



COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning and Development
Shelby Smith, Senior Planner

ITEM DESCRIPTION: FIRST READING - PUBLIC HEARING – FY-24-6-ANX: Consider adopting an ordinance authorizing the voluntary annexation of 19.142 +/- acres of land situated in the David Meador Survey, Abstract No. 577 and John Cummings Survey, Abstract No. 178 in the City of Temple's Extra-Territorial Jurisdiction (ETJ) addressed as 9738 W. Highway 36.

BACKGROUND: Texas Local Government Code (LGC) Chapter 43 governs the annexation process. LGC Chapter 43 requires that land to be annexed must be in the municipality's extraterritorial jurisdiction (ETJ) and contiguous to the municipality. The subject property is within the City's north ETJ.

LGC § 43.0671 allows a municipality to annex an area if each owner of land in the area requests the annexation. On June 20, 2024, a written request for voluntary annexation from property owner Stallion Development Services, LLC for a total of 19.142 +/- acres of land, as shown and being more particularly described in Exhibit A of the Municipal Services Agreement.

Prior to annexing an area of land, the City must offer the property owner a development agreement if the area would be eligible for an agreement under LGC Chapter 212, Subchapter G and appraised for ad valorem tax purposes as land for agricultural use, wildlife management use, or timber use pursuant to Texas Tax Code Chapter 23. The property owner was offered and rejected offers for a development agreement on August 7, 2024.

The City and property owner have entered into written agreement for the provision of municipal services in the area. Before offering the proposed municipal services agreement to the property owner, the proposed agreement was circulated to all relevant City Departments to determine the services that would be provided on the effective date of the annexation, such as fire, police, solid waste disposal, and code enforcement. No issues were identified by any of the reviewing departments. The property owner accepted the proposed agreement. The City is not required to provide a service that is not included in the agreement. The agreement was offered on September 13, 2024.

LGC § 43.0673 requires that the City hold one public hearing prior to adopting an ordinance annexing an area on the written request of a landowner. The City’s Charter requires a second reading to adopt the annexation ordinance. The second reading will be held on February 6, 2025.

LGC §§ 43.905 and 43.9051 requires a City to provide written notice regarding any financial impact caused by the proposed annexation to the affected school district, as well as the political subdivisions and public entities that provide services in the area. The public entities, political subdivisions, and the Belton Independent School District (BISD) were notified by certified mail from the City on December 20, 2024. While the City of Temple will notify all of the public entities required by State law about the potential fiscal impact on those organizations, a better understanding of that impact can be determined once the owner develops the property in the future.

A Conditional Use Permit (CUP) for a recreational vehicle park has been submitted for this property and the annexation is required for the proposed RV park. Approval of both the CUP and a subdivision plat will be required before building permits could be issued. The plat will be considered subsequent to the approval of both the annexation and the CUP.

ALIGNMENT WITH ADOPTED PLANS:

Plan	Comments
Strategic Plan	This item supports the City of Temple’s Strategic Plan goal of “A city that supports well-managed growth and development to promote a thriving economy,” and the commitment to “Facilitate high quality, safe, and strategic community growth.”
Comprehensive Plan	<p>The subject property is within the boundaries of the 2020 Comprehensive Plan Future Land Development Category Rural/Estate. The Rural/Estate category is intended for land areas that are and will continue to be comprised of a rural character during the plan horizon. These areas are categorized by the abundant presence of open space and low intensity uses including agriculture, ranching, large-lot rural residential, and natural landscapes.</p> <p>Appropriate other uses may be allowed as limited or conditional (e.g., recreational vehicle parks) provided they are designed and constructed with a rural character.</p>
Mobility Master Plan	No significant mobility issues have been identified at this time. Mobility will be evaluated in more detail during the rezoning and platting stages.

STAFF RECOMMENDATION: Receive staff presentation, hold public hearing and recommend scheduling a 2nd reading on February 6, 2025 with a recommendation of approval of the annexation ordinance at that time.

BOARDS & COMMISSIONS RECOMMENDATION: This item was not reviewed by any of the official boards and commissions.

DEVELOPMENT REVIEW COMMITTEE (DRC): The annexation was discussed with the Development Review Committee (DRC) on September 23, 2024. No issues were identified.

FISCAL IMPACT: The annexation along with the acceptance of the municipal service agreement does not contain any proposal to extend water or wastewater services to the area, or any other new physical facilities to serve the 19.142 +/- tract of land.

If the property is annexed, the City's ad valorem tax base will increase and result in future property tax revenue for the City. The City will provide municipal services in accordance with the municipal services agreement.

ATTACHMENTS:

Ordinance
Vicinity / Aerial Map
Petition for Voluntary Annexation
Municipal Services Agreement
Survey of Proposed Annexation Area (Exhibit A)
Field Notes of Proposed Annexation Area (Exhibit A)