

**NOTICE OF MEETING  
PLANNING AND ZONING COMMISSION  
CITY MUNICIPAL BUILDING, 2 NORTH MAIN STREET  
PLANNING CONFERENCE ROOM  
OCTOBER 3, 2016, 4:45 P.M.  
WORK SESSION AGENDA**

Staff will present the following items:

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Monday, October 3, 2016.
2. KTMPO road and trail project grant submittal update.
3. Receive and discuss the Planning Director's Report containing items for future meetings regarding subdivision plats, zoning cases, conditional use permits, annexations, and proposed text amendments (if any) to the Unified Development Code (UDC).

**NOTICE OF MEETING  
PLANNING AND ZONING COMMISSION  
CITY MUNICIPAL BUILDING, 2 NORTH MAIN STREET  
CITY COUNCIL CHAMBERS, 2<sup>ND</sup> FLOOR  
OCTOBER 3, 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 September 19, 2016.

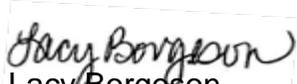
**B. ACTION ITEMS**

**Item 2:** [Z-FY-16-46](#) - Hold a public hearing to discuss and recommend action on a Planned Development (PD) Zoning District to allow RV rentals at Lot 2, Block 1, Trantum Subdivision Phase VIII, 5806 South General Bruce Drive, that is currently zoned Commercial (C) District and currently located in the I-35 Overlay District.

**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 4:00 pm on September 29, 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  
SEPTEMBER 19, 2016  
5:30 P.M.**

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

**COMMISSIONERS:**

Bryant Ward	Lester Fettig
Lydia Alaniz	Greg Rhoads
Jeremy Langley	Lee Armstrong

**PLANNING AND ZONING MEMBERS ABSENT:**

Omar Crisp

**STAFF PRESENT:**

Brian Chandler, Director of Planning  
Lynn R. Barrett, Assistant Director of Planning  
Trudi Dill, Deputy City Attorney  
Richard Wilson, Deputy City Engineer  
Mark Baker, Senior Planner  
Leslie Evans, Planning Technician  
Kelli Tibbit, Administrative Assistant

**The agenda for this meeting was posted on the bulletin board at the Municipal Building, September 15, 2016 at 4:00 p.m. in compliance with the Open Meetings Law.**

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

Chair Jones called Meeting to Order at 5:35 P.M.

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

Chair Jones began the meeting by announcing the P&Z annual elections will occur and took the opportunity to thank all of the Commissioners and Staff for their help during his term. Chair Jones commented he learned a lot from everyone.

Chair Jones called for nominations for Chairperson.

Commissioner Fettig nominated Commissioner Rhoads and Commissioner Alaniz made a second. No further nominations being made, Chair Jones closed the nominations.

*Motion passed: (7:0)*

Commissioner Crisp absent

Chair Rhoads opened nominations for Vice-Chairperson.

Commissioner Alaniz nominated Commissioner Fettig and Commissioner Rhoads made a second. No further nominations being made, Chair Jones closed the nominations

*Motion passed: (7:0)*

Commissioner Crisp absent

New Chair is Greg Rhoads and Vice-Chair is Lester Fettig.

Newly elected Chair and Vice-Chair were reseated.

Chair Rhoads presided over the rest of the meeting and thanked Commissioner Jones for his commitment to the P&Z during the last year.

## **A. CONSENT ITEMS**

**Item 1: Approval of Minutes:** Work session and the regular meeting of September 6, 2016.

Approved by general consent.

## **B. ACTION ITEMS**

**Item 2: Z-FY-16-45** – Hold a public hearing to consider and recommend action on a Conditional Use Permit (CUP) to allow the sales of all alcoholic beverages with on-premise consumption, where the gross revenue from such sales is less than 50% of the total gross revenue of the establishment, on Lots 2 through 7, 10 & 11, Block 1 of the Highline Addition, subdivision, located generally at the northwest corner of Scott Blvd and South 31st Street.

Mr. Mark Baker, Senior Planner, stated this item was scheduled to go forward to City Council for first reading on October 20, 2016 and second reading on November 3, 2016.

The District was approved by Ordinance No. 2016-4749 February 4, 2016 as a mixed use Planned Development within the TMED T4 and T5-C.

This proposal would not trigger an amendment to the original Ordinance; however, this request would generate a new Ordinance and would be related to the on-premise sales and consumption of all alcoholic beverages less than 50 percent of the establishment's gross revenue.

This request is for a blanket approval for eight lots, specifically Lots 2 through 7, 10 and 11 of the Highline Addition.

Earlier in 2016, Lot 1 for Rosa's Café Restaurant was approved by Ordinance No. 2016-4767.

Vicinity map and site plan are shown.

In terms of a Conditional Use Permit the request would be subject to Chapter 4, Code of Ordinances (Alcoholic Beverages) and addresses a 300 foot minimum distance from sensitive uses, such as place of worship (Avenue T Church of Christ – 1,323 feet), public school (Scott Elementary School – 3,561 feet) or public hospital (Baylor, Scott & White – 682 feet).

The Unified Development Code (UDC) Section 5.3.15 is also met which provides a reiteration of the above distances, including additional distances from a public park for bars.

The Zoning map designates the subject property as Temple Medical Educational District (TMED–T5-C) and consistent with the base T-5-C sub-district, subject to approval of a CUP.

Surrounding properties include single family residential uses along West Avenue T Dubose Addition First Extension Subdivision, zoned Two Family (2F) to the north, Baylor, Scott & White Hospital, zoned TMED T5-C and Special District-Hospital (SD-H) to the east, Candlewood Suites Hotel and scattered service uses, zoned Commercial (C), to the west, and the Hilton Garden Inn Hotel and developing and existing retail service uses, all zoned GR and TMED T5-C to the south.

Twenty-five notices were mailed in accordance with all state and local regulations with zero notices returned in agreement and zero notices returned in disagreement.

The request is in compliance with UDC Section 5.3.15B – sensitive uses, Chapter 4 of the Code of Ordinances, and is compatible with adjacent and anticipated retail and service uses.

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

1. That the sale of all alcoholic beverages be restricted to on-premise consumption only, contained within Lots 2 through 7, 10 and 11, Block 1 of the Highline Addition subdivision, located at the northwest corner of Scott Boulevard and South 31<sup>st</sup> Street;
2. The use is subject to compliance to Chapter 4 of the Code of Ordinances related to alcoholic beverages; and
3. That the conditional use, complies with UDC Section 5.3.15, related to alcoholic beverage sales with on-premise consumption.

Chair Rhoads opened the public hearing.

There being no speakers, the public hearing was closed.

Vice-Chair Fettig made a motion to approve Item 2, **Z-FY-16-45**, and Commissioner Jones made a second.

*Motion passed: (7:0)*

Commissioner Crisp absent

**Item 3: Z-FY-16-46** - Hold a public hearing to discuss and recommend action on a Planned Development (PD) Zoning District to allow RV rentals at Lot 2, Block 1, Trnum Subdivision Phase VIII, 5806 South General Bruce Drive, that is currently zoned Commercial (C) District and currently located in the I-35 Overlay District.

Ms. Lynn Barrett, Assistant Director of Planning, stated this item was scheduled to go forward to City Council for first reading on October 20, 2016 and second reading on November 3, 2016.

The applicant, Mr. Joseph O'Rourke, would like to rezone a portion of the subject property to allow for RV rental uses to a Planned Development Commercial (PD-C) district.

A portion of the lot is an existing office and the display area is behind the fence enclosure.

There have been two former CUPs and one current CUP on this property. The current CUP is for an existing building that contains an auto window tinting business performed inside the building and is not a part of this request.

The subject property is zoned C and lies within the I-35 Corridor Overlay District which has additional specific regulations. The proposed use is classified in the UDC as "Trailer, Recreational Vehicle, Portable Building or HUD-Code Manufactured Home Sales or Rentals" and is allowed in a Commercial District but the use is prohibited in the I-35 Corridor Freeway Retail/Commercial Sub-district (UDC Sec. 6.7).

Staff became involved with this project after the applicant's business was established at the site in violation of UDC zoning for the I-35 Corridor District. Staff worked for several months with the applicant to attempt a balanced approach to achieve site improvements while finding a solution which would allow the business to continue.

It appears the scope of the project has been changed by the applicant beyond the original understanding by Staff, which includes the following issues:

- a. RV and "5th wheel" inventory is already on-site and continues to expand from the initial submitted request;
- b. Current inventory on-site now exceeds the area of originally proposed paving and substantial enough to not allow enough space for proposed trees; and
- c. Signage was recently installed without a permit despite clear communication between Staff and applicant.

The Future Land Use and Character Map designates the subject property as Auto-Urban Commercial and the request is in compliance.

Existing water and sewer is available to serve the site.

The applicant's proposed site plan is shown. There is sufficient parking available for the requested use.

The applicant's proposed paved area was a 48 foot by 72 foot area. The UDC specifically states asphalt or concrete (or paving) will be used for parking. Chipseal asphalt is considered a type of asphalt and Staff agrees this material would serve appropriately for a paving material surface for the parking of the RVs.

The trees are indicated which Staff and applicant discussed to improve the site. There was concern the trees would not survive without water and a proposal for water bags on all of the trees was discussed.

Staff and applicant discussed having a decorative metal fence across the front of the property in lieu of the trees; however, the applicant submitted the site plan with the understanding he preferred to have the trees.

Current photographs of the property are shown which include the RVs and unpermitted roof sign.

Nine notices were mailed in accordance with all state and local regulations with one notice returned in agreement and zero notices returned in disagreement.

UDC, Section 3.4 Planned Development 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.”

Per the UDC, Sections 3.4.3 and 3.4.4, a Planned Development requires approval of a Development/Site plan that is binding.

The request is in compliance with the Future Land Use and Character Map, the Thoroughfare Plan, and RV rentals are allowed in a C zoning.

The request is not compatible with the I-35 Corridor zoning.

Staff recommended site plan is shown which includes an enlarged paved area which would cover the number of RVs currently on-site and allowing room for trees. This paved area is a big expansion to the applicant’s original proposed amount.

All of the trees show watering bags and are two-inch diameter breast height size.

Staff recommends approval of the request for a rezoning from Commercial (C) to Planned Development-Commercial (PD-C) provided all of the following conditions are met:

Proposed paved area is enlarged to fit the entire fenced area minus the landscaped area to match storage of RVs on property;

All six required added trees are two-inches diameter breast height with watering bags;

No RV storage allowed outside of screened and paved project area;

Torn screening on chain link fence facing access road shall be replaced;

All signage erected without a permit shall be removed; and

Non-compliance of any one of the conditions will trigger repeal of the PD.

Ms. Barrett stated communication with the applicant by email has been difficult and she has not discussed the case with the property owner. Staff is concerned common ground has not been established since the proposal has changed considerably from the original request.

Staff believes there is sufficient parking for the customers and employees.

Chair Rhoads opened the public hearing.

Mr. Chris McGregor, 2806 Wickersham Drive, Temple, Texas, stated he was the property owner and Mr. O'Rourke was his tenant. He purchased the property in 2012. Two CUPs have been approved for the location and Mr. McGregor feels he has complied with everything asked of him.

One of the previous tenants voluntarily installed the green screening along the fence; it was not a City request but the City allowed it to remain.

Mr. McGregor paved more than the required area in the front for parking per City request and feels it meets the qualifications for both businesses as far as customer parking.

The property consists of mostly a large storage yard and a small, nice, 900 square foot office building. There are very limited uses for the site; however, many uses are approved by right but not allowed in the I-35 Overlay, which he stated is the problem.

Mr. McGregor hands out photos to the Commissioners for reference to his examples of numerous businesses in the area and the severity of non-compliance.

Businesses out of compliance per Mr. McGregor:

Previous roofing company on the property owned in 2012.

Mr. McGregor stated he was told by the City that the Overlay is up for review because there are some problems with it.

Many old businesses do not qualify and some are detrimental. They may be grandfathered but are a real eyesore. So opportunities arise for the City to make a business comply when ownership changes, remodeling is requested or leased to a new tenant. Mr. McGregor has photos of some properties close to his to give an idea of what is in the area.

Mr. McGregor stated his property is one of the cleaner, better looking properties. Numerous old businesses have little to no pavement or no landscaping that are not in the overlay but are grandfathered.

Mr. McGregor stated he was told at some point these companies would have to comply. There are mobile home dealers, collective car sales, swimming pool companies, heavy equipment rentals, and a pipe company. Since 2012 there are a couple of new businesses that have moved in in what appears to be no compliance. A non-compliant use moved into 5410 South General Bruce Drive in 2012 followed by a roofing company and Mr. McGregor thought roofing was strictly prohibited. There are no shrubs or changes made for either one in 2012, nothing; he just moved in and started business.

Most notably is the major redo and add-on at Texas Department of Criminal Justice in 2014. This property is visible from I-35 and adjacent to property on I-35 which Mr. McGregor felt it would have to comply. Mr. McGregor has pictures of this renovation/remodeling when it occurred. There was no landscaping, no bushes, no trees or otherwise, and no masonry; it's all like T-1-11 siding. Maybe it's the government and they do not have to comply but Mr. McGregor has asked about this before.

Also on the corner of I-35 and Profit Place is a business that has a strip looking place. Behind it there are mobile home offices and Mr. McGregor means 12 x 44, two or three full mobile homes. They have permanent steps up to the office(?) and do not plan on moving any time soon. There are several (20-30) large storage containers and that has multiplied over the years and this is located on I-35.

The business located next to Mr. McGregor's property did a major remodel in 2014. No one called Mr. McGregor and they did not have to do any landscaping. The office facing I-35 was redone which is 100 feet off of I-35 and there is not a bush in sight nor a tree in sight.

There is a large banner sign on a local air conditioning business that has been there since 2012 and they use it as their main signage. Mr. McGregor was told that it is not compliant but was hard to enforce when it is not located in the I-35 Corridor. So Mr. McGregor felt if you are not in the I-35 corridor, just look the other way.

In the last couple of years another banner sign is on a new business at 25th and Avenue H by the Santa Fe Hospital, brand new construction.

There are several businesses out there in non-compliance and severity of the non-compliance is a factor.

Mr. McGregor felt Mr. O'Rourke's RV rental business would be good for Temple, his inventory is almost new and in mint condition, his clientele would be perfect for Temple, and Mr. McGregor's location would be exactly what Mr. O'Rourke was looking for.

Mr. McGregor stated Mr. O'Rourke did not move in prior to talking with someone and that in June of 2016 he met with Mr. Chandler and Mr. O'Rourke to discuss the matter. After the meeting was over it was his feeling everyone felt this was a project that could be accomplished.

Mr. McGregor stated since he was told the Overlay was being reviewed for changes but the best way would be a PD district zoning. In the coming weeks Mr. O'Rourke and Mr. Chandler exchanged emails and discussed and agreed upon shrubs, surfacing, and fencing. Mr. McGregor understood it was acceptable he did not have to do ornamental fencing since he just installed the shrubs per City's request.

Mr. McGregor stated no discussion of trees or the existing fenced screening ever took place and no mention of trees were ever made in meetings or the weeks to follow.

Mr. McGregor does not want trees at all nor does his tenant.

Additional surfacing such as chipseal or asphalt will be needed where the RVs will be parked and both Mr. McGregor and Mr. O'Rourke are aware of that.

Mr. McGregor stated that at a much later date, the trees were brought up as a recommendation.

Along the way it was noted that Mr. O'Rourke had moved in. Both Mr. McGregor and Mr. O'Rourke were under the impression everything would work out subject to a few recommendations. Mr. O'Rourke had to operate to generate income to survive.

Mr. O'Rourke contacted a sign company which informed him they would take care of sign permits and the sign on the roof was no problem. On the day the sign was installed, Ms. Barrett came to the property to post the zoning notice sign and informed Mr. O'Rourke the sign was in violation. Mr. McGregor stated the sign was immediately removed.

Mr. McGregor added this situation has evolved into a huge loss of money both for owner and tenant. Mr. O'Rourke needs to operate and have a sign since that is his livelihood.

Mr. McGregor stated he and Mr. O'Rourke would like to have the City agree to allow their following recommendations/suggestions:

- Paved areas with chipseal or better where RVs shall be parked;

- No RVs in the grass (the number of RVs is irrelevant);

- Allow a few RVs in the front for display;

- Allow window signage or stickers similar to auto dealers have (no banners);

- No trees (Mr. McGregor felt Johnson Brothers set a precedent for this);

- With or without screening on the existing fence (Mr. McGregor the fence could be repaired or taken down; it did not matter since it was never a requirement);

- Allow temporary signage for 120 days until required permanent signs can be legally permitted and obtained;

- If Mr. O'Rourke is not allowed to operate his business, Mr. McGregor will have to find a new tenant and the whole process will start over. Rising Sun is a positive move for Temple and Mr. McGregor.

Mr. Brian Chandler, Director of Planning, stated many of the examples mentioned are located in the Overlay and some of them are grandfathered. The Overlay does prohibit banners which is the intent and the City has questioned whether the existing Code needs to be amended and the City is working on that.

Staff has done their best to accommodate Mr. O'Rourke to be able to have a consideration by P&Z and City Council for a use that Staff thought could be appropriate in the Overlay. Staff met with the tenant early on and discussed trees. In June discussions were held with the applicant for ways to allow a clearly prohibited use in the I-35 Corridor.

Based on direction given by P&Z and City Council for these types of cases in the Overlay, Mr. Chandler worked with the applicant to reasonably improve the property and allow the business to flourish and trees and fencing were discussed at the first meeting.

Mr. Chandler stated the applicant already signed a lease with the owner of the property for a prohibited use before coming to Planning. At the meeting in June, Staff was clear upfront and tried to move forward to bring something to P&Z and City Council that would address a prohibited use to improve the site. The use is prohibited because of outdoor storage of vehicles so reasonable screening is required.

From the discussions held with both owner and tenant, Staff was not aware RVs would cover the entire site which is why the trees were proposed. In theory, the trees would not be hanging over the inventory. Staff's recommendation is for trees to improve the site and increase the value of the property and allow the business to flourish.

Chair Rhoads commented after looking at the owner's photographs given to the Commissioners, that a couple of the properties mentioned were grandfathered in. Regarding the ones during the 2012-2014 period, Chair Rhoads asked Staff, for the record, to contact the appropriate departments and make sure the addresses mentioned by Mr. McGregor are brought into compliance.

Chair Rhoads stated he did not feel confident the P&Z would come to a good conclusion for this item since the project did not feel complete as it currently stands. P&Z is an advisory board for the City Council and his feeling was if it went forward, the City Council would not approve the request as currently described.

Chair Rhoads added he felt the car dealerships were different from the current request. The requested tree line is developed as a buffer for what is going on behind it.

Chair Rhoads was on the initial committee for the I-35 Overlay plan and the reason the plan was put into place originally was to try and make the City entryways more attractive. There is still a lot to do.

Chair Rhoads closed the public hearing then reopened it for rebuttal from applicant and Staff.

Mr. McGregor was very bothered by the trees. He does not recall discussing trees and feels it will not keep anyone from looking in to see the RVs. In the back area it faces Profit Place with another lot so trees are going to be placed in the middle of a field which did not make sense. No one will be looking at the business from the rear and Mr. McGregor is the owner of the rear property all the way to Profit Place and does not want trees there.

Mr. McGregor was asked if the trees were the only disconnect between him and the City and Mr. McGregor responded "pretty much, pretty much." He felt the ornamental fencing was no longer an issue since there is an existing fence with shrubs installed.

Mr. Chandler replied Staff did not recommend Nandina. Staff can be flexible on the trees; however, in terms of trying to meet the spirit of the Overlay which requires three-inch diameter breast height and Staff is only asking for two-inch trees which is less expensive and easier to establish.

The only mechanism to have the RV rental business in the I-35 Overlay is through a PD. The Overlay is heavily focused on trees. Car dealerships are allowed other types of landscaping options but their perimeters have trees. What Staff has requested of the applicant/owner still does not meet the Overlay standards overall.

Mr. McGregor describes the property and structures he owns in the subject area.

Mr. McGregor asked if trees were so important, why weren't the previous two CUP applicants required to have them. Mr. Chandler responded that the previous CUPs were CUPs, and Staff wanted to provide an opportunity for one of uses to be considered rather than just saying no. After direction from City Council this will not happen again. The current requested use is a prohibited use which is different.

A PD is negotiable which is why Staff recommended it.

Chair Rhoads asked if an agreement were made for the chipsealing and trees, would City Council agree with it. Mr. Chandler explained he could not respond for City Council and that the intent was to put something before P&Z and City Council that is feasible and would give the applicant/owner the best chance to get approval. The trees provide a vertical element and break up the large piece of property. The intent at the rear was two trees to still allow access to the rear property and improve the property long-term.

The water bags would allow for filling the bags and having slow release to the trees in order to survive.

Commissioner Armstrong asked about the status of the pavement. Mr. McGregor stated he did have bids on the paving (chipseal) but it depends on how many RVs are going to be on-site.

Commissioner Armstrong did not understand why there was a chance of the tenant losing a business and the owner losing a tenant over six trees.

Commissioner Jones was troubled by the way the request was presented by the owner and asked Mr. McGregor if he would be willing to have the item tabled in order to work with Staff and come back to P&Z with a game plan.

Mr. Chandler explained that a similar type of zoning request which is denied by City Council, cannot return for six months and the request would need to start over. If P&Z recommended denial, the item still goes to City Council as scheduled (unless the applicant withdraws the request) or if P&Z tables the item to a specific date.

Chair Rhoads suggested to Mr. McGregor that P&Z table the item and Mr. McGregor and Mr. O'Rourke sit down with Staff to develop a definite plan together before going to City Council. The business is welcomed to be in Temple and P&Z wants to do what is right, but at the same time the City would like to improve I-35.

Mr. McGregor stated this was about time and money and Mr. O'Rourke was already in the process of moving out.

Mr. Joseph O'Rourke, 9506 Adeel Drive, Killeen, Texas, stated he was the owner of three companies. When Mr. O'Rourke saw the property it was ideal for his business. His business needs to survive just until the peak season which is March.

Mr. O'Rourke purchases current RV models which are brand new and straight off the lot and he has 12 of them, which is the total number of RVs. There is one that was a storage deal that was brought over and in the back by Profit Place and another one that was not running but was brought there to get it running. Those RVs will be moved so the business can be a brand new (or near new) RV rental company.

The company cannot afford the \$25,000 bill for gravel/asphalt and/or trees. The trees would be about \$2,000 and Mr. O'Rourke was not very concerned about this portion. The RVs do not get dirty because Mr. O'Rourke wants them to leave the lot clean.

Mr. O'Rourke stated the company tanked when it moved to Temple; sales went downhill because mainly people did not know they were there. Mr. O'Rourke just wanted to put up a temporary sign in order to let him comply with the City's requests and create revenue. Currently his other companies are supporting this RV business. Mr. O'Rourke is 99.9 percent positive he is done in Temple since he cannot meet the costs requirements the City is requiring, not including other incidentals or expenses. Mr. O'Rourke would like to stay in Temple but will move in order to save the company. He would like to move the other two companies to Temple as well but he needs support and a sign.

Mr. O'Rourke was unaware his sign was not to code since he instructed the sign company to obtain the necessary permits from the City and was assured they would be. When Ms. Barrett saw the sign it was taken down (laid back onto roof).

When Commissioner Fettig asked Mr. O'Rourke if he was aware the property was not in compliance to his business before he came to Temple and Mr. O'Rourke stated he did not. Mr. O'Rourke stated after six and a half years in business (four and a half in Copperas Cove with a CUP), he saw the Commercial zoning, told Mr. McGregor he loved the property, signed the lease, and gave Mr. McGregor \$4,000 for the first month's rent. Mr. O'Rourke was unaware of the I-35 Overlay until he came down to get a sign permit and Certificate of Occupancy (C.O.). Permits informed him he did not need a C.O.; however, Planning informed him the use was prohibited. Mr. O'Rourke asked if there was any way to make the use allowed since he already signed a lease and had moved to Temple. Mr. O'Rourke answered he did not know the facts before starting and would have made other choices if he had.

Commissioner Jones asked the applicant if he was willing to table the item, take a couple of weeks to sit down with City Staff and work out an agreement, see if the business plan would work, and then come back. Mr. O'Rourke stated he had to have visibility on the lot to let people know they are there. All of the agreements are not unreasonable and the short answer is yes, he is in agreement with everything proposed but needs time to make things happen.

Chair Rhoads closed the public hearing.

Commissioner Alaniz made a motion to table Item 3, **Z-FY-16-46**, until the next scheduled P&Z meeting on October 3, 2016, and Commissioner Jones made a second.

*Motion passed: (7:0)*

Commissioner Crisp absent

**Item 4: P-FY-16-47** – 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, east of Riverside Trail, west of Tem Bel Lane and addressed as 6319 Kiddieland Road.

Mr. Baker stated this plat is located within the Extraterritorial Jurisdiction (ETJ), north of Charter Oak and west of Kegley.

DRC reviewed the plat on August 25, 2016 and it was deemed administratively complete on September 13, 2016.

This plat is anticipated to be developed with residential uses.

Water is available through an eight-inch line along Kiddieland Road and wastewater will be addressed through on-site septic.

Required right-of-way dedication along Kiddieland Road triggers approval by the P&Z. The right-of-way being dedicated to the plat varies between 1.36 feet and 4.80 feet.

The P&Z Commission is the final plat authority since the applicant is not requesting any exceptions to the UDC.

Final plat and topo/utility plan are shown.

Staff recommends approval of the Final Plat of Trusty Addition.

Mr. Baker confirmed there were two existing residences on the property.

Commissioner Jones made a motion to approve Item 4, **P-FY-16-47**, as presented, and Commissioner Ward made a second.

*Motion passed: (7:0)*

Commissioner Crisp absent

There being no further business, the meeting was adjourned at 7:01 p.m.

Respectfully submitted,

Leslie Evans

**PLANNING AND ZONING COMMISSION  
MONDAY, SEPTEMBER 19, 2016  
5:00 P.M.  
WORK SESSION**

**PLANNING AND ZONING MEMBERS PRESENT**

Chair David Jones

**COMMISSIONERS:**

Lydia Alaniz	Greg Rhoads
Bryant Ward	Lester Fettig
Jeremy Langley	Lee Armstrong

**PLANNING AND ZONING MEMBERS ABSENT:**

Omar Crisp

**STAFF PRESENT:**

Brian Chandler, Director of Planning  
Lynn R. Barrett, Asst. Director of Planning  
Trudi Dill, Deputy City Attorney  
Richard Wilson, Deputy City Engineer  
Tammy Lyerly, Senior Planner  
Mark Baker, Senior Planner  
Leslie Evans, Planning Technician

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

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

With a quorum present, Chair Jones opened the work session at 4:50 p.m. and asked Mr. Brian Chandler, Director of Planning, to proceed.

Mr. Chandler welcomed and introduced the new P&Z Commissioners, Bryant Ward and Lee Armstrong.

Former Commissioner Tanya Mikeska-Reed and former Commissioner and Vice-Chair Patrick Johnson attended in order for Planning to honor and recognize them for their service to the community. Refreshments were served and Mr. Chandler presented awards to Ms. Mikeska-Reed and Mr. Johnson. Former Commissioner, Chair, and Vice-Chair Sears and Commissioner Pitts were unable to attend.

Mr. Chandler stated a CUP and PD were on the agenda. The CUP is for The Highline Addition (The District) located at Scott Boulevard and South 31<sup>st</sup> Street. The request

covers all of the restaurants coming to the development so they have the ability to sell alcohol.

Staff suggested the blanket CUP rather than having each restaurant coming in in order to streamline the process and these restaurants are less than 50 percent. The Kiella project request was for all alcohol but at the 75 percent threshold.

Discussion about distance measurements, definition (which was adopted from state law language), and percentages.

The PD is related to Chris McGregor's property located on South General Bruce which has had three previously approved CUPs. The proposed use of RV sales and rentals is a prohibited use in the I-35 Overlay. The only way to consider the use is through a PD district. Ms. Barrett has been working with the applicant (tenant) for Rising Sun RV Rentals.

The property owner and tenant signed a lease prior to knowledge of a prohibited use. Staff suggested a PD and discussion was had regarding trees in appropriate locations, landscaping beds, and paving where the RVs would be located. All of the property is unimproved behind the fence.

The RVs were placed on-site before the use was approved and continued to expand beyond the actual proposed site plan submitted.

An unpermitted roof sign was also installed which is prohibited in the I-35 Overlay.

Ms. Barrett stated the applicant was difficult to contact and not highly cooperative. A definite ramping up of the number of RVs on-site has occurred from the original on-site visit. The initial proposed site plan was 48 feet by 75 feet asphalt (chipseal) for his handful of rental RVs.

One of the conditions of the PD was to have paved surface for the RVs behind the fence to be displayed. The resulting issue is now the entire area behind the fence is now covered with RVs in excess of original proposal.

Ms. Barrett added that Staff's recommendation includes if P&Z move this item forward, that the proposed paved area be enlarged to be the fenced area, minus the landscaping of trees, with no RVs stored beyond the fence, which currently has one or two. A response letter was received from an adjacent neighbor stating that no RVs be beyond the fence.

Chair Jones asked about enforcement and how soon would compliance take place.

Mr. Chandler replied immediate compliance (if approved) is to remove some of the RVs that are outside of the scope of the conditions proposed. As far as a timeframe, Planning does not get to that level of detail for these types of cases.

Ms. Barrett added that the original proposal was a third of the size that is currently covered by RVs and it is problematic.

Mr. Chandler added the biggest issue is that the project has expanded past the fencing and not representative of what was submitted. Staff's recommendation is wherever RVs and trailers are going to be located it needs to be paved with chipseal leaving room for the planter beds with trees along the perimeter, but not in front to preserve visibility. If

the P&Z recommend approval, include that the RVs and trailers have to be on a paved surface.

Ms. Barrett commented that the other alternative given to the tenant was a metal/ornamental fence across the front, which currently contains chain link and green screening, in lieu of the trees. The applicant sent in a revised site drawing that did not include the fence; he wanted to go ahead with the trees.

Discussion also took place regarding the watering bags needed for all six trees and the applicant only showed four trees. The applicant has been provided a copy of Staff recommendation but no response has been received from the applicant.

Mr. Chandler informed the Commissioners the case is ready to present and the P&Z has the option to table the item.

Discussion regarding chipsealing and asphalt. The Code describes parking must be on a paved asphalt or concrete surface. The P&Z must decide if chipseal meets the definition and consider if it is an acceptable material at this location.

Commissioner Rhoads stated he sees the property daily and it does not look organized yet. The unpermitted roof sign is collapsible and seems to be randomly up and down.

If a PD is specific, it is much easier to enforce.

Mr. Chandler stated if the P&Z decided to recommend denial and City Council upholds the recommendation, the applicant and business would not be able to operate.

Chair Jones stated there were two new Commissioners on P&Z and elections would be held at the open meeting tonight. After elections, the new Chair and Vice-Chair will be reseated. Commissioner Alaniz asked not to be considered as a nominee.

Due to time constraints Chair Jones closed the meeting at 5:29 P.M.



## PLANNING AND ZONING COMMISSION ITEM MEMORANDUM

10/03/16

Item 1

Regular Agenda

Page 1 of 5

**APPLICANT / DEVELOPMENT:** Joseph O'Rourke, Rising Sun RV Rental; Owner Chris McGregor

**CASE MANAGER:** Lynn Barrett, Assistant Director

**ITEM DESCRIPTION:** Z-FY-16-46 Hold a public hearing to discuss and recommend action on a rezoning from Commercial (C) to Planned Development Commercial (PD-C) in the I-35 Corridor Overlay District to allow for a Recreational Vehicle rental business on Lot 2, Block 1, Trantum Subdivision Phase VIII, located at 5806 South General Bruce Drive. Sec. 6.7 of the Unified Development Code describes this use, which is prohibited in the I-35 Overlay District.



Figure 1: Aerial Location Map

### **HISTORY:**

The following were presented as past realities with this project:

1. City staff became involved with this project after the applicant's business was established at the site in violation of UDC zoning for the I-35 Corridor District;
2. Staff had worked for several months with the applicant to attempt a balanced approach to achieve site improvements while finding a solution which would allow the business to continue; and

3. The scope of the project has been changed by the applicant beyond the original understanding by staff, which includes the following:
  - a. RV and “5th wheel” inventory is already onsite;
  - b. Current inventory exceeds area of proposed paving; and
  - c. Signage had been recently installed without a permit despite clear communication between staff and applicant.

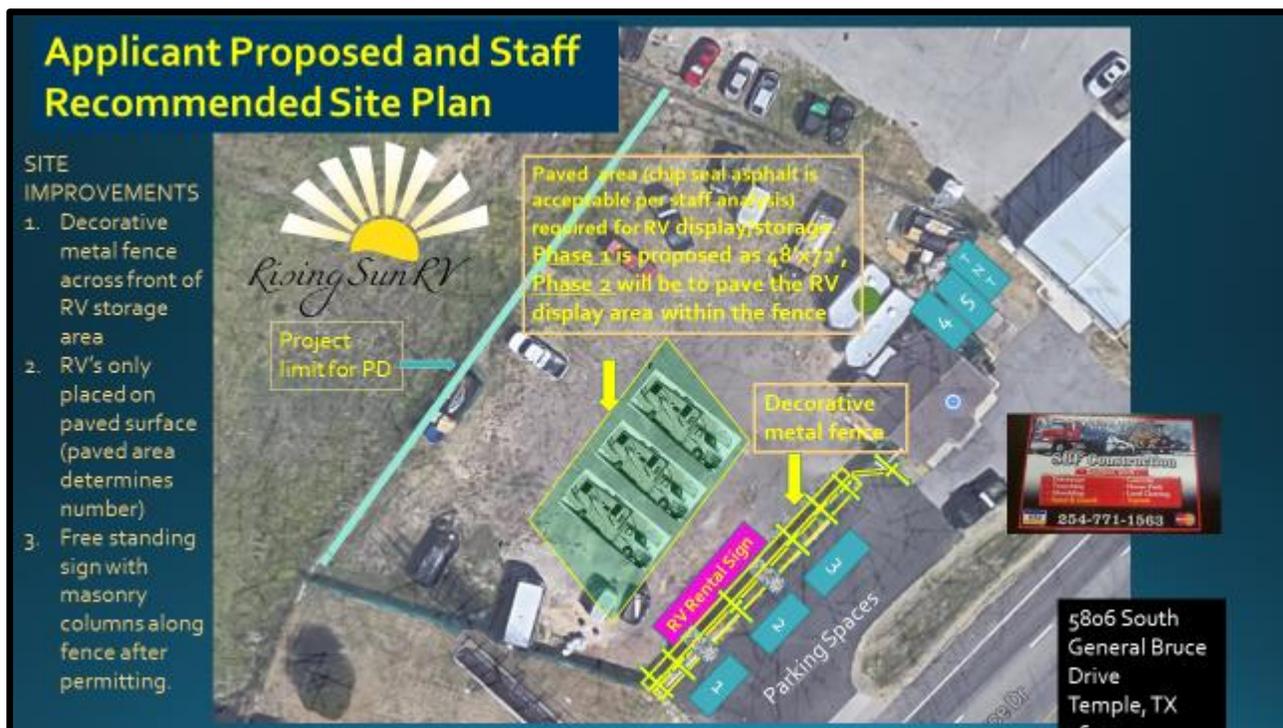
After the September 19, 2016 Planning and Zoning meeting and subsequent tabling of this item, staff met with the applicant, Mr. O’Rourke, and owner, Mr. McGregor, on September 21. The following staff recommendation was agreed upon by both applicants and staff at that meeting.

**STAFF RECOMMENDATION:**

1. The proposed paved area for the RVs, required by UDC Sec 7.5.5C, (chip-seal asphalt has been proposed by the applicant), shall match the RV inventory stored on site and may be phased, however the ultimate goal is to pave the entire display area within the fence;
2. A decorative metal fence, six feet in height, with matching gate shall be installed across the front of the display area;
3. No RV storage shall be allowed outside of the screened and paved project area, including the unimproved lot bordering Profit Place which is currently being used as overflow RV parking by the applicant;
4. All signage erected without a permit shall be removed; desired signage will be properly permitted prior to installation; free standing signage shall include stone columns;
5. The use shall be limited to RV rentals or sales per Code of Ordinances definition (vehicles which are self-propelled or designed to be towed by a motor vehicle, including a travel trailer, camper or any other similar vehicle which is designed as temporary living quarters for recreational, camping or travel use). And therefore, portable buildings or HUD-Code manufactured home sales or rentals shall continue to be prohibited on this site due to its location within the I-35 Overlay;
6. Staff agreed that the applicant could attain permits and complete the work for fencing and or paving prior to City Council approval at their own risk.

Staff recommended the decorative metal fencing, rather than trees, for the following reasons:

- Brings the front section of the most visible fencing into compliance with overlay requirements;
- Improves the property without requiring much maintenance;
- Price would be comparable to the trees and landscape beds;
- Provides more room for the RVs and eliminates potential damage and cleaning which could result from proximity to the trees and birds which would likely be attracted.



**ITEM SUMMARY:** 5806 S. General Bruce Drive currently has a base zoning of C (Commercial District), which allows recreational vehicle rentals use by right. However, the I-35 Corridor Overlay Freeway Retail/Commercial sub-district specifically prohibits “Trailer, recreational vehicle, portable building or HUD-Code manufactured home sales or rental”. The business owner of Rising Sun RV Rental was allowed to sign a lease by the property owner and had set up his business prior to meeting with staff. Efforts to work with the business owner to improve the surface for parking the applicant’s RV’s (behind an existing fence screened by 40% landscaping per a 2014 CUP--Ordinance 2014-4669 for a nursery and subsequent 2015 CUP for a painting/contractor facility) and to add additional landscaping surrounding the leased area have continued over the past several months. Initial scope of the project was understood by staff to be considerably smaller than what has since unfolded with the applicant’s current onsite inventory. Additionally, a roof sign was added by the applicant to the existing office building prior to the application of a permit. Roof signs are prohibited in the I-35 Corridor Overlay District

and it is staff's understanding that Code Enforcement has made contact with the applicant about the infraction.

City Council had previously approved a CUP for an auto tint business (Ordinance 2016-4757 from case Z-FY-16-11) inside a building on this property which is under separate lease to a different applicant and is not a part of this project.

Three CUP's in the last three years have been approved on this property.

- Landscaping is planted to screen parking and minimum of 40 percent of the existing I-35 facing chain-link fence
- Subsequent CUP required paving additional parking and drive
- Auto window tinting use (Ordinance 2016-4757) would remain
- On-site parking would be sufficient (5 spaces for RV use and one for window tinting per previous CUP)

**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:

Surrounding Property & Uses			
<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Auto-Urban Commercial	C	Commercial
North	Auto-Urban Commercial	C	Commercial
South	Auto-Urban Commercial	C	Commercial
East	Auto-Urban Commercial	LI and GR	Commercial
West	Auto-Urban Commercial	C	Vacant

**COMPREHENSIVE PLAN COMPLIANCE:**

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

Document	Policy, Goal, Objective or Map	Compliance?
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

CP = Comprehensive Plan

Future Land Use Map (CP Map 3.1)

The entire area is shown as Auto-Urban Commercial. According to the Comprehensive Plan, “Auto-Urban Commercial” is for the majority of the areas identified for commercial use, generally concentrated at intersections versus strip development along the major roads.”

Thoroughfare Plan (CP Map 5.2)

The site is located along an Expressway (IH-35).

Availability of Public Facilities (CP Goal 4.1)

An 8” water line and 8” sewer line are available at the front of the property along the Access Road and along Profit Place at the rear of the property.

**REVIEW CRITERIA 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. **Enhancements are normally an expectation of a Planned Development to off-set the unique manner of the request, and as such, addition of paving of the entire area inside the fence and additional landscaping are recommended.**

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

In considering recommending a Planned Development, Planning and Zoning Commission may choose to suggest, and 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:** Nine notices of the public hearing were sent out to property owners within 200-feet of the subject property. As of Thursday September 15, 2016, zero (0) notices had been returned. The newspaper printed notice of the Planning and Zoning Commission public hearing on September 8, 2016, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Application	Zoning Map	Site Development Plan
Aerial Location Map	Future Land Use	Ordinances No. 2014-4669, 2015-4713, 2016-4757
Photos	Notification Map	(for CUP-Z-FY-14-28, FY-15-14 and FY-16-11)



# City of Temple Universal Application

Rev. 06-04-15

(Incomplete applications will not be accepted)

- |                                                         |                                                                     |                                                                             |
|---------------------------------------------------------|---------------------------------------------------------------------|-----------------------------------------------------------------------------|
| <input type="checkbox"/> Sketch Plan                    | <input type="checkbox"/> Rezoning                                   | <input type="checkbox"/> Appeal of Administrative Decision                  |
| <input type="checkbox"/> Plat Vacation                  | <input checked="" type="checkbox"/> Conditional Use Permit (CUP)    | <input type="checkbox"/> Residential Masonry Exception                      |
| <input type="checkbox"/> Minor or Amending Plat         | <input checked="" type="checkbox"/> <b>Planned Development (PD)</b> | <input type="checkbox"/> Nonresidential Masonry Exception                   |
| <input type="checkbox"/> Preliminary Plat               | <input type="checkbox"/> PD Site Plan                               | <input type="checkbox"/> Park, Facility or Street Renaming                  |
| <input type="checkbox"/> Final Plat                     | <input type="checkbox"/> I-35 Appeal                                | <input type="checkbox"/> Cost Sharing Offsite Participation                 |
| <input type="checkbox"/> Variance (Board of Adjustment) | <input type="checkbox"/> I-35 Site Plan Review                      | <input type="checkbox"/> Exception                                          |
| <input type="checkbox"/> Abandonment                    | <input checked="" type="checkbox"/> <b>TMED Site Plan Review</b>    | <input type="checkbox"/> Street Use License (SUL)                           |
|                                                         | <input type="checkbox"/> TMED Variances/Warrants                    | <input type="checkbox"/> 1 <sup>st</sup> and 3 <sup>rd</sup> Overlay Appeal |

## PROJECT INFORMATION:

Residential     Commercial     Property Platted     Property Not Platted     ETJ

Project Name: RV Rentals    Parcel(s) Tax ID# (Required): 32040287271

Project Address (Location): 5806 South General Bruce Drive, Temple TX    Total Acres: \_\_\_\_\_

Lot: 1    Block: 1    Subdivision: None

Cabinet #: B    Slide #: 1. 46-A

Outblock (if not platted): \_\_\_\_\_

Brief Description of Project: Chipseal Asphalt to accommodate RV's

Current Zoning \_\_\_\_\_ # of Existing Lots 1    # of Existing Units \_\_\_\_\_

Proposed Zoning \_\_\_\_\_ # of Proposed Lots \_\_\_\_\_    # of Proposed Units \_\_\_\_\_

## APPLICANT / CONTACT INFORMATION: (This will be the primary contact; please ensure email address is legible)

Name: Joseph O'Rourke    Company Name: Risingsunrv

Address: 5806 South General Bruce Drive    City: Temple    State: TX    Zip: 76502

Phone: 2546306313    Cell #: 2542399938    Fax #: \_\_\_\_\_

Email Address: Joseph@risingsunrv.com

## PROPERTY OWNER INFORMATION:

Name: Chris McGregor    Company Name: Chris McGregor

Address: 2806 Wichersham Drive    City: Temple    State: tx    Zip: 76502

Phone: 2547707262    Cell #: 2547707262    Fax #: \_\_\_\_\_

Email Address: Mcchecker05@aol.com

## DEVELOPER    ENGINEER    SURVEYOR INFORMATION: (Please ensure email address is legible)

Name: Scott Farr    Company Name: SBF Construction

Address: 7350 East US HWY 190    City: Temple    State: TX    Zip: 76502

Phone: 2547711563    Cell #: 2547711563    Fax #: \_\_\_\_\_

Email Address: Farroutdoors@gmail.com

## VARIANCE / EXCEPTION / APPEAL DESCRIPTION: (Attach additional page if additional space is required)

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

Submittal Requirements <i>All Checklists are available on Planning Applications webpage</i>	All Plats	CUP & PD	Rezoning	Sketch Plan	I-35	I-35 Appeal	TMED	TMED Variance/Warrant	ZBA Variance	Masonry Exception	Appeal of Administrative Decision	Abandonment	Street Use License (SUL)
Complete Universal Application	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Utility Providers-see attached link <a href="http://www.templetx.gov/DocumentCenter/View/2920">http://www.templetx.gov/DocumentCenter/View/2920</a>	✓												
Electronic copy (PDF) of all required materials submitted as hard copies (must be legible)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Hard Copies for all submittals	5	2	1	5	2	2	2	2	1	1	1	1	1
Field Notes ( <i>signed and stamped</i> ) or Lot and Block Description	✓	✓	✓		✓	✓	✓	✓	✓		1	✓	✓
Site Plan Checklist		✓			✓	✓	✓	✓	*				
Plat Checklist	✓			✓									
I-35 Checklist					✓	✓							
TMED Checklist							✓	✓					
Abandonment Checklist												✓	
SUL Checklist													✓
Scaled Site Plan		✓			✓	✓	✓	✓	✓	✓	*		✓
Drainage Letter or Drainage Report (for residential subdivisions)	✓												
Elevations		✓			✓	*	✓	*		✓			
Landscape Plan					*	*	*	*					
Lighting Plan					*	*	*	*					
Fee	✓	✓	✓	NA	NA	NA	NA	NA	✓	NA	NA	✓	✓
Survey												✓	✓
Broker's Opinion of Value or Appraisal R-O-W abandonment ONLY												✓	

\*May be required depending on nature of Appeal/Variance

Total valuation of proposed improvements for project in 1<sup>st</sup> & 3<sup>rd</sup>/TMED/I-35: \$ 153,000

**FEE SCHEDULE**

- Abandonment (3<sup>rd</sup> Party Broker's Opinion or Appraisal) Board of Adjustment (Variance) \$100.00 for filing fee only; (3<sup>rd</sup> Party Broker's Opinion or Appraisal fee will be Applicant's responsibility) \$ 75.00
- \*Preliminary/Final Plat \$150.00 + \$3.00/lot (residential) or \$10.00/acre (nonresidential)
- Street Use License (SUL) \$150.00 (renewed every 15 years)
- \*Rezoning/CUP/PD Site Plan \$150.00 + \$3.00/acre (to match Ordinance No. 1948)

**REC'D**  
**AUG 18**  
City of Temple  
Planning & Development

\*The filing fee for a piece of property that is 3.125 acres in size would be a total of \$159.36 (\$150 + [\$3 x 3.12]). City staff uses the second decimal place when calculating a filing fee and **does not round up or down.**

BY SIGNING THIS APPLICATION, STAFF IS GRANTED ACCESS TO YOUR PROPERTY FOR SIGN POSTING AND PROPERTY ANALYSIS PURPOSES.

APPLICANT SIGNATURE: [Signature]  
Print or Type Name: Joseph O'Rourke

(property owner authorization required below if applicant is someone other than property owner)  
I (property owner) hereby authorize Chris McGregor of Chris McGregor  
(name) (company (if applicable))

to represent me in matters pertaining to this case.

Property owner's signature: [Signature]  
Property owner's name (print): Chris McGregor

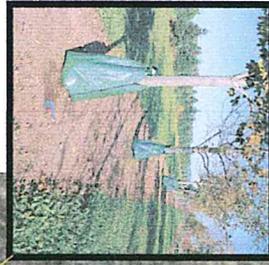
Property owner's address: 28060 Whichersham Drive, Temple TX 76502

Property owner's phone#: 2547707262

Email address: mcchecker05@aol.com

For Department Use Only	
Project #:	_____
Project Manager:	_____
Total Fee(s):	_____
Fee Credit:	_____
Payment Method:	_____
Submission Date:	_____
Accepted By:	_____
Accepted Date:	_____

Slow Watering  
Tree bags, for  
trees beyond  
100' from water  
bip.



2023-2024  
2025-2026  
2027-2028  
2029-2030

# Aerial Location Map

5806 S General Bruce Drive Z-FY-16-46



# Site Photos



Front View



To the East Across I-35



To the North



To the South

Google earth

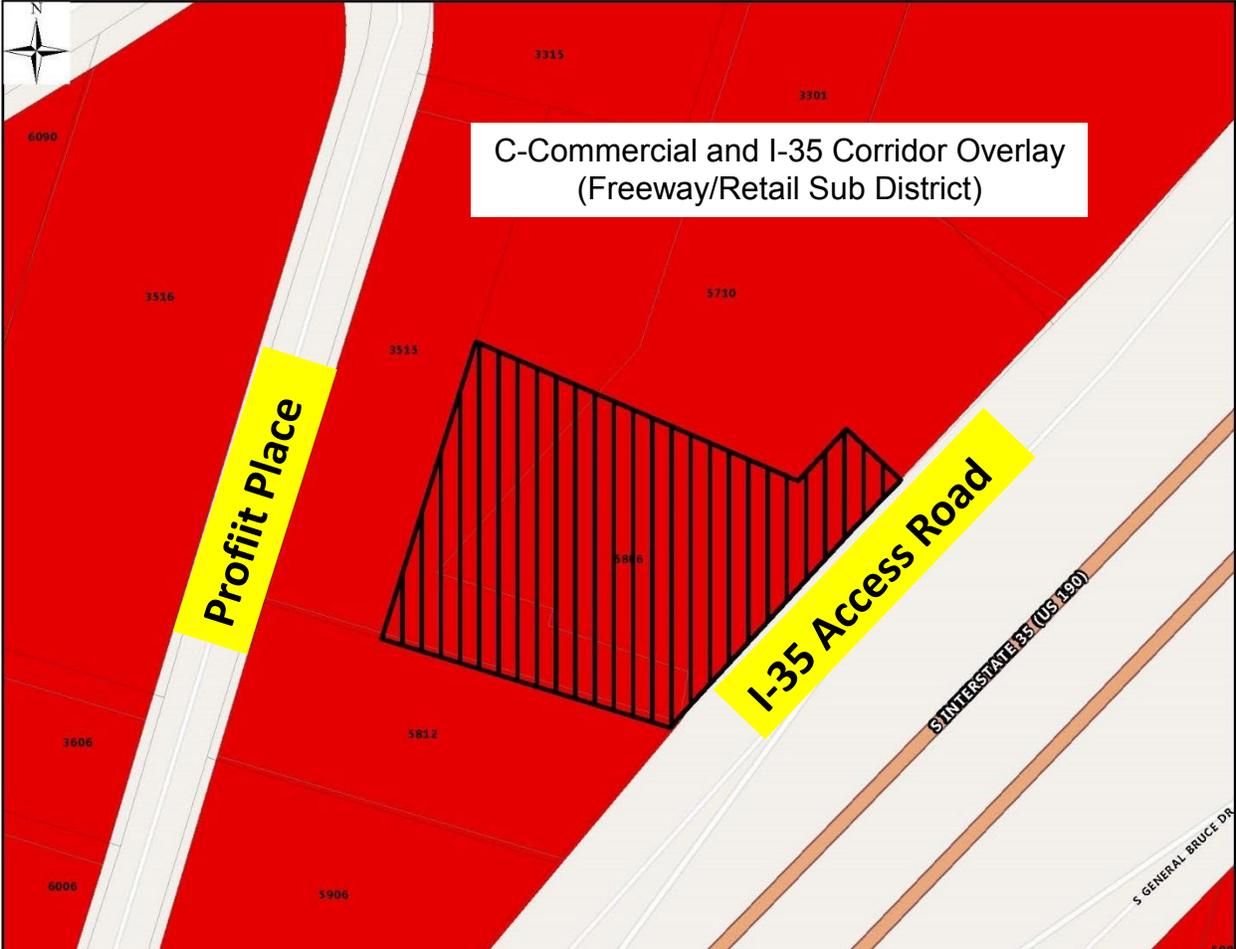


To the West

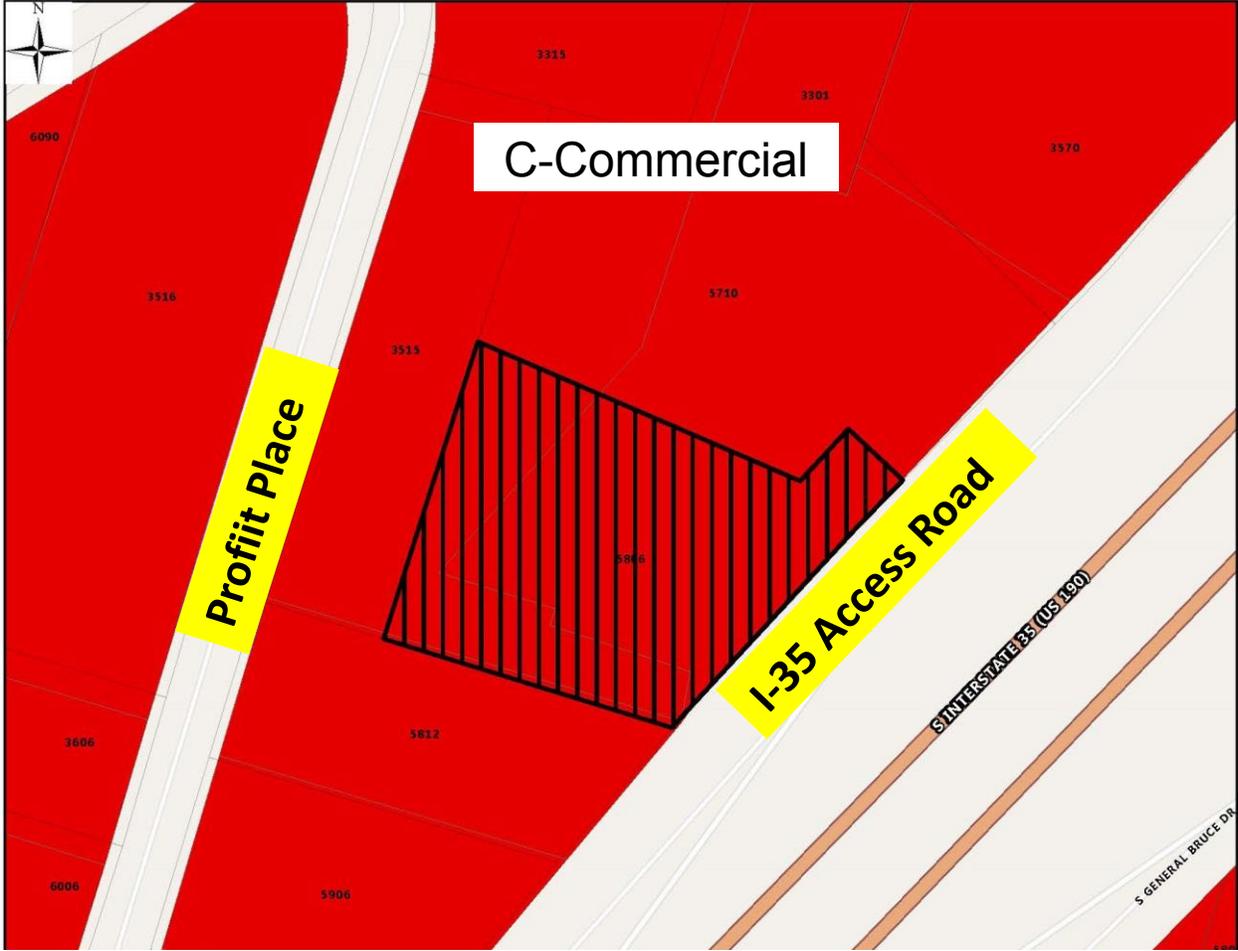


View From the West looking toward the property from Profit Place

# Zoning= C-Commercial (in I-35 Corridor Overlay)



# Future Land Use = C-Commercial





# C-CUP TO PD-C-CUP

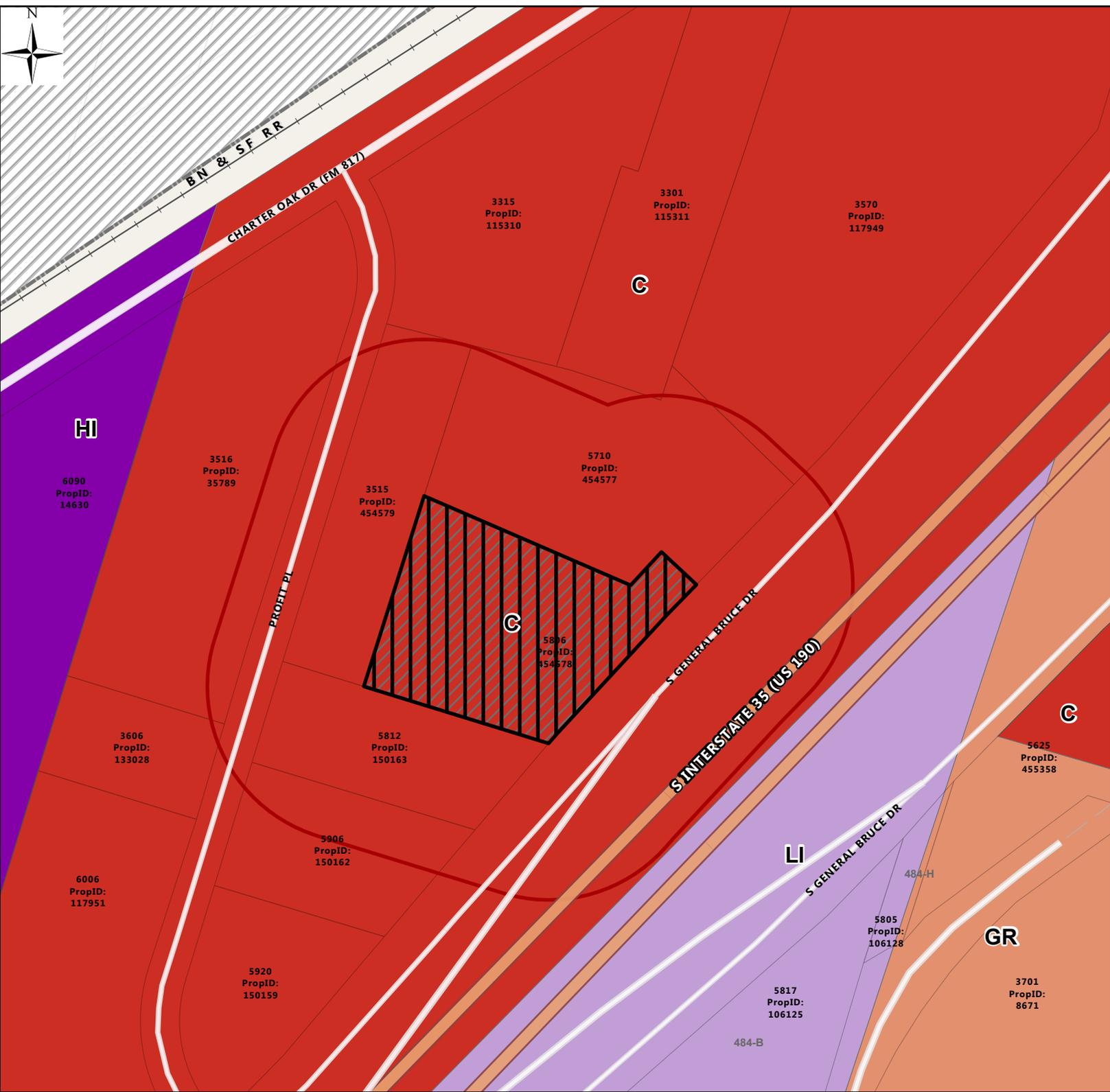
## 200' NOTIFICATION MAP

Zoning Case :

Z-FY-16-46

Address :

5806 S General Bruce Dr



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

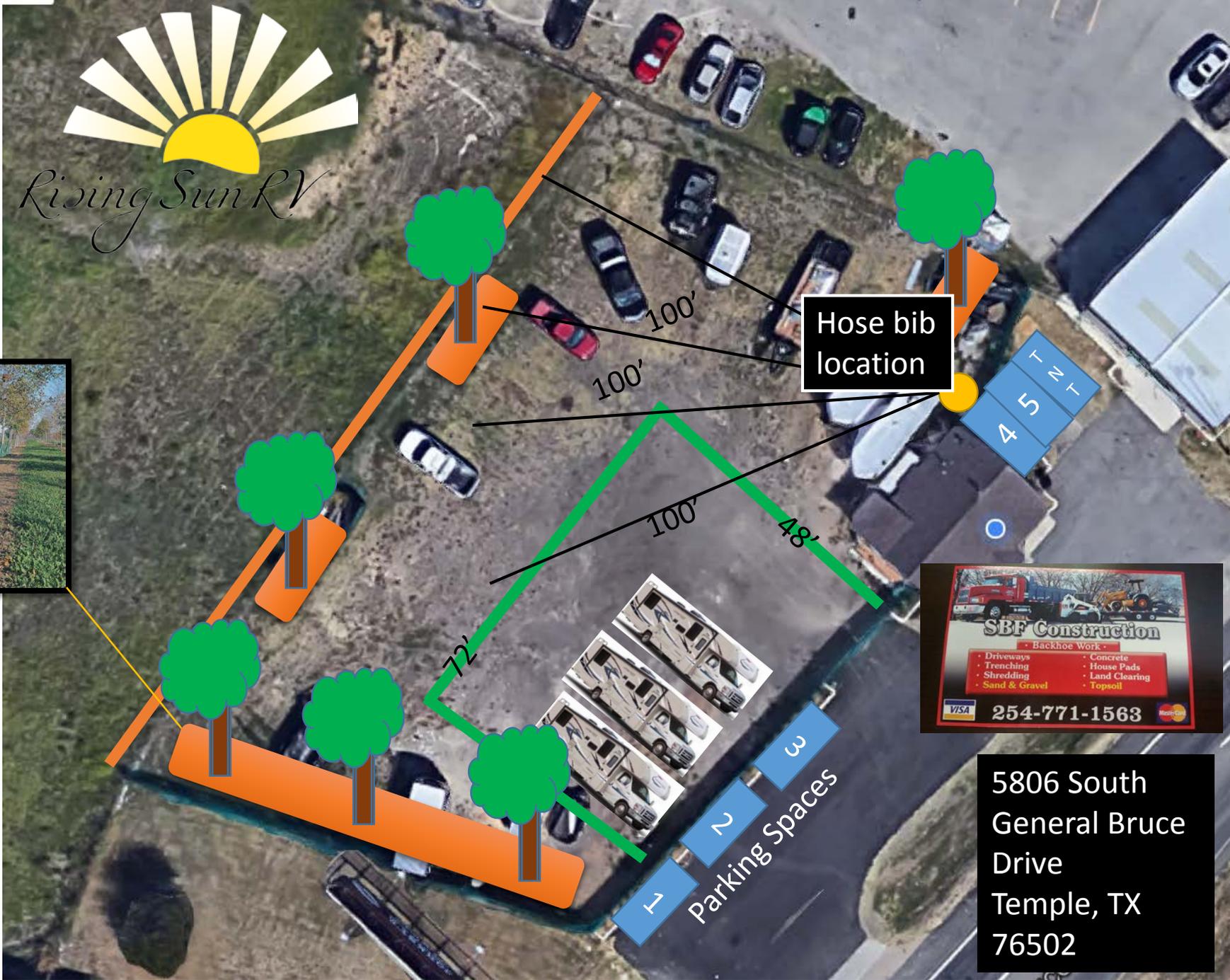
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

Irbarrett

Date: 8/29/2016



Slow release watering bags for all trees further than 100' hose length from bib, 4 of 6 will have water bags



\*Trees to be 2" diameter-at-breast-height (dbh)

ORDINANCE NO. 2014-4669

(PLANNING NO. Z-FY-14-28)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT FOR A RETAIL NURSERY/LANDSCAPE FACILITY ON LOT 2, BLOCK 1, TRANUM SUBDIVISION, PHASE VIII, LOCATED AT 5806 SOUTH GENERAL BRUCE DRIVE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the Comprehensive Zoning Ordinance of the City of Temple, Texas, provides for the issuance of conditional use permits under certain conditions and authorizes the City Council to impose such developmental standards and safeguards as the conditions and locations indicate to be important to the welfare or protection of adjacent property and for the protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions, and for the establishment of conditions of operation, time limits, location, arrangement and construction for any use for which a permit is authorized;

**Whereas**, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location of property described as lot 2, block 1, Tranum Subdivision. Phase VIII, located at 5806 South General Bruce Drive, recommends that the City Council approve the application for this Conditional Use Permit for a retail nursery/landscape facility; and

**Whereas**, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted by the applicant concerning the proposed plans for operation of said establishment and has heard the comments and evidence presented by all persons supporting or opposing this application at said public hearing, and after examining the conditions, operation and the location of said establishment, finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1:** The City Council approves a Conditional Use Permit to allow retail nursery/landscape facility on lot 2, block 1, Tranum Subdivision. Phase VIII, located at 5806 South General Bruce Drive, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

**Part 2:** The owner/applicant, his employees, lessees, agents or representatives, hereinafter called "permittee" shall comply with the following developmental standards and conditions of operation:

- A. Landscaping is planted to screen parking and a minimum of 40 percent of the existing I-35 facing chain-link fence;

- B. No portable buildings or other items considered to be non-landscaping related or accessories that are stored outdoors are sold; and
- C. That the Director of Planning is authorized to work with the applicant on what is deemed adequate parking.

**Part 3:** The Director of Planning is hereby directed to make the necessary changes to the City Zoning Map accordingly.

**Part 4:** The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

**Part 5:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

**Part 6:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 7:** It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the 15<sup>th</sup> day of May, 2014.

PASSED AND APPROVED on Second Reading on the 5<sup>th</sup> day of June, 2014.

THE CITY OF TEMPLE, TEXAS



DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:



Jonathan Graham  
City Attorney

ATTEST:



Lacy Borgeson  
City Secretary



ORDINANCE NO. 2015-4713  
(Z-FY-15-14)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, REPEALING ORDINANCE NO. 2014-4669 AND APPROVING A CONDITIONAL USE PERMIT FOR A PAINT SHOP/GENERAL CONTRACTOR FACILITY ON LOT 2, BLOCK 1, TRANUM SUBDIVISION, PHASE VIII, LOCATED AT 5806 SOUTH GENERAL BRUCE DRIVE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on June 5, 2014, City Council passed Ordinance No. 2014-4669 which approved a conditional use permit to allow a retail nursery/landscape facility located at 5806 South General Bruce Drive;

**Whereas**, the retail nursery/landscape company never occupied the space and staff recommends that Ordinance No. 2014-4669 be repealed since there is a new site plan for this space;

**Whereas**, the Comprehensive Zoning Ordinance of the City of Temple, Texas, provides for the issuance of conditional use permits under certain conditions and authorizes the City Council to impose such developmental standards and safeguards as the conditions and locations indicate to be important to the welfare or protection of adjacent property and for the protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions, and for the establishment of conditions of operation, time limits, location, arrangement and construction for any use for which a permit is authorized;

**Whereas**, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location of property described as lot 2, block 1, Trantum Subdivision, Phase VIII, located at 5806 South General Bruce Drive, recommends that the City Council approve the application for this Conditional Use Permit for a paint shop/general contractor facility; and

**Whereas**, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted by the applicant concerning the proposed plans for operation of said establishment and has heard the comments and evidence presented by all persons supporting or opposing this application at said public hearing, and after examining the conditions, operation and the location of said establishment, finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1:** The City Council approves a Conditional Use Permit for a paint shop/general contractor facility and an associated Site Plan on lot 2, block 1, Trnum Subdivision, Phase VIII, located at 5806 South General Bruce Drive, more fully described in Exhibit A (Site Plan), attached hereto and made a part hereof for all purposes with the following conditions:

1. Painting is prohibited on-site;
2. Ordinance No. 2014-4669 which allowed a retail nursery/landscape facility on the property is repealed;
3. This CUP expires when the current tenant (the tenant occupying the property as of June 4, 2015) discontinues use of the property as a paint shop/general contractor facility;
4. Landscaping must be planted to screen a minimum of 40% of the existing I-35 facing chain-link fence;
5. Owner of the property must obtain a permit for and pave the remaining gravel area in the front of the property to ensure compliance with Unified Development Code parking, driveway and approach standards and as shown on the attached Site Plan; and
6. Vehicle parking is prohibited on any surface unless the surface is asphalt or concrete.

**Part 2:** The Director of Planning is hereby directed to make the necessary changes to the City Zoning Map accordingly.

**Part 3:** The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

**Part 4:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

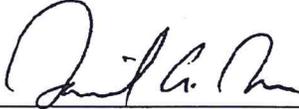
**Part 5:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 6:** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the 7<sup>th</sup> day of May, 2015.

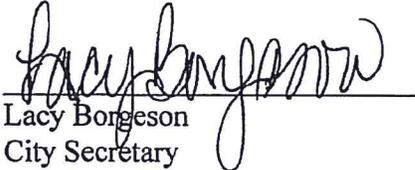
PASSED AND APPROVED on Second Reading on the 4<sup>th</sup> day of June, 2015.

THE CITY OF TEMPLE, TEXAS



DANIEL A. DUNN, Mayor

ATTEST:

  
Lacy Borgeson  
City Secretary

APPROVED AS TO FORM:

  
Kayla Landeros  
City Attorney

ORDINANCE NO. 2016-4757

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT FOR AN INDOOR AUTOMOTIVE WINDOW TINTING FACILITY ON LOT 2, BLOCK 1, TRANUM SUBDIVISION, PHASE VIII, LOCATED AT 5806 SOUTH GENERAL BRUCE DRIVE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Comprehensive Zoning Ordinance of the City of Temple, Texas, provides for the issuance of conditional use permits under certain conditions and authorizes the City Council to impose such developmental standards and safeguards as the conditions and locations indicate to be important to the welfare or protection of adjacent property and for the protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions, and for the establishment of conditions of operation, time limits, location, arrangement and construction for any use for which a permit is authorized;

**Whereas**, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location of property described as lot 2, block 1, Trantum Subdivision, Phase VIII, located at 5806 South General Bruce Drive, recommends that the City Council approve the application for this Conditional Use Permit for an indoor automotive window tinting facility; and

**Whereas**, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted by the applicant concerning the proposed plans for operation of said establishment and has heard the comments and evidence presented by all persons supporting or opposing this application at said public hearing, and after examining the conditions, operation and the location of said establishment, finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1:** The City Council approves a Conditional Use Permit for an indoor automotive window tinting facility on lot 2, block 1, Trantum Subdivision, Phase VIII, located at 5806 South General Bruce Drive, more fully described in Exhibit A (Site Plan), attached hereto and made a part hereof for all purposes subject to the following conditions (1) all window tinting operations must be fully enclosed within the existing 2,025 square foot warehouse building; and (2) no more than one employee is allowed to park outside of the warehouse building, all other employee parking must be within the existing warehouse building.

**Part 2:** The Director of Planning is hereby directed to make the necessary changes to the City Zoning Map.

**Part 3:** The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

**Part 4:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

**Part 5:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 6:** It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the 3<sup>rd</sup> day of **March**, 2016.

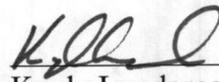
PASSED AND APPROVED on Second Reading on the 17<sup>th</sup> day of **March**, 2016.

THE CITY OF TEMPLE, TEXAS



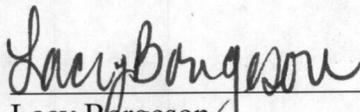
DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

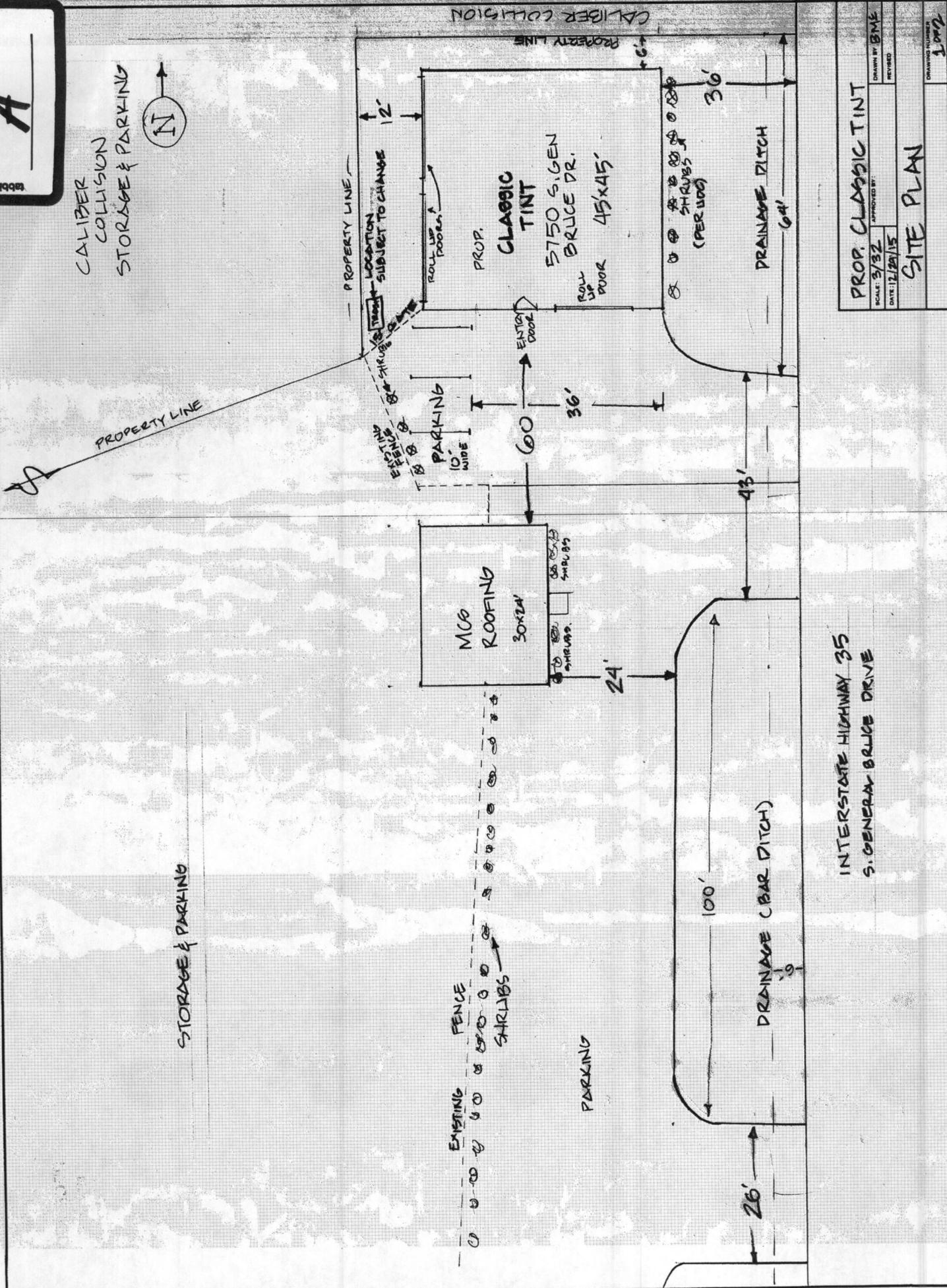


Kayla Landeros  
City Attorney

ATTEST:

  
Lacy Borgeson  
City Secretary

CALIBER COLLISION STORAGE & PARKING



INTERSTATE HIGHWAY 35  
S. GENERAL BRUCE DRIVE

PROP. CLASSIC TINT	
SCALE: 3/32	APPROVED BY:
DATE: 12/20/15	REVIEWED:
SITE PLAN	
DRAWING NUMBER: 1002	



## PLANNING AND ZONING COMMISSION AGENDA ITEM

**10/03/16**  
**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 09/19/16 Pending Revisions	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.	2 <sup>nd</sup> DRC 9/19/16 Pending Revisions	Clark & Fuller	Tammy

Future Commission Projects	Status	Applicant	Project Mgr.
<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>Waiting for revisions from Post-DRC comments</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>PZC 10/17/16</p>	<p>Ron Carroll</p>	<p>Mark</p>
<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>	<p>DRC 08/22/16 Awaiting response to DRC Comments</p>	<p>All County Surveying</p>	<p>Mark</p>
<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>	<p>Waiting for abandonment to go through process to add document number to plat</p>	<p>All County Surveying</p>	<p>Dessie</p>
<p><b>P-FY-16-50</b> - Consider and take action on the Final Plat of Motsco Addition, a 2-lots, 1 block non-residential subdivision, being a part of the Azariah G. Moore Survey, Abstract No. 596, Bell County, Texas, located west of I-35 frontage road, south of West Nugent Avenue and east of North 31st Street, 1118 North 31st Street.</p>	<p>DRC 09/06/16 Pending Revisions</p>	<p>Scott Motsinger on behalf of Central Realty Partners</p>	<p>Tammy</p>
<p><b>P-FY-16-51</b> - Consider and take action on the Final Plat of Hidden Creek, a 17.00 +/- acres, 6-lots, 1-block, residential subdivision, situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located in Temple's southern ETJ, at the southwestern corner of the intersection of FM 93 and Hartrick Bluff Road.</p>	<p>DRC 09/06/16 Pending Revisions</p>	<p>Chris Hodges</p>	<p>Tammy</p>

Future Commission Projects	Status	Applicant	Project Mgr.
<p><b>P-FY-16-52</b> - Consider and take action on the Final Plat of Bluebonnet Ridge Estates, Phase II, a 6.00 +/- acres, 2-lots, 1-block residential subdivision, being all of Tract 5, Bluebonnet Ridge Estates, Bell County, Texas, located west of Old Waco Road, north of Poison Oak Road, 1930 Old Waco Road.</p>	<p>Waiting on recordation</p>	<p>All County Surveying</p>	<p>Dessie</p>
<p><b>P-FY-16-53</b> - Consider and take action on the Final Plat of Park Ridge Subdivision, a 5.88 +/- acre, 12-lot, 1-block residential subdivision, situated in the Mary Cherry Survey, Abstract No. 175, Bell County, Texas, located south of White Oak Drive, north of Lions Park Drive, and west of Hickory Road, 4516 Hickory Road.</p>	<p>DRC 09/06/16 Awaiting applicant responses to DRC</p>	<p>All County Surveying</p>	<p>Mark</p>
<p><b>P-FY-16-54</b> - Consider and take action on the Amending/Minor Plat of Peppermint Addition, a 1.37 +/- acres, 1-lot, 1 block, non-residential subdivision, out of the Daniel Meador Survey, Abstract No. 577, Bell County, Texas, located at 8730 Airport Road.</p>	<p>Waiting on revisions</p>	<p>Clark &amp; Fuller</p>	<p>Dessie</p>
<p><b>P-FY-16-55</b> - Consider and take action on the Final Plat of Andromeda Addition, a 15.662 +/- acres, 55-lots, 1-block, residential subdivision, situated in the Nancy Chance Survey, Abstract No. 5, Bell County, located north of Jupiter Drive, and east of Old Waco Lane and Venus Drive, 6352 Jupiter Drive.</p>	<p>DRC 09/19/16 Pending Revisions</p>	<p>Turley Associates</p>	<p>Tammy</p>
<p><b>P-FY-16-56</b> - Consider and recommend action on the Final Plat of Canyon Creek Addition, a 12.00 +/- acres, 1-lot, 1 block, non-residential subdivision, out of the Maximo Moreno Survey, Abstract No. 14, and being part of that called 82.52 +/- acres, located south of Marlandwood Road, north of Canyon Creek Drive, and west of South 5th Street, 3950 South 5th Street.</p>	<p>DRC 09/19/16 Awaiting applicant responses for DRC</p>	<p>Tanner Consulting</p>	<p>Mark</p>
<p><b>P-FY-16-57</b> - Consider and recommend action on the Final Plat of Marlandwood Road Addition, a 5.184 +/- acres, 1-Lot, 1-Block non-residential subdivision, out of the Maximo Moreno Survey, Abstract No. 14, and being part of that called 82.52 +/- acres, located south of Marlandwood Road, north of Canyon Creek Drive, west of South 5th Street, and east of Lowes Drive.</p>	<p>DRC 10/03/16</p>	<p>1519 Surveying</p>	<p>Mark</p>
<p><b>P-FY-16-58</b> - Consider and take action on the Amending Plat of Crossroads East, a 65.686 +/- acres, 4-lots, 3-block, non-residential subdivision, embracing all of Block 1, Block 2, and Block 3, Temple Bioscience Park Subdivision, located east of Research Boulevard/Hilliard Road, south of State Highway 36, and north of FM 2305.</p>	<p>DRC 10/03/16</p>	<p>All County Surveying</p>	<p>Tammy</p>

City Council Final Decisions	Status
<p><b>Z-FY-16-39:</b> Consider adopting an ordinance authorizing a rezoning from Agricultural District to Commercial District, on Lots 14 &amp; 15, Block 001, Honeycutt Subdivision, located at 7099 Airport Road.</p>	<p>APPROVED at 2<sup>nd</sup> Reading on September 15, 2016</p>
<p><b>Z-FY-16-40:</b> Consider adopting an ordinance authorizing a Conditional Use Permit to allow wholesale automobile auctions for dealers on Lot 1, Block 1, Wildflower Commerce Park IV, Bell County, Texas, located at 5615 SW H.K. Dodgen Loop.</p>	<p>APPROVED at 2<sup>nd</sup> Reading on September 15, 2016</p>
<p><b>Z-FY-16-41:</b> Consider adopting an ordinance authorizing a Conditional Use Permit 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 &amp; C.</p>	<p>APPROVED at 2<sup>nd</sup> Reading on September 15, 2016</p>
<p><b>Z-FY-16-38:</b> Consider adopting an ordinance authorizing a rezoning from the Agricultural zoning district to the Planned Developed-Two Family 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.</p>	<p>APPROVED at 1<sup>st</sup> Reading on September 15, 2016</p>
<p><b>Z-FY-16-42:</b> Consider adopting an ordinance authorizing a rezoning from General Retail District to Commercial District, Lot 1, Block 1, Daniel A. Magana Subdivision, located at 1801 East Adams Avenue. (P&amp;Z and Staff's Recommendation is the proposed rezoning from General Retail (GR) district to Planned Development – General Retail (PD-GR) district with conditions).</p>	<p>APPROVED at 1<sup>st</sup> Reading on September 15, 2016</p>

P&Z COMMISSION ATTENDANCE

2016

	Jan 4	Jan 19	Feb 1	Feb 16	Mar 7	Mar 21	Apr 4	Apr 18	May 2	May 16	June 6	June 20	P	A
Lydia Alaniz	P	P	P	P	P	P	P	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	P	P	P							17	1
Tanya Mikeska-Reed														
Blake Pitts	A	P	P	A	P								11	6
Patrick Johnson	P	P	P	P	A								12	5
Omar Crisp	P	P	P	P	P	A							15	3
David Jones	P	A	P	P	P	P							14	4
Greg Rhoads	P	A	P	P	P	P							14	4
Will Sears	A	P	A	P	P								11	6
Lester Fettig	P	P	A	P	A	P							15	3
Jeremy Langley		P	P	P	P	P							5	
Bryant Ward						P							1	
Lee Armstrong						P							1	

no longer a Board member

New Members appointed

Elections held:  
Rhoads-Chair, Fettig-V-C