in the attachments (Bluebonnet Ridge Estates Deed Restrictions) and are enforced by private property owners rather than the city. For example, some of the restrictions pertain to:

- Masonry requirements
- Minimum floor areas
- Animal regulations
- Setbacks
- Prohibited junk in yard

A summary table of the subject property and the surrounding properties is located in the attachments (Surrounding Properties & Uses Table).

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan (CP) and Sidewalk and Trails Plan. A summary table of CP compliance is located the attachments (Comprehensive Plan Compliance Table).

#### Future Land Use Map (CP Map 3.1)

In the Future Land Use Map, the subject property is entirely within the Suburban Residential character district. The Suburban Residential designation is characterized by mid-size single family lots, allowing for greater separation between dwellings and more emphasis on green space versus streets and driveways. The applicant's request for a PD-2F zoning district partially complies with the Suburban Residential character district classification as it is proposing mid-size lots that allow for greater separation between dwellings. Also, the proposal includes an emphasis on +/- 1.5 acres of green space. However, it does not partially comply as the proposal is for duplexes and not single-family lots.

#### Thoroughfare Plan (CP Map 5.2)

The subject property is accessed from S. Pea Ridge Road, which is designated as a collector street in the Thoroughfare Plan, which requires 55 feet of right-of-way as well as a 4 foot wide sidewalk along one side of the street. The current width of the right-of-way and pavement is estimated to be: 1) 40 feet and 2) 18 feet. The dedication and sidewalk requirements will take place during the platting process.

This section of S. Pea Ridge is not currently on the Transportation Capital Improvement Program (TCIP) project list. However, City Council TCIP priorities can change based on changing development patterns.

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

Sewer is available to the subject property with a connection to the Windcrest Subdivision south of the property. Water is available through an existing 8 inch waterline in S. Pea Ridge Road. Public facilities will also be addressed through the platting process as there will likely be extensions of public facilities for the proposal.

Temple Trails Master Plan Map and Sidewalks Ordinance

The Trails Master Plan identifies a proposed local connector trail along the southern property line. The Parks Department has indicated that the installation of a 6 foot wide interior sidewalk may comply with the proposed local connector for Trails Master Plan. These improvements will also be addressed during the platting process.

**DEVELOPMENT REGULATIONS:** A summary/comparison table for residential dimensional standards in the AG & 2F zoning districts is located in the attachments (Residential Dimensional Standards Table). On the Proposed Development/Site Plan the smallest lot size is approximately 8,700 square feet which exceeds the required minimum lot size of 4,000 square feet in the 2F zoning district. The proposal also exceeds the minimum lot width of 60 feet by 10 or more feet for each lot.

UDC, Section 3.4 Planned Development

This section defines a PD 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.”

UDC, Section 3.4.5 PD Review Criteria

A list of regulations is located in the UDC when determining whether to approve, approve with conditions or deny a PD application. The review bodies must consider the following criteria (a conclusive list is located in the attachments):

- Compliance with city codes
- Environmental impact
- Harmony with surrounding area
- Safe vehicular and pedestrian circulation
- Design of streets
- Landscaping
- Open space areas
- Infrastructure

**PUBLIC NOTICE:** There were 31 notices mailed to property owners within 200 feet of the subject property as required by State law and City Ordinance. As of Thursday, August 11, 2016, two notices were returned in denial of the request (included in the attachments). The newspaper printed notice of the public hearing on August 4, 2016, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**PROPOSED CITY COUNCIL MEETING SCHEDULE:** This rezoning is tentatively scheduled for a first reading on September 1, 2016 and for a second reading on October 6, 2016.

**ATTACHMENTS:**

[Site Photos](#)

[Development/Site Plan](#)

[Edanbra Development, L.C. Proposed Details](#)

Proposed Conceptual Elevations  
Proposed Conceptual Floor Plan  
Pre-DRC Comments, August 1, 2016  
Bluebonnet Ridge Estates Deed Restrictions  
Comprehensive Plan Compliance / Residential Dimensional Standards Table  
UDC, Section 3.4 Planned Development  
Aerial Map / Location Map  
Zoning Map / Future Land Use and Character Map  
Thoroughfare & Trails Map / Utility Map  
Notification Map  
Returned Property Notice



Looking east into site



Aerial image



Property to the south (single-family residential)



Property to the north (single-family residential)



Property to the west (vacant)



Property to the east (single-family residential)

Edanbra Development, L.C. Proposed Details

Edanbra Development L.C.

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## **Proposed PD-2F Re-Zoning Pea Ridge RD. Temple, TX**

### **Overall Neighborhood Design**

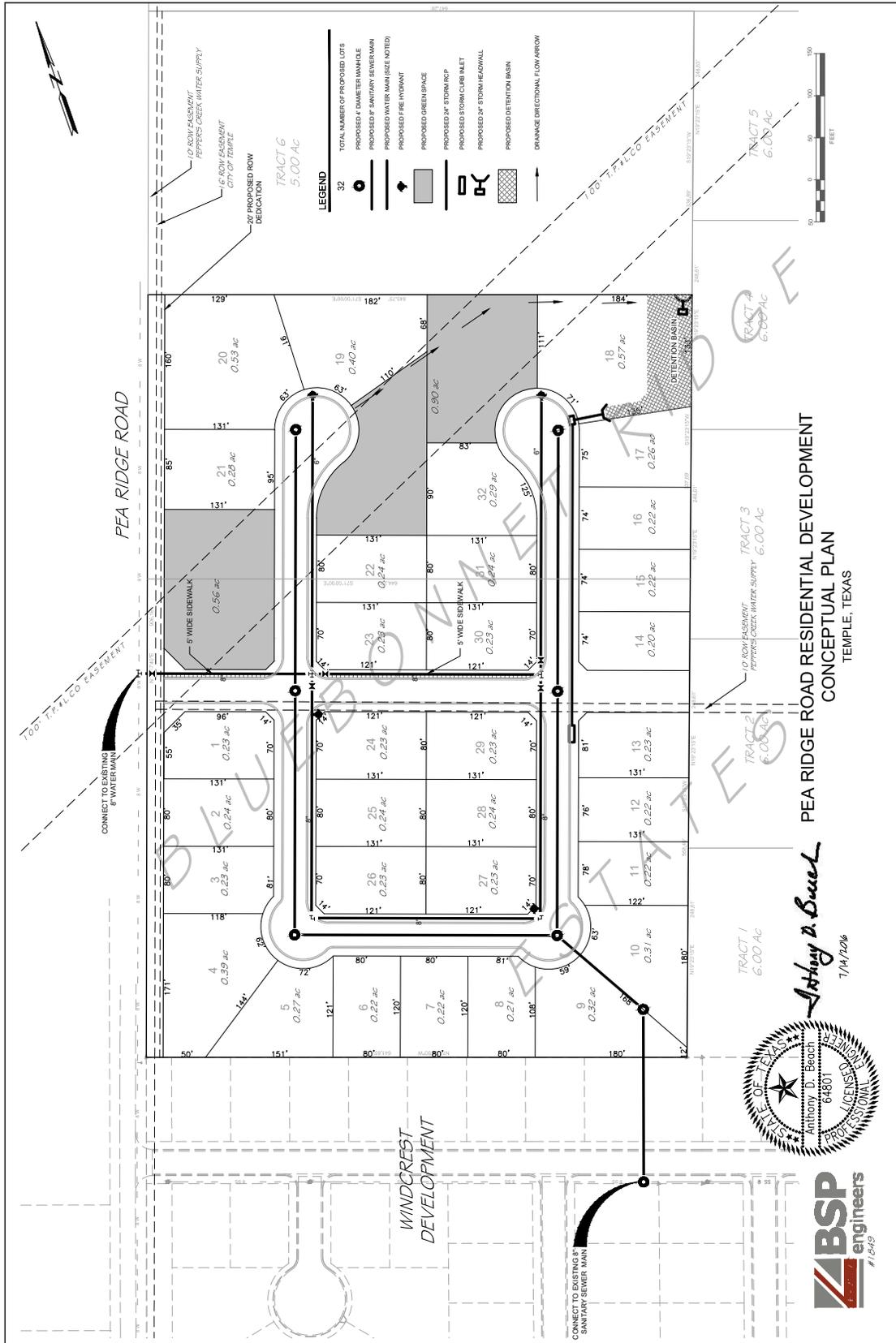
- Large lots ranging for 70ft to 84ft wide and 130ft deep.
- 5' Sidewalk along main street to accommodate future development
- Installation of Stub-out and 50ft Easement at the end of main road to accommodate for future development to the east.
- Monument sign with landscaping at entrance to define the entrance and create a welcoming characteristic.
- Privacy Fence along S. Pea Ridge Rd. to create barrier between Duplexes and Rd.
- 1.5 (approximately) acres of green space with space to install a community playscape.

### **Architectural Design**

- Combination of Brick , Stone, and Fiber Cement Siding exteriors
- Alternating elevations throughout neighborhood with a variety of rooflines including but not limited to: Gables, Hips, and Eyebrows.

### **Landscaping**

- Fully Sodded yards
- Fully irrigated yards
- HOA maintained yards and common areas
- 2" DBH (diameter-at-breast-height) trees in each yard (2 per lot)



Development/Site Plan

Proposed Conceptual Elevations





Pre-DRC Comments, August 1, 2016

Pre-DRC Comments

August 1, 2016

Rezoning from AG to PD-2F

Z-FY-16-38

Planning Comments:

- Pea Ridge ROW dedication needs to match ROW dedication for Dove Meadows Phase I (42')
- The east stub out will be required to be built at time of development
- If all comments are addressed now, the plat process should proceed smoothly

Engineering Comments:

- Existing 2" water pipe that runs west-east in Lot, track 7, is no longer in use
  - An application for abandonment could possibly be supported by staff (line would need to be capped off)
- Water lines must be looped
- Need 20' wide utility easements from both cul-da-sacs extending north to the property line
- [Richard Wilson] Some of the existing drainage flows to the southeast. The drainage improvements appear to redirect all flow to the northeast.
- The concentrated flow is then discharged to the property to the north. Please justify.
- [Richard Wilson] Drainage across lot lines is shown. What area flows to the rear yard at the northeast corner?
- A private drainage easement maintained by the HOA will be required.

Legal Comments:

- Provide copies of recorded documents for existing easements within and abutting the proposed PD
- The submitted covenants (Volume 3151/Page 665) do not prohibit re-subdivision. Vacation of a portion of the current plat would require approval of all owners of property in the subdivision. The proposed PD could be submitted for plat approval under Local Government Code Sec. 212.014, replatting without vacating preceding plat. A plat approved under Sec. 212.014 may not attempt to amend or remove any covenants or restrictions.

Parks Comments:

- Need to have a better understanding of what they want to do in the greenspace (will there be any recreational amenities?)
- Proposal would need to show Oncor is in agreement (Oncor could be restrictive on what they may/may not allow)
- Depending on what the applicant plans to do with the space would determine if parks fees could be waived
- If no waiver, park fees would be \$225 per dwelling unit
- The Trails MP shows a proposed local connector along the south side of the property. If there is installation of a 6' wide sidewalk along the entire main road, that will accommodate the Trails MP

Bluebonnet Ridge Estates Deed Restrictions

DEDICATION AND PLAT BLUEBONNET RIDGE ESTATES  
A SUBDIVISION IN THE EXTRATERRITORIAL JURISDICTION  
OF THE CITY OF TEMPLE, BELL COUNTY, TEXAS

STATE OF TEXAS  
COUNTY OF BELL

KNOWN TO ALL MEN BY THESE PRESENTS:

That We, Henry O. Tomasek and W. C. Patterson, being the owners of the tract of land described in "Exhibit A," which exhibit is attached hereto and made a part of hereof for all purposes, do subdivide said land into tracts to be known as "Bluebonnet Ridge Estates, a subdivision in the extraterritorial jurisdiction of the City of Temple", as shown by the plat thereof attached hereto and made a part hereof, and we do hereby adopt said plat as a subdivision of said land for the purpose of selling tracts of land by reference to said plat.

This Dedication, however, is subject to the following restrictions, protective covenants and conditions which are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 2016, at which time said restrictions, protective covenants and conditions shall be automatically extended for successive periods of ten years unless an instrument signed by a majority of the then owners of said property providing for a change in whole or in part of said restrictions, protective covenants and conditions, shall be executed and recorded in Deed Records of Bell County, Texas:

1. The premises shall be used primarily for residential purposes
2. No mobil home, trailer, tent, shack, garage, barn or other building or structure of temporary character shall be used as a residence temporarily or permanently. No outside toilet shall be allowed on said acreage, or in connection therewith.
3. Each residence shall have a minimum floor area of 1200 square feet, exclusive of porches, stoops, open or closed carports, patios, or garages, and be constructed of 60% masonry. All residences must be constructed of new materials, except that used bricks will be allowed.
4. No prefabricated or pre-built residences will be allowed without the written consent of the seller.
5. Nothing contained within the restrictions shall prevent the buyer from constructing a barn of any material as long as the material is of good quality and the structure is safely constructed and is stained or painted with two (2) coats of paint or stain.
6. There shall not be placed on said acreage any building nearer than 30 feet from the street line, or within 15 feet from the property line and any abutting property owner.
7. On any five (5) acre tract, no more than three (3) large stock animals, (i.e. horses, cows, calves etc.) shall be allowed. NO HOGS will be allowed.

VOL. 315 / PAGE 665

Bluebonnet Ridge Estates Deed Restrictions, continued

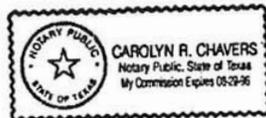
- 8. No junk yard may be maintained on any part of the premises.
- 9. No noxious or offensive activity shall be carried on said acreage, nor shall anything be done thereon which may be or become an annoyance to the neighborhood. All sanitary arrangements must comply with all state and local health laws and regulations.
- 10. No old, used or existing building or structure of any kind and no part of an old, used or existing building or structure shall be moved onto, placed on, or permitted to remain on any tract.
- 11. No unusable or abandoned motor vehicles or machinery shall be permitted on any part of the premises.
- 12. If the owner of said property or any other person, shall violate any of the covenants herein, it shall be lawful for any other person or persons owning real property situated adjacent to or near the said property to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate against such covenants and either prevent him/her or them from doing or to recover damages or other dues for such violation.

WITNESS the execution hereof this 5<sup>th</sup> day of May 1994.

Henry O. Tomasek  
HENRY O. TOMASEK  
W. C. Patterson  
W. C. PATTERSON

STATE OF TEXAS  
COUNTY OF BELL

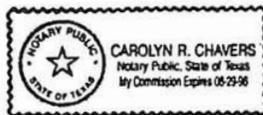
This instrument was acknowledged before me on this the 5 day of May 1994 by Henry O. Tomasek.



Carolyn R. Chavers  
Notary Public, State of Texas

STATE OF TEXAS  
COUNTY OF BELL

This instrument was acknowledged before me on this the 5 day of May 1994 by W. C. PATTERSON.



Carolyn R. Chavers  
NOTARY PUBLIC, State of Texas

Comprehensive Plan Summary Table

<b>Document</b>	<b>Policy, Goal, Objective or Map</b>	<b>Compliance?</b>
UDC	UDC, Section 3.4.5 Planned Development Criteria	Yes
CP	Map 3.1 - Future Land Use Map	Partial
CP	Map 5.2 - Thoroughfare Plan	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Yes

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

Residential Dimensional Standards Table

	<b>Existing Agricultural</b>	<b>Proposed Two-Family</b>
<b>Minimum Lot Size</b>	--	4000 sq ft
<b>Minimum Lot Width</b>	--	60 ft
<b>Minimum Lot Depth</b>	--	100 ft
<b>Front Setback</b>	--	25 ft
<b>Side Setback</b>	--	5 ft
<b>Side Setback (corner)</b>	--	15 ft
<b>Rear Setback</b>	--	10 ft
<b>Max Building Height</b>	--	2.5 stories

-- = use not permitted

UDC, Section 3.4 Planned Development

Article 3: Development Review Procedures

Sec. 3.4. Planned Development

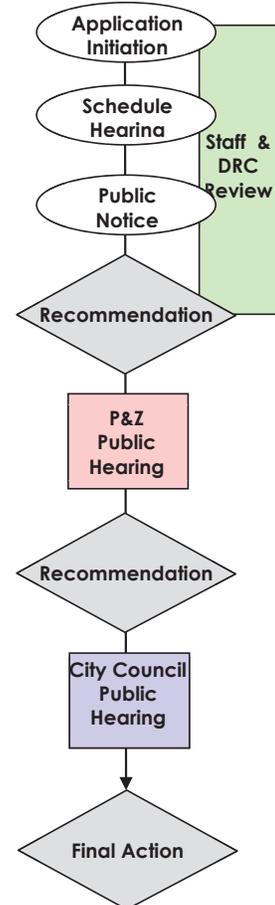
**Sec. 3.4. Planned Development**

**3.4.1 Applicability**

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

**3.4.2 Review Process**

- A. Except as described below, the Planning and Zoning Commission and City Council review of a Planned Development application must follow the review process, public notice, public hearing, protest and limitation on resubmittal requirements for a Zoning District Map Amendment set forth in Sec. 3.3.
- B. The Director of Planning must review the Planned Development application and, with input from the Development Review Committee, make a recommendation to the Planning and Zoning Commission and City Council. Development Review Committee review must focus on the design elements of the submitted Development Plan.
- C. 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.



**3.4.3 Development Plan**

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

UDC, Section 3.4 Planned Development, continued

**Article 3: Development Review Procedures**

Sec. 3.4. Planned Development

- B.** A Development Plan may be approved for a portion of a Planned Development district where the district is divided by a major thoroughfare and the Development Plan includes all the property located on one side of the street.
- C.** In approving a Planned Development district, a standard may not be modified unless this UDC expressly permits such modification, and in no case may a standard be modified if this UDC prohibits such modifications.
- D.** Approval of a Development Plan will determine the design elements listed in 3.4.2C above.

**3.4.4 Binding Nature of Approved Development Plan**

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

**3.4.5 Review Criteria**

In determining whether to approve, approve with conditions or deny a Planned Development application, the review bodies in Sec. 3.4.2 above must consider the following criteria.

- A.** The plan complies with all provisions of the Design and Development Standards Manual, this UDC and other ordinances of the City.
- B.** The environmental impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood is mitigated.
- C.** The development is in harmony with the character, use and design of the surrounding area.
- D.** Safe and efficient vehicular and pedestrian circulation systems are provided.
- E.** Off-street parking and loading facilities are designed to ensure that all such spaces are usable and are safely and conveniently arranged.
- F.** Streets are designed with sufficient width and suitable grade and location to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.

UDC, Section 3.4 Planned Development, continued

**Article 3: Development Review Procedures**

Sec. 3.4. Planned Development

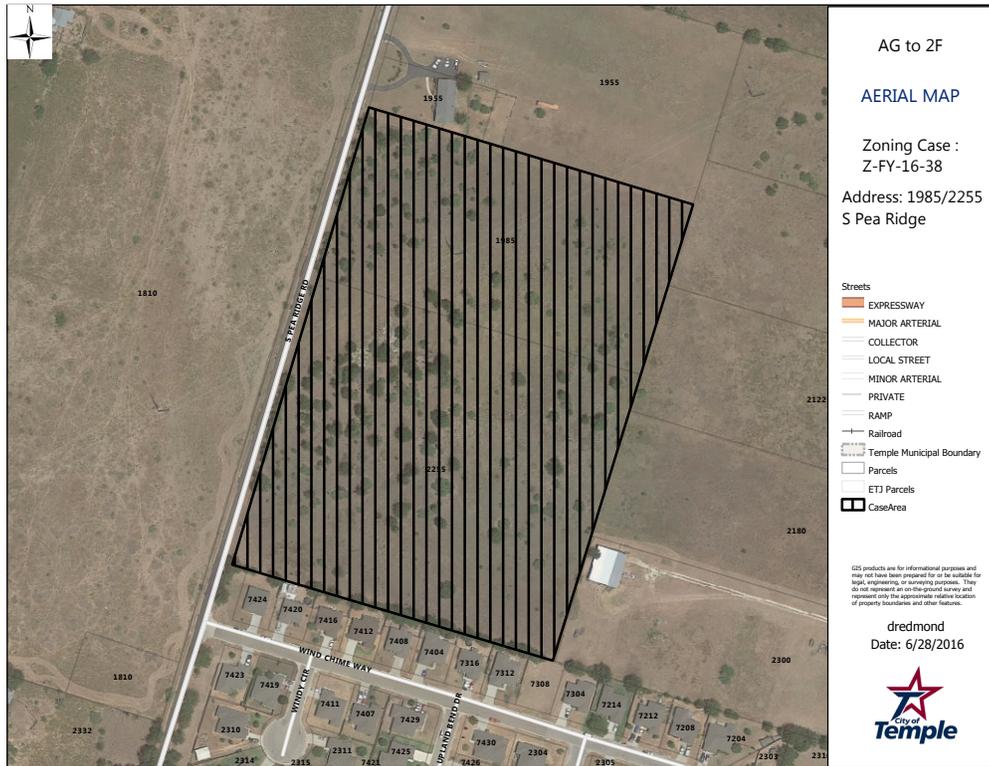
- G.** Streets are coordinated so as to compose a convenient system consistent with the Thoroughfare Plan of the City.
- H.** Landscaping and screening are integrated into the overall site design:
  - 1. To provide adequate buffers to shield lights, noise, movement or activities from adjacent properties when necessary; and
  - 2. To complement the design and location of buildings.
- I.** Open space areas are designed to ensure that such areas are suitable for intended recreation and conservation uses.
- J.** Water, drainage, wastewater facilities, garbage disposal and other utilities necessary for essential services to residents and occupants are provided.

**3.4.6 Modification of Approved Development Plan**

- A.** Consideration of modification to an approved Development Plan must take into consideration the effect of the proposed modification on the remainder of the property. Amendments to the approved Development Plan or any Planned Development conditions which are substantive require public hearings in the routine manner required for a Zoning District Map Amendment.
- B.** The Planning and Zoning Commission and City Council, in approving modifications to the Development Plan or Planned Development conditions, must be guided by the purpose intended by the base zoning district and general intent of this UDC.

**3.4.7 Expiration**

If no development has occurred on a Planned Development zoned tract or lot within two years of the date of approval, the Planning and Zoning Commission and City Council may require a new public hearing to evaluate the appropriateness of the previously authorized Planned Development approval.



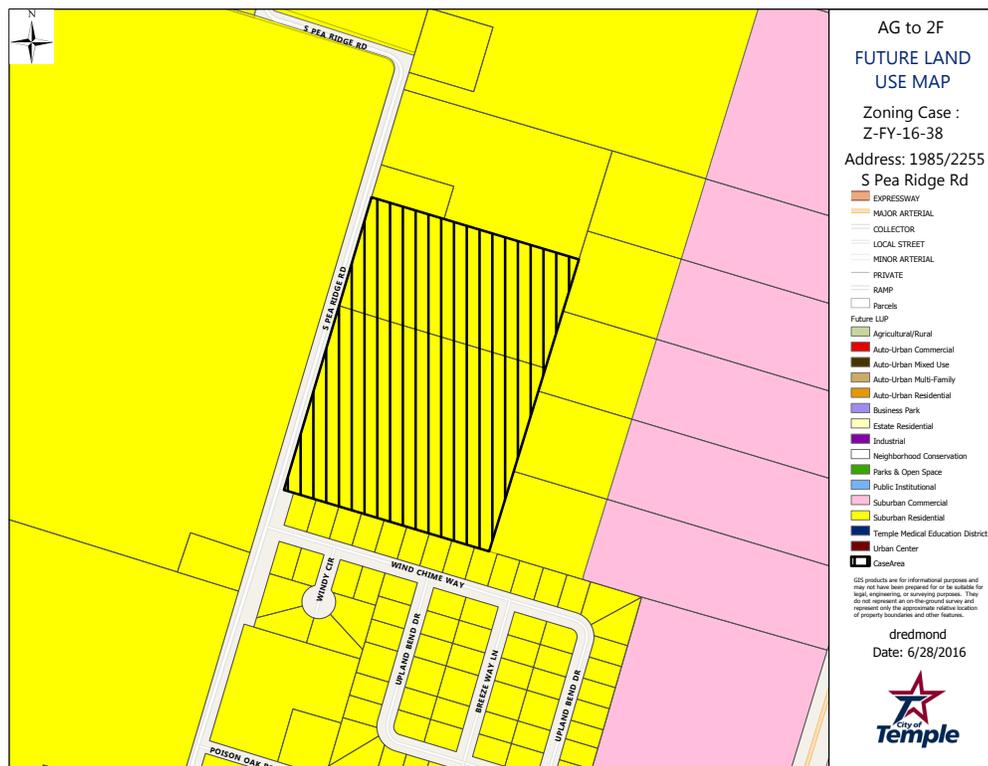
Aerial



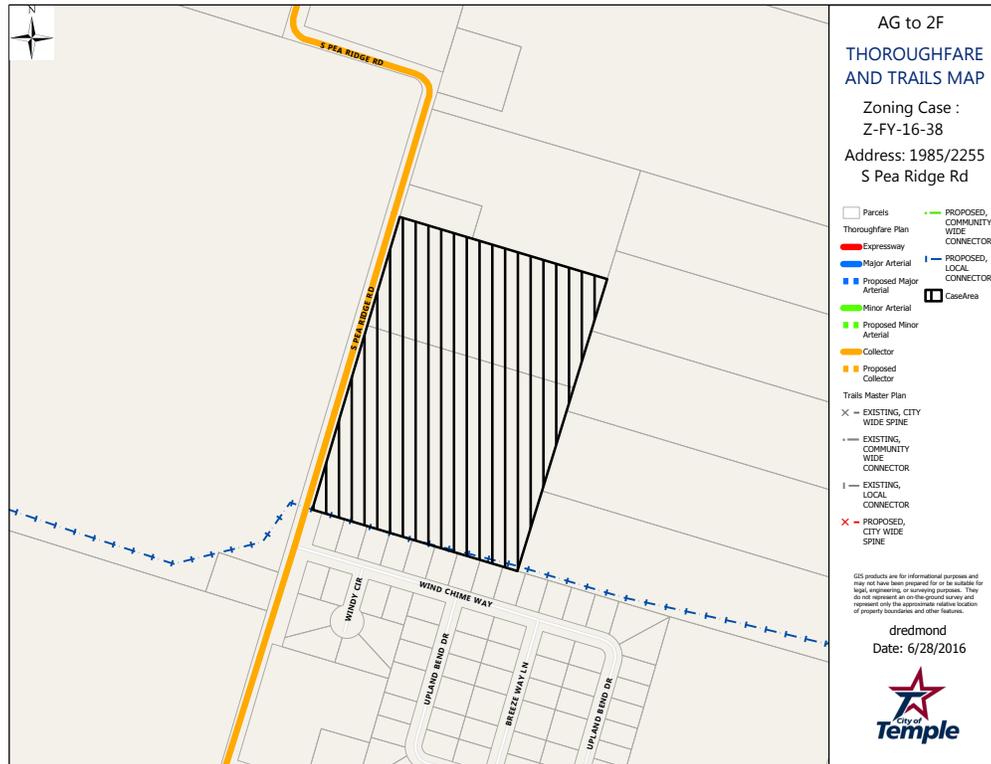
Location Map



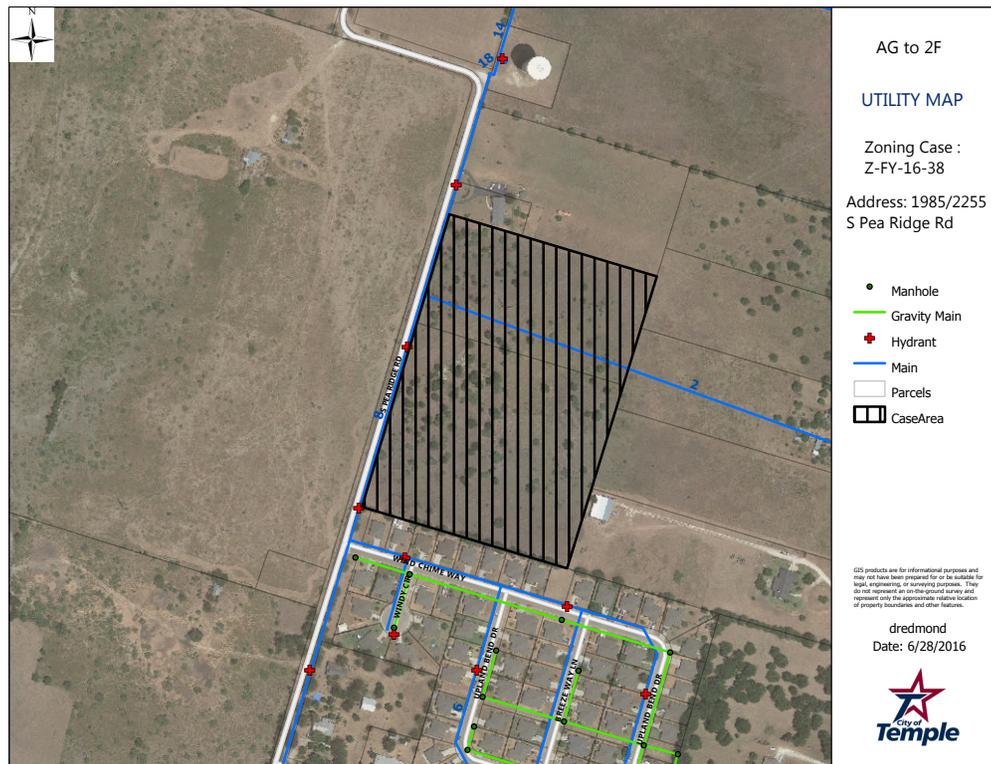
Zoning Map



Future Land Use Map



Thoroughfare & Trails Map



Utility Map



Notification Map

Returned Property Owner Letter: Hentschel - Property ID: 148290



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

HENTSCHEL, KURT WALTER  
1930 OLD WACO RD  
TEMPLE, TX 76502-5538

**Zoning Application Number:** Z-FY-16-38

**Project Manager:** Dessie Redmond

Location: 1985 South Pea Ridge and 2255 South Pea Ridge

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:**

*\*will depreciate*

Here we go again, why do you continue to try to put duplexes around here? The value of all the homes in the area. There is a list of restrictions for Bluebonnet Ridge Estates in which stipulates that homes should be single family homes 1500 sq ft and 100% masonry around the outside minimum

*Kurt W. Hentschel*  
Signature

Kurt W. Hentschel  
Print Name

Please email [dredmond@templetx.gov](mailto:dredmond@templetx.gov), mail, or hand-deliver this comment form to the address shown below, no later than **August 15, 2016**.

City of Temple  
Planning Department  
2 North Main Street, Suite 102  
Temple, Texas 76501

**RECEIVED**  
AUG - 9 2016  
City of Temple  
Planning & Development

Number of Notices Mailed: 31

Date Mailed: August 4, 2016

**OPTIONAL:** If you would like to be contacted by Staff for additional information, please include your contact information: Telephone No.: 254-541-3298 and/or Email: kwahcee@att.net

Returned Property Owner Letter: Stewart - Property ID 133032



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

STEWART, JAMES A ETUX PRISCILLA K  
PO BOX 1905  
BELTON, TX 76513-5905

**Zoning Application Number:** Z-FY-16-38

**Project Manager:** Dessie Redmond

Location: 1985 South Pea Ridge and 2255 South Pea Ridge

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**

*See attached paper*

AUG 11 2016

City of Temple  
Planning & Development

*Kay Stewart*  
Signature

*Kay Stewart/James Stewart*  
Print Name

Please email [dredmond@templetx.gov](mailto:dredmond@templetx.gov), mail, or hand-deliver this comment form to the address shown below, no later than **August 15, 2016**.

City of Temple  
Planning Department  
2 North Main Street, Suite 102  
Temple, Texas 76501

Number of Notices Mailed: 31

Date Mailed: August 4, 2016

**OPTIONAL:** If you would like to be contacted by Staff for additional information, please include your contact information: Telephone No.: \_\_\_\_\_ and/or Email: \_\_\_\_\_

*Kay Stewart 254-534-1330*

Returned Property Owner Letter, continued: Stewart - Property ID 133032

If they are built, will owner plan to maintain ownership?

Will the owner keep the properties they rent out maintained and looking good?

- i.e. fencing, what “type” of fencing will there be between our property and the proposed duplexes. Wood fencing that I see on Vineyards on Old Waco Rd is in disrepair and not maintained.
- Original deed requirement required 60% masonry on all resident structures also states no more than 3 residences per tract all single family
- We, residences of Bluebonnet Ridge Estates, purchased our tracts based on these deed restrictions.

I have nothing against people who rent, although you usually don't get the type of people who want to maintain lots; lots of noise.

We have grave concerns about our property value.

Congested and dangerous driving situation.

- i.e., both Old Waco Rd and Pea Ridge Rd are over traveled and dangerous do to traffic and to multiple new subdivisions being approved with no road improvement being done.
- They say Old Waco Rd is to be widened and improved; they have being saying this for over 10 years and have done nothing.
- If more subdivisions are approved there will be a fatal accident between a car and a semi-truck in the future and it will be the city's fault for not acting sooner on the road before approving subdivisions.

In general, renters don't participate in their neighborhoods the same way that homeowners do.

Homeowners have a greater ability to effect the kinds of changes that make a neighborhood desirable.



## PLANNING AND ZONING COMMISSION ITEM MEMORANDUM

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08/15/16  
Item #3  
Regular Agenda  
Page 1 of 4

**APPLICANT / DEVELOPMENT:** Daniel Magana

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

**ITEM DESCRIPTION:** Z-FY-16-42 Hold a public hearing to discuss and recommend action on a rezoning from General Retail (GR) District to Commercial (C) District, Lot 1, Block 1, Daniel A. Magana Subdivision, located at 1801 East Adams Avenue.

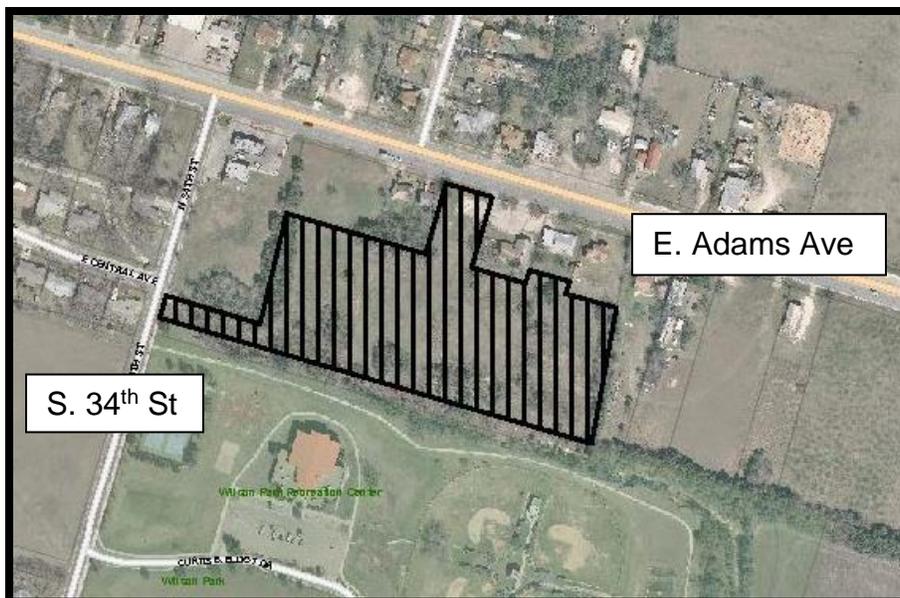


Figure 1; Aerial Location Map

**STAFF RECOMMENDATION:** Based on the following reasons and discussion, staff recommends approval for a rezoning from General Retail (GR) district to General Retail – Planned Development – General Retail (PD-GR) district:

1. A Planned Development retains the underlying base-zoning of General Retail;
2. A storage facility is in compliance with the Future Land Use Map's Auto-Urban Commercial District;
3. An adequately buffered and screened storage facility is compatible with surrounding zoning, existing residential and anticipated general retail service uses;
4. The request complies with the Thoroughfare Plan; and
5. Public facilities are available to serve the subject property.

As a Planned Development, staff recommends the following conditions:

1. That the additional use of a storage facility be permitted, within the General Retail (GR) base-zoning for the 6.19 +/- acres contained within Lot 1, Block 1 of the recorded Daniel A. Magana subdivision as further described by Exhibit A;
2. That a detailed development / site plan, to include landscaping and building elevations, be submitted for review and consideration by the Planning & Zoning Commission and City Council prior to submittal for a building permit;
3. That existing trees adjacent to Wilson Park on the south be preserved and included in the overall development plan to screen the park from the storage facility.

**ITEM SUMMARY:** The subject property, Lot 1, is currently undeveloped and contains 6.19 +/- acres. It is being requested for rezoning for a proposed storage facility by a separate investor whose real estate transaction is pending the approval of this rezoning application.

While there are buffering and screening standards provided by UDC section 7.7, as discussed later in this report, they may be inadequate due to the proximity of residential uses and the impacts with potential building placement along the East Adams frontage. If Lot 2 is included, the thirty-foot setback from centerline of East Adams Ave could place buildings very close to the front property line. If access through Lot 2 is necessary, a separate easement may be required – see Thoroughfare Plan section for further discussion. Since no site plan has been prepared, a Planned Development will retain General Retail uses while allowing the use as a storage facility to be pursued. This will provide opportunity for design considerations, such as additional screening and buffering, through a publically-reviewed development plan and take into account the existing residences on either side of the subject property.

This section of East Adams Ave has not seen the development demand as other parts of the City and based on rezoning and other development activity in the area, the existing residences may remain for some time adjacent to the storage facility. Further, as a Planned Development with the retained base-zoning of General Retail, the storage facility would be the only additional use. If approved, the allowance of the storage facility would be identified in the rezoning ordinance. The applicant is aware of the recommendation for a Planned Development.

As stated, while there is a pending real estate transaction for development of the property as a storage facility, there are a number of residential and non-residential uses that are permitted by right. A table comparing the General Retail (GR) and the Commercial (C) district can be found in the attachments.

Prohibited uses include HUD-Code manufactured homes and land lease communities, most industrial 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. A table summarizing the following discussion is attached.

Future Land Use Map (CP Map 3.1)

The subject property is entirely within the Auto-Urban Commercial land use district. The Auto-Urban Commercial district is intended for the majority of the areas identified for commercial use, generally concentrated at intersections along the major roads. It should be noted that although this section of East Adams Ave contains a mixture of existing single-family residential uses, there are established commercial and other non-residential uses along this section of East Adams as well. While this section of East Adams Ave contains a mixture of residential and non-residential zoning and uses, both the requested C-zoning and the Planned Development are in-compliance with the Future Land Use Map.

Thoroughfare Plan (CP Map 5.2)

Lot 1 takes direct access from South 34th Street, a local street. Access could also be taken through Lot 2 from East Adams Ave, a major arterial. If access is taken through Lot 2, a Joint Use Access Agreement or similar easement agreement, recorded by separate instrument, may be necessary. The agreement would be required with the review of the development plan. No other Thoroughfare Plan compliance issues have been identified and there are no TCIP improvements scheduled through FY 2024.

Availability of Public Facilities (CP Goal 4.1)

Sewer is available through an 8-inch sewer line in East Adams Ave. It is also available from an 8-inch sewer line extended from South 34<sup>th</sup> Street. A third sewer line is available at the southern boundary that crosses over Little Elm Creek Tributary No. 1. Water is available through a 6-inch waterline in East Adams Ave.

Temple Trails Master Plan Map and Sidewalks Ordinance

Trails Master Plan depicts a proposed City-wide spine trail along East Adams Ave. Accommodations for a 6-foot along the project's frontage of East Adams Ave will need to be provided with the construction drawings. The City may participate in the upsizing of the sidewalk / trail to accommodate a 10-foot wide trail.

**DEVELOPMENT REGULATIONS:** While both residential and non-residential setbacks are provided for in UDC Section 4.5, the attached table compares non-residential setbacks in the GR and C zoning districts.

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).

Further, the development plan will be required to demonstrate compliance with the masonry requirements and the landscape requirements as set forth by UDC Sections 7.4 and 7.8.

**PUBLIC NOTICE:** Twenty-four 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 August 11, 2016 at 4:00 PM, no notices have been received. However, staff has received a phone call from an adjacent property owner who was supportive of the planned development concept.

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 August 4, 2016, in accordance with state law and local ordinance.

**PROPOSED CITY COUNCIL MEETING SCHEDULE:** This rezoning is scheduled for 1<sup>st</sup> Reading on September 15, 2016 and 2<sup>nd</sup> Reading on October 6, 2016.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Site and Surrounding Property Photos

Final Plat – Daniel A. Magana subdivision (Exhibit A)

List of Maps:

Aerial Map / Location Map

Zoning Map / Future Land Use Map

Thoroughfare & Trails Map / Utility Map

Notification Map

List of Tables:

Permitted Uses

Surrounding Property Uses / Comprehensive Plan Compliance

Development Standards

# Site & Surrounding Property Photos



**Site: Undeveloped - Daniel A. Magana, subdivision (GR)**



**North: Scattered Residential & Non-Residential Uses along East Adams Ave  
Walton Addition, subdivision (GR & C)**



**North: Scattered Residential & Non-Residential Uses along East Adams Ave  
Walton Addition, subdivision (GR)**



**North: Scattered Residential & Non-Residential Uses along East Adams Ave  
Walton Addition, subdivision (GR, AG & C)**



**East: Scattered Residential & Non-Residential Uses along East Adams Ave  
Walton Addition, subdivision (GR, AG & C)**



**West: Scattered Residential & Non-Residential Uses along East Adams Ave  
Walton Addition, subdivision (GR)**



**West: South 34<sup>th</sup> Street Frontage  
Daniel A. Magana, subdivision (GR)**



**West: SF Uses across South 34<sup>th</sup> Street Frontage  
Vanicek 2<sup>nd</sup> Addition Replat, subdivision – East Central Ave  
(2F)**

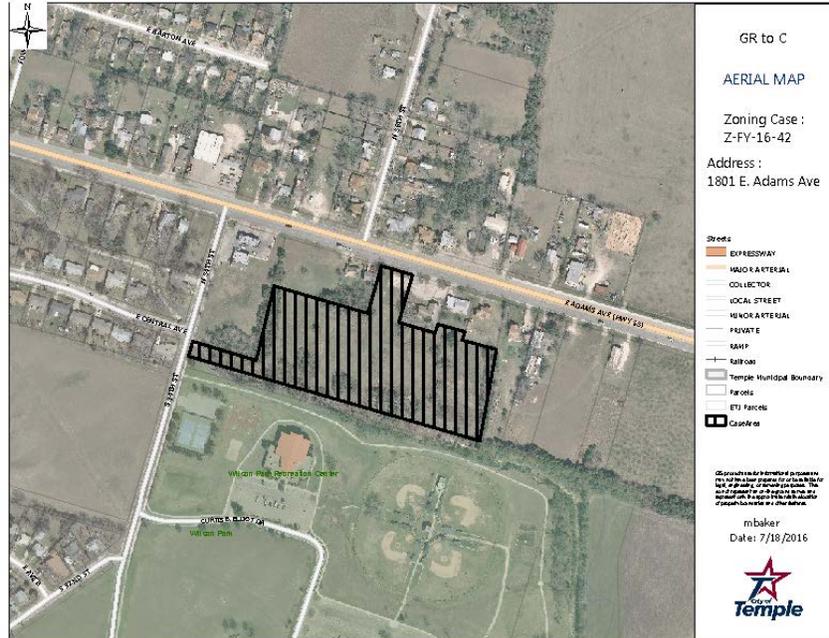


**South: Wilson Park – Trail & Ballfields  
Wilson Community Park, subdivision (AG)**

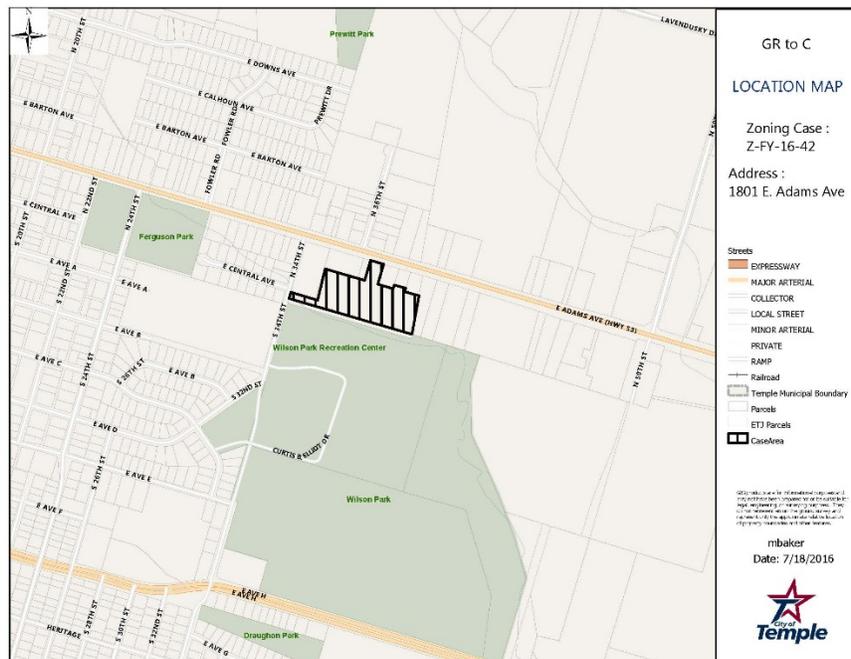


# Maps

## Aerial Map

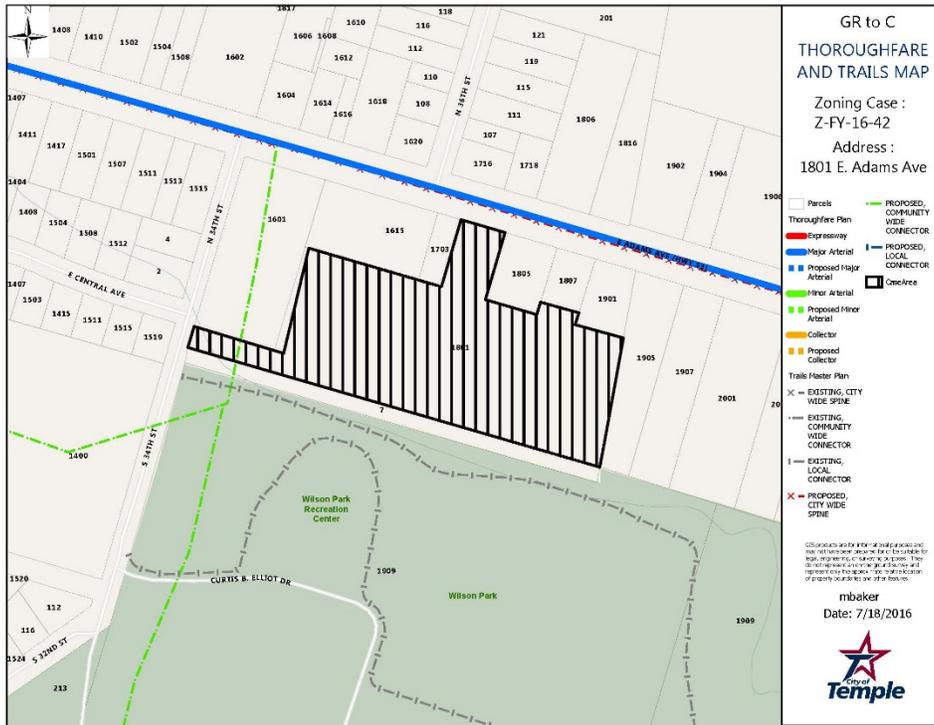


## Location Map

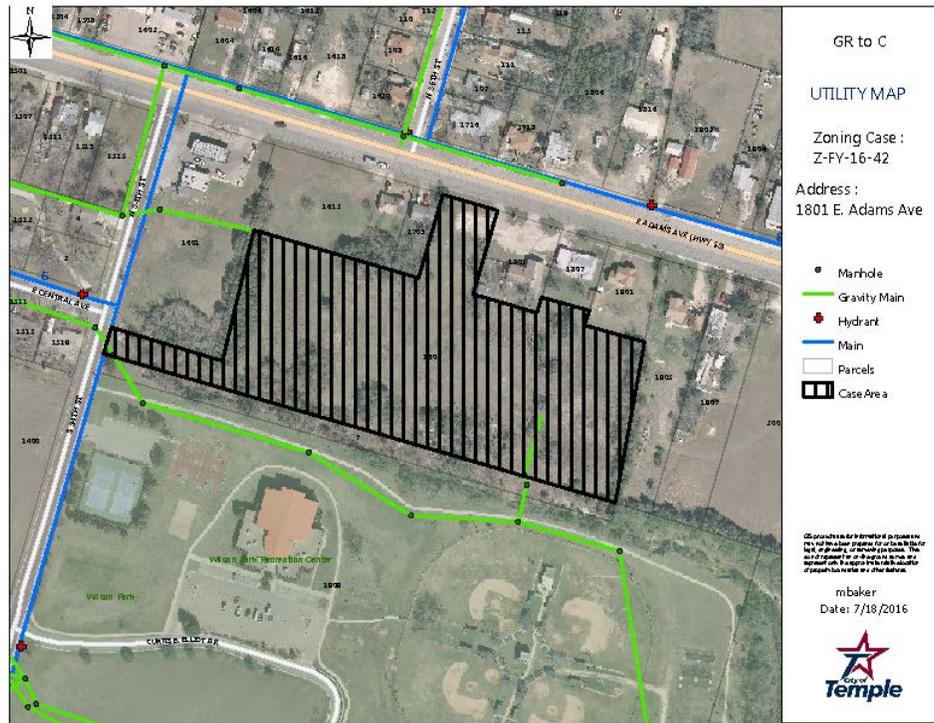




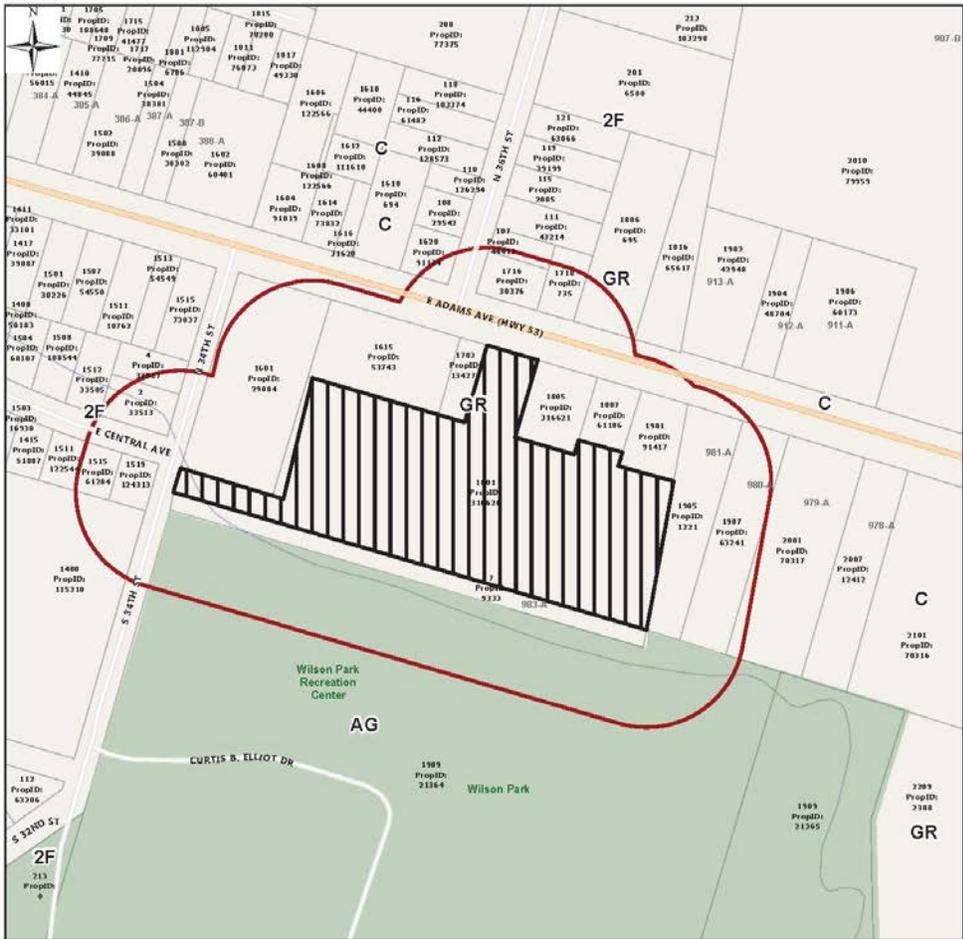
# Thoroughfare & Trails Map



# Utility Map



# Notification Map



GR to C  
 200'  
 NOTIFICATION MAP  
 Zoning Case :  
 Z-FY-16-42  
 Address :  
 1801 E. Adams Ave

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

mbaker  
 Date: 7/18/2016



# Tables

Permitted Uses Table (Comparison between GR & C)

Use Type	General Retail (GR)	Commercial (C)
Agricultural Uses	* Farm, Ranch or Orchard	* Same as GR * Animal Shelter (CUP)
Residential Uses	* Single Family Residence (Detached & Attached) * Duplex * Townhouse * Industrialized Housing * Family or Group Home (CUP) * Home for the Aged	* Same as GR
Retail & Service Uses	* Most Retail & Service Uses * Alcoholic Beverage Sales, off-premise consumption, Package Store (CUP)	* All Retail & Service Uses * Veterinary Hosp. (Kennels (CUP))
Commercial Uses	* Plumbing Shop * Upholstery Shop * Indoor Flea Market * Lithographic or Print Shop	* Bakery / Confectionary * Cabinet Shop * Open Storage of furniture, appliances or machinery
Industrial Uses	* Temporary Asphalt & Concrete Batching Plat (CUP) * Laboratory, medical, dental, scientific or research * Recycling collection location * <b>Office Warehouse (CUP)</b>	* Same as GR * Laboratory Manufacturing * <b>Storage Warehouse</b> * Wholesale storage & sales
Recreational Uses	* Park or Playground * All Alcohol (On Premise Consumption) > 75% (CUP)	* Same as GR
Vehicle Service Uses	* Auto Leasing, Rental * Auto Sales - New & Used * Car Wash * Vehicle Servicing (Minor)	* Same as GR
Residential Uses	* With & Without Drive-In	* Same as GR
Overnight Accommodations	* Hotel or Motel	* Same as GR
Transportation Uses	* Emergency Vehicle Service	* Same as GR

### Surrounding Property Uses

<b>Surrounding Property &amp; Uses</b>			
<b><u>Direction</u></b>	<b><u>FLUP</u></b>	<b><u>Zoning</u></b>	<b><u>Current Land Use</u></b>
<b>Site</b>	Auto-Urban Commercial	GR	Undeveloped
<b>North</b>	Auto-Urban Residential	GR & C	Scattered Residences & Existing Businesses
<b>South</b>	Parks & Open Space	AG	Wilson Park
<b>East</b>	Auto-Urban Commercial	AG & C	Scattered Residences & Existing Businesses
<b>West</b>	Auto-Urban Commercial & Neighborhood Conservation	GR & 2F	Scattered Residences & Existing Businesses

### Comprehensive Plan Compliance

<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		

### Development Standards

	<u>Current (GR)</u>	<u>Proposed (C)</u>
Minimum Lot Size	N/A	N/A
Minimum Lot Width	N/A	N/A
Minimum Lot Depth	N/A	N/A
Front Setback	15 Feet	30 Feet Centerline (UDC Sec. 4.4.4F.d)
Side Setback	10 Feet	10 Feet
Side Setback (corner)	10 Feet	10 Feet
Rear Setback	0 Feet	0 Feet
Max Building Height	3 Stories	* ALH
* ALH - Any Legal Height not Prohibited by other Laws		



## PLANNING AND ZONING COMMISSION AGENDA ITEM

**08/15/16**  
**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-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-16-20</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-16-25</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.	Waiting on Applicant's response to Post-DRC comments	All County Surveying	Dessie
<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.	DRC 3/24/16 Awaiting Revisions	Clark & Fuller	Tammy
<b>P-FY-16-35</b> - Consider and take action on the Minor Plat for Temple Industrial Park 25 for Lot 1, Block 1, R.C. Moore Survey, Abstract No. 581, on 4.483 +/- acres, located at 3600 Range Road.	Pending plat signatures	Ralph Roberts on behalf of Grady Jenkins	Tammy

<b>Future Commission Projects</b>	<b>Status</b>	<b>Applicant</b>	<b>Project Mgr.</b>
<p><b>P-FY-16-41</b> - Consider and take action on the Final Plat of Friars Creek Business Park, a 3.22 +/- acres, 2-lot, 2-block, non-residential subdivision, situated in the Maximo Moreno Survey, Abstract 14, Bell County, Texas, located south of Loop 363, west side of South 5th Street, and north of Marlandwood Drive, 3002 S. 5th Street.</p>	<p>Waiting for internal staff to review.</p>	<p>All County Surveying</p>	<p>Dessie</p>
<p><b>P-FY-16-43</b> - Consider and take action on the Final Plat of Wyndham Hill Addition, Phase VI, a 14.990 +/- acres, 70-lot, 6-block, residential subdivision, located in the Maximo Moreno 11 League Grant, Abstract 14, Bell County, Texas, located west of Fair Hill Drive, south of Wyndham Hill Parkway, east of Hartrick Bluff Road and west of South 5th Street.</p>	<p>DRC 08/22/16</p>	<p>Belfair Development Inc</p>	<p>Tammy</p>
<p><b>P-FY-16-44</b> - Consider and take action on the Preliminary Plat of Legacy Ranch Phase II, an 89.09 +/- acres, 139 lot, 1-block, residential subdivision, being part of the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, located at the intersection north of FM 93 and west of South 31st Street, 6400 S. 31st Street.</p>	<p>DRC 08/22/16</p>	<p>Clark &amp; Fuller</p>	<p>Dessie</p>
<p><b>P-FY-16-45</b> - Consider and take action on the Amending/Minor Plat of Barnhardt Subdivision, a 7.00 +/- acres, 2-lots, 1-block, residential subdivision, being part of the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located in Temple's Southeastern ETJ, at the southeast corner of the intersection of Barnhardt Road and State Highway 95.</p>	<p>DRC 08/22/16</p>	<p>Ron Carroll</p>	<p>Mark</p>
<p><b>P-FY-16-46</b> - Consider and take action on the Final Plat of Heritage Place, Phase V, a 15.095 +/- acres, 78-lots, 4-block, residential subdivision, situated in the A.G. Moore Survey, Abstract No. 596, Bell County, Texas, located directly south of the intersection of Eberhardt Road and West Nugent Avenue, 2505 West Nugent Avenue.</p>	<p>DRC 08/22/16</p>	<p>Kiella Land Investments</p>	<p>Tammy</p>
<p><b>P-FY-16-47</b> - Consider and take action on the Final Plat of Trusty Addition, a 3.356 +/- acres, 2-lot, 1-block, residential subdivision, situated in the Nancy Chance Survey, Abstract 5, Bell County, Texas, located in Temple's southwestern ETJ south of Kiddieland Road, east of Riverside Trail, west of Tem Bel Lane, 6319 Kiddieland Road.</p>	<p>DRC 08/22/16</p>	<p>All County Surveying</p>	<p>Mark</p>

Future Commission Projects	Status	Applicant	Project Mgr.
<p><b>P-FY-16-48</b> - Consider and take action on the Final Plat of R.L.R. Addition, a 6.730 +/- acres, 1-lot, 1-block, non-residential subdivision, situated in the R.C. Moore Survey Abstract 581, Bell County Texas, north of Industrial Boulevard, east of Lucius McCelvey and west of Range Road, 3301 Lucius McCelvey.</p>	DRC 08/22/16	All County Surveying	Mark
<p><b>P-FY-16-49</b> - Consider and take action on the Final Plat of Wapiti Business Park, a 1.094 +/- acres, 1-lot, 1-block, non-residential subdivision, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, south of Adams Lane and north of West Adams Avenue (FM 2305), 9108 Adams Lane.</p>	DRC 08/22/16	All County Surveying	Dessie
<p><b>Z-FY-16-43</b> - Hold a public hearing to discuss and recommend action on a rezoning from Agricultural (AG) District to Multi-Family-Two (MF-2), Single Family Attached-Three (SFA-3), Neighborhood Service (NS) and General Retail (GR) on 42.066 +/- acres, Lot 1, Block 1, First Baptist-Temple West Campus, located at 8015 West Adams Avenue.</p>	PZC 09/06/16	Turley Associates	Mark

City Council Final Decisions	Status
<p><b>A-FY-16-03:</b> Consider adopting an ordinance authorizing abandonment and conveyance of the north 149.74 feet of the 20-foot wide alley in Block 24 of Moore's Addition, City of Temple, Bell County, Texas, more fully shown in the attached exhibit; and reserving a public drainage and utility easement in the entire abandoned right-of-way.</p>	APPROVED at 2 <sup>nd</sup> Reading on August 4, 2016
<p><b>Z-FY-16-35:</b> Consider adopting an Ordinance, amending Ordinance No. 2002-3840, authorizing a Conditional Use Permit on property zoned Planned Development - General Retail, to allow and construct an office warehouse, Lake Belton Plaza Phase II, located at 37 Morgan's Point Road.</p>	APPROVED at 2 <sup>nd</sup> Reading on August 4, 2016
<p>Z-FY-16-36: Consider adopting an ordinance authorizing a rezoning from Single Family-One district and Multi-Family-Two district to Neighborhood Service district on 3.986 +/- acres, situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located at 3508 South 5th Street.</p>	APPROVED at 2 <sup>nd</sup> Reading on August 4, 2016
<p>Z-FY-16-37: Consider adopting a resolution authorizing a Temporary Special Permit for a manufactured home placement on property for a medical hardship for elderly parents at 3205/3265 Airport Trail.</p>	Resolution Approved on August 4, 2016

**P&Z COMMISSION ATTENDANCE**

2016														
	Jan 4	Jan 19	Feb 1	Feb 16	Mar 7	Mar 21	Apr 4	Apr 18	May 2	May 16	June 6	June 20	P	A
Lydia Alaniz	P	P	P	P	P	P	P	P	P	P	P	P	12	
Tanya Mikeska-Reed	P	A	P	P	P	A	P	P	P	P	A	P	9	3
Blake Pitts	A	P	P	P	A	P	A	P	P	A	P	P	8	4
Patrick Johnson	P	P	P	A	P	P	A	P	P	A	P	A	8	4
Omar Crisp	P	A	P	P	P	P	P	P	P	A	P	P	10	2
David Jones	P	A	P	P	P	A	P	P	A	P	P	P	9	3
Greg Rhoads	P	P	P	A	P	P	P	P	A	P	P	A	9	3
Will Sears	A	A	P	P	P	A	P	P	P	P	A	P	8	4
Lester Fettig	P	P	P	P	P	P	P	A	P	P	P	P	11	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	P	P	A										14	1
Tanya Mikeska-Reed														
Blake Pitts	A	P	P										10	5
Patrick Johnson	P	P	P										11	4
Omar Crisp	P	P	P										13	2
David Jones	P	A	P										11	4
Greg Rhoads	P	A	P										11	4
Will Sears	A	P	A										9	6
Lester Fettig	P	P	A										13	2
Jeremy Langley		P	P										2	

no longer a Board member