

ORDINANCE NO. {{item.sequential_number}}
(FY-24-28-ZC)

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL TO PLANNED DEVELOPMENT WITH A BASE ZONING OF SINGLE FAMILY-1 BEING AT LEAST 35 PERCENT, NO MORE THAN 25 PERCENT MULTI-FAMILY-2, NO MORE THAN 15 PERCENT GENERAL RETAIL, AND NO MORE THAN 25 PERCENT SINGLE FAMILY ATTACHED-3, ON APPROXIMATELY 123.381 ACRES, LOCATED IN THE MAXIMO MORENO SURVEY, ABSTRACT NUMBER 14 IN THE CITY OF TEMPLE, TEXAS, AND ADDRESSED AS 1301 FM 93; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant has a contract to purchase the property addressed as 1301 FM 93 and is proposing a mixed-use development consisting of detached single-family homes, townhomes, apartments, and general retail use - a conceptual Site/Development Plan has been provided with the following use allocation:

Single Family-1 (SF-1): Minimum 35%
Single Family Attached-3 (SFA-3): Maximum 25%
Multi-Family 2 (MF2): Maximum 25%
General Retail (GR): Maximum 15%

Whereas, the resulting acreage and estimated dwellings allowed in each proposed zoning district is summarized as follows:

Zoning	Percentage	Acres	Dwellings/Acre	Estimated Dwellings
SF-1	35% min	43.2	5	216
SFA-3	25% max	30.8	18	554
MF2	25% max	30.8	20	616
GR	15% max	18.5	varies	varies
TOTAL	100%	123.3		1,386 max

Whereas, approximately 1,386 dwelling units may be allowed based on the requested zoning, although water availability and access are factors that may limit the development of the property as proposed or require phasing of the development;

Whereas, the conceptual Site/Development Plan limits the GR zoning to the FM 93 frontage and the MF2 zoning to the northeast portion of the property just south of the proposed GR zoning - MF2 district allows apartments up to four stories and a density of 20 dwelling units per acre;

Whereas, a Planned Development (PD) condition limits the height to two stories where units are within 75 feet of an existing or future single-family residential lot - there is also a condition to provide a 20-foot tree preservation buffer where adjacent to residential use;

Whereas, the GR zoning district allows a variety of uses, including several residential uses, except multi-family - a PD condition allows multi-family use in the GR section subject to the same standards as the MF2 section, including limitation that total MF2 use cannot exceed 25 percent of the 123.381 acres;

Whereas, this property has frontage along FM 93, a Texas Department of Transportation (TxDOT) highway with two travel lanes and the applicant is working to secure additional access via Hartrick Bluff Road - the Residential Subdivision Entrance/Access Design Standards require a minimum of three alternate design entrances (a minimum of 41-foot pavement width) for 300 or more dwelling units;

Whereas, the number of entrances will be more fully evaluated with the subdivision plat - any access from FM 93 requires TxDOT approval;

Whereas, TxDOT has indicated that no more than two entrances may be allowed on FM 93, left and right turn lanes will probably be needed, and a TIA will likely be required with the subdivision plat - two alternate design entrances will allow up to 300 dwelling units;

Whereas, the City's Thoroughfare Plan shows FM 93 as a Major Arterial street and Hartrick Bluff Road as a Community Collector - TxDOT does not have any improvements funded for FM 93 at this time, other than routine maintenance;

Whereas, a project to widen FM 93 from two lanes to four with a median is in the Killeen-Temple Metropolitan Planning Organization (KTMPO) Metropolitan Transportation Plan (MTP) under the "Regionally Significant Unfunded" category as W35-08 - improvements to reconstruct Hartrick Bluff Road to two lanes with a center turn lane are identified in a Capital Improvement Program (CIP) project with 30 percent design funded in Fiscal Year 2025;

Whereas, there is also a CIP project for improvements to Hartrick Bluff Road on the north side of FM 93, which includes widening as well as a traffic signal at FM 93 - this project is funded and expected to go to bids this fall;

Whereas, no streets within this property are shown on the Thoroughfare Plan but the concept Site/Development Plan shows two internal collector streets, which will be evaluated with the subdivision plat - no residential driveways are allowed on collector streets and this is included as a PD condition;

Whereas, regarding water service, the City has a six-inch water main along the north side of FM 93 and a 12-inch water main along the east side of Hartrick Bluff Road - connection to the Hartrick Bluff line is recommended for water service to this development;, though, given current demands in this vicinity and the capacity of the water system, water service at this time will be contingent upon a pressure analysis;

Whereas, it is estimated that approximately 150 single-family homes could be served by the existing system; however, that will need to be confirmed - the City has two future water distribution CIP projects scheduled in this vicinity:

- 1) A 12-inch water line across the southern portion of this property for Fiscal Years 2030 to 2040; and
- 2) A 12-inch water line along FM 93 for Fiscal Years 2040 to 2070.

Whereas, regarding sanitary sewer service, there is an existing 12-inch sewer main along the north side of FM 93 approximately 200 feet west of this site - plans to provide sewer service to this development will be evaluated with the subdivision plat and a lift station may be required to serve this site;

Whereas, future CIP sewer projects include an eight-inch gravity line along the east side of this tract; Taylor's Valley lift station at Leon River; and a new wastewater treatment plant south of Leon River - these projects have not been scheduled at this time;

Whereas, notice of the public hearing was sent to owners for 49 properties located within 200 feet of the subject property and to the applicable Independent School District, as required by State law and City Ordinance - as of 8:00 a.m. on Tuesday, July 2, 2024, 14 responses were returned with one in agreement and 13 in opposition (of the 14 responses returned, four are within the City limits and 10 are from property owners in the extraterritorial jurisdiction that received a courtesy notice);

Whereas, at its July 1, 2024 meeting, the Planning and Zoning Commission (PZC) voted 6 to 0 to recommend disapproval with one abstention;

Whereas, Staff generally supports the requested rezoning, but has concerns with the proposed density and current infrastructure available to support this development - two entrances from FM 93 will likely be approved by TxDOT, which would allow up to 300 dwelling units if constructed with an alternate design (minimum 41-foot pavement width) and the applicant is pursuing a connection to Hartrick Bluff Road, which would allow a third connection;

Whereas, the Residential Subdivision Entrance/Access Design Standards require a standard entrance for every 75 dwellings - two standard entrances may count as one alternate design entrance;

Whereas, the design standards state a minimum of three alternate design entrances is required for 301 or more dwelling units but does not specify how many entrances beyond the three - the City is currently updating the Unified Development Code (UDC) and this is one item that the City proposes to address;

Whereas, Staff has determined that it is reasonable to continue the ratio of one standard entrance for every 75 dwelling units or one alternate design entrance for every 150 dwelling units

- with this pattern, three alternate design entrances would support up to 450 dwelling units, and four would support up to 600 dwelling units;

Whereas, given the existing development in this vicinity, it is unlikely that more than four entrances would be provided, limiting dwellings to 600 - therefore, Staff supports a PD condition limiting development to no more than 600 dwelling units, if a fourth connection can be made to an adjacent street, which is included as Condition No. 5.f.; and

Whereas, Staff supports the requested rezoning from Agricultural (AG) to PD with a base zoning of Single Family-1 (SF-1) being at least 35 percent, no more than 25 percent Multi-Family-2 (MF-2), no more than 15 percent General Retail (GR), and no more than 25 percent Single Family Attached-3 (SFA-3), on approximately 123.381 acres, located in the Maximo Moreno Survey, Abstract No. 14 in the City of Temple, Texas, and addressed as 1301 FM 93, subject to the following conditions:

1. **SF-1 Section:** At least 35 percent of the 123.381-acre subject property must be for SF-1 use. Use and dimensional standards for SF-1 Zoning District shall apply.
2. **SFA-3 Section:** No more than 25 percent of the total 123.381-acre subject property may be for SFA-3 use. Use and dimensional standards for SFA-3 Zoning District shall apply.
3. **MF2 Section:**
 - a. No more than 25 percent of the total 123.281-acre subject property may be for MF2 use. Use and dimensional standards for MF2 Zoning District shall apply except as noted below.
 - b. Limit height of MF units to two stories for any units located within 75 feet of an existing or future single-family residential lot.
4. **GR Section:**
 - a. No more than 15 percent of the total 123.281-acre subject property may be for GR use. Use and dimensional standards for GR Zoning District shall apply except as noted below.
 - b. MF use may be allowed in the GR section subject to MF2 standards noted above; however, MF2 use may not exceed 25 percent of the total 123.281-acre subject property.
5. **General Conditions:**
 - a. Substantial compliance with the Site/Development Plan and, therefore, not requiring future PZC and City Council approval of a site plan for SF-1 and SFA-3 sections.
 - b. Detailed Site Plan approval by the PZC and City Council required for MF2 and GR sections.
 - c. Minimum 6-foot-wide sidewalk required along FM 93, with possible upsizing per Thoroughfare Plan and Trails Master Plan to an 8- to 10-foot width. Provide a minimum five-foot-wide sidewalk on both sides of collector street or 10-foot SUP on one side.
 - d. Alignment of collector streets and greenway trail is conceptual and will be finalized with the subdivision plat. Minimum of 10- to 12-foot width required for greenway trail per Trails Master Plan.

- e. No residential driveways allowed on collector streets.
- f. Entrances shall comply with Residential Subdivision Entrance/Access Design Standards. For dwelling units over 300, must provide one standard entrance for every 75 dwelling units or one alternate design entrance for every 150 dwelling units. Total number of dwelling units shall not exceed 600.
- g. Access from FM 93 is contingent upon approval of entrance permits by TxDOT.
- h. Access from Hartrick Bluff Road is contingent on acquisition of private property by the developer and City-funded capital improvements on Hartrick Bluff Road.
- i. Development of this property is contingent upon provision of adequate water supply.
- j. Minimum 20-foot-wide tree preservation buffer required adjacent to existing residential use.
- k. Landscaping shall be provided as required in UDC Section 7.4. "Landscaping". In addition, single-family residential lots shall have turf/sod and a tree as listed in UDC Section 7.4.5 (trees sized appropriately based on lot size; minimum two-inch diameter at breast height at time of planting) placed in the front yard, to be planted when homes are constructed. Preservation of existing trees/vegetation is encouraged.
- l. Subdivision plat required prior to site development.

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 Planned Development (PD) with a base zoning of Single Family-1 (SF-1) being at least 35 percent, no more than 25 percent Multi-Family-2 (MF-2), no more than 15 percent General Retail (GR), and no more than 25 percent Single Family Attached-3 (SFA-3), on approximately 123.381 acres, located in the Maximo Moreno Survey, Abstract No. 14 in the City of Temple, Texas, and addressed as 1301 FM 93, subject to the following conditions:

- 1. **SF-1 Section:** At least 35 percent of the 123.381-acre subject property must be for SF-1 use. Use and dimensional standards for SF-1 Zoning District shall apply.
- 2. **SFA-3 Section:** No more than 25 percent of the total 123.381-acre subject property may be for SFA-3 use. Use and dimensional standards for SFA-3 Zoning District shall apply.
- 3. **MF2 Section:**
 - a. No more than 25 percent of the total 123.281-acre subject property may be for MF2 use. Use and dimensional standards for MF2 Zoning District shall apply except as noted below.
 - b. Limit height of MF units to two stories for any units located within 75 feet of an

existing or future single-family residential lot.

4. **GR Section:**

- a. No more than 15 percent of the total 123.281-acre subject property may be for GR use. Use and dimensional standards for GR Zoning District shall apply except as noted below.
- b. MF use may be allowed in the GR section subject to MF2 standards noted above; however, MF2 use may not exceed 25 percent of the total 123.281-acre subject property.

5. **General Conditions:**

- a. Substantial compliance with the Site/Development Plan and, therefore, not requiring future PZC and City Council approval of a site plan for SF-1 and SFA-3 sections.
- b. Detailed Site Plan approval by the PZC and City Council required for MF2 and GR sections.
- c. Minimum 6-foot-wide sidewalk required along FM 93, with possible upsizing per Thoroughfare Plan and Trails Master Plan to an 8- to 10-foot width. Provide a minimum five-foot-wide sidewalk on both sides of collector street or 10-foot SUP on one side.
- d. Alignment of collector streets and greenway trail is conceptual and will be finalized with the subdivision plat. Minimum of 10- to 12-foot width required for greenway trail per Trails Master Plan.
- e. No residential driveways allowed on collector streets.
- f. Entrances shall comply with Residential Subdivision Entrance/Access Design Standards. For dwelling units over 300, must provide one standard entrance for every 75 dwelling units or one alternate design entrance for every 150 dwelling units. Total number of dwelling units shall not exceed 600.
- g. Access from FM 93 is contingent upon approval of entrance permits by TxDOT.
- h. Access from Hartrick Bluff Road is contingent on acquisition of private property by the developer and City-funded capital improvements on Hartrick Bluff Road.
- i. Development of this property is contingent upon provision of adequate water supply.
- j. Minimum 20-foot-wide tree preservation buffer required adjacent to existing residential use.
- k. Landscaping shall be provided as required in UDC Section 7.4. "Landscaping". In addition, single-family residential lots shall have turf/sod and a tree as listed in UDC Section 7.4.5 (trees sized appropriately based on lot size; minimum two-inch diameter at breast height at time of planting) placed in the front yard, to be planted when homes are constructed. Preservation of existing trees/vegetation is encouraged.
- l. Subdivision plat required prior to site development.

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 **18th** day of **July, 2024**.

PASSED AND APPROVED on Second and Final Reading on the **1st** day of **August, 2024**.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Jana Lewellen
City Secretary

Kathryn H. Davis
City Attorney