

ORDINANCE NO. {{item.sequential_number}}
(FY-24-23-ZC)

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL TO TWO-FAMILY DWELLING, AS WELL AS A COMPREHENSIVE PLAN AMENDMENT FROM BUSINESS PARK TO RESIDENTIAL AND NEIGHBORHOOD SERVICES, ON APPROXIMATELY 13.004 ACRES, ADDRESSED AS 4170 CEDAR CREEK ROAD, TEMPLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant requests a rezoning of approximately 13.004 acres from Agricultural (AG) to Two-Family Dwelling (2F) to accommodate a future development of duplex units - after further discussion, the applicant sought to reduce the acreage to approximately 12.570 acres according to the revised zoning sketch and field notes, which align with the submitted plat;

Whereas, the property owner has applied for the property to be annexed into the City of Temple and the rezoning and annexation are occurring simultaneously;

Whereas, the rezoning to 2F is necessary for the applicant's project to move forward and to allow the proposed use of duplex units, which are permitted by right in the 2F zoning district - the land is partially undeveloped as there is an existing house on the property; the land is not platted;

Whereas, the applicant has submitted a plat (FY-24-46-PLT), pending the approval of the annexation, rezoning, and comprehensive plan amendment - because the current Future Land Use Plan shows this area as Business Park, which does not permit residential use, a City-initiated comprehensive plan was begun to amend the current Future Land Use of Business Park to Residential and Neighborhood Services to align with the proposed duplex development and the surrounding properties;

Whereas, the rezoning, annexation, and comprehensive plan amendment are occurring simultaneously - compliance with site plan requirements will be confirmed during the plan review stage for the building and construction permit;

Whereas, while the minimum 2F lot area is 4,000 square feet, the smallest lot is 9,600 square feet and the largest is 13,271.05 square feet (Lot 11, Block 1);

Whereas, at its September 3rd, 2024 meeting, the Planning and Zoning Commission voted 4 to 3 to recommend disapproval;

Whereas, Staff recommends approval of the requested rezoning from AG to 2F as proposed, contingent on an approved amendment to the Comprehensive Plan's Future Land Use Plan section from Business Park to Residential and Neighborhood Services; and

Whereas, the City Council has considered these matters and deems it in the public interest to authorize these actions.

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Part 2: The City Council approves a rezoning from Agricultural (AG) to Two-Family Dwelling (2F) on approximately 13.004 acres, addressed as 4170 Cedar Creek Road, Temple, Texas, with an amendment to the Comprehensive Plan Future Land Use from Business Park to Residential and Neighborhood Services.

Part 3: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

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 section, paragraph, sentence, clause, or phrase 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 sections, paragraphs, sentences, clauses, or phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such section, paragraph, sentence, clause, or phrase.

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 19th day of September, 2024.

PASSED AND APPROVED on Second and Final Reading on the 3rd day of October, 2024.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Jana Lewellen
City Secretary

Kathryn H. Davis
City Attorney