



COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – FY-24-23-ZC: Consider adopting an ordinance authorizing a rezoning request from Agricultural (AG) to Two-Family Dwelling (2F), and a comprehensive plan amendment from Business Park to Residential and Neighborhood Services, on 13.004 +/- acres addressed as 4170 Cedar Creek Rd.

BACKGROUND: The applicant requests rezoning of 13.004 +/- acres from Agricultural (AG) to Two-Family Dwelling (2F) to accommodate a future development of duplex units. After further discussion, the applicant wanted to reduce the acreage to 12.570 +/- acres according to the revised zoning sketch and field notes, which align with the submitted plat. The property owner has applied for the property to be annexed into the city of Temple. The rezoning and annexation are occurring simultaneously. The rezoning to Two-Family Dwelling 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 Two-Family Dwelling (2F) zoning district. The land is partially undeveloped as there is an existing house on the property; the land is not platted. 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 & Neighborhood Services to align with the proposed duplex development and the surrounding properties. 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.

It should be noted that while the minimum 2F lot area is 4,000 square feet, the smallest lot is 9,600 sq ft and the largest is 13,271.05 square feet (Lot 11, Block 1).

SURROUNDING PROPERTIES AND ZONING: The Future Land Use Development Plan shows the subject property is within an area identified for Business Park. Across Cedar Creek Road to the south,

the farmland is zoned Agricultural (AG). Single-family detached dwellings are located to the west of the property in the Long View Estates subdivision, Agricultural (AG) zoning, and to the north and east, undeveloped land zoned Agricultural (AG).

Proposed City Council Meeting Schedule: This rezoning is scheduled for 1st Reading on September 19, 2024, and 2nd Reading on October 3, 2024.

Neighborhood Planning District (NPD): Not within a Neighborhood Planning District.

Subdivision Plat: The property has not been platted; a plat is required for building permits. The applicant submitted, Gwendolyn's Place (FY-24-46-PLT), a 12.570 +/- acre, 42-lot, 3-block, final plat. The plat is currently under review and is scheduled for a September 3, 2024 DRC. Approval of the plat will be conditioned on the approval of the annexation, zoning, and comprehensive plan amendment.

Parkland Fees: Residential use, park fees are required for \$225 per new residential dwelling unit.

Development Review Committee (DRC): The DRC reviewed the proposed rezoning request on July 22, 2024. The proposed residential use is appropriate based on the surrounding area, however the Business Park designation in the Future Land Use Plan does not permit residential use. After an evaluation of the Applicant's Development Plan and the residential land development trends in this portion of the City's ETJ, staff determined an amendment to the Future Land Use Plan is warranted. This amendment is also compatible with other master planning efforts by others (TIRZ, TEDC, etc.). Therefore, staff initiated a comprehensive plan amendment to align with the current land development trends which will also bring this proposed rezoning into alignment with the Comprehensive Plan.

Development Regulations: The attached tables compare the current development standards for AG & the proposed 2F in UDC Section 4.5.1.

Public Notice: Two notices, were sent to property owners within 200-feet of the subject property that are within the City limits with information for the public hearing as required by State law and City Ordinance. Eight courtesy notices were sent to property owners located in the Extraterritorial Jurisdiction (ETJ) with information for the public hearing.

As of Thursday August 29, 2024, at 12:00 PM, 0 notices in agreement or disagreement have been received.

The newspaper printed the notice of the public hearing on August 22, 2024, in accordance with state law and local ordinance.

ALIGNMENT WITH ADOPTED PLANS:

Plan	Comments
Strategic Plan	The applicable Strategic Plan goals are: (1) A city that supports well-managed growth and development to promote a thriving economy.
Comprehensive Plan	<p>Compliance to goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan are summarized by the attached Comprehensive Plan Compliance table but further described below:</p> <p>Future Development Plan (CP Map 4.2) Chapter 4 of the 2020 Comprehensive Plan identifies this area as Business Park category. The Business Park future development category is intended for areas that will be developed to support various employment opportunities predominantly related to office, service, research and technology-related, light industrial, and warehousing uses in a campus-like environment. The Two-Family (2F) zoning district is not appropriate to implement the Business Park future development category. There are no appropriate residential uses in the Business Park future land use category. Therefore, the proposed 2F is not consistent with the 2020 Future Development Plan. However, adjacent prior development within the City's ETJ trends toward residential uses. Therefore, staff recommends a Comprehensive Plan amendment from Business Park to Residential and Neighborhood Services to allow the proposed residential use.</p> <p>Thoroughfare Plan (CP Map 4.3) There are no Thoroughfare requirements for this project.</p> <p>Availability of Public Facilities (CP Goal 1) Wastewater is available from a 10-inch sewer line along near Old Howard Road to the southeast of the subject property. Water is available from a 12 -inch water line on the east in alignment with Old Howard Road. Water and Wastewater facilities are in place and sufficient to serve the use.</p>
Parks Master Plan	Residential use, park fees are required for \$225 per new residential dwelling unit.
Mobility Master Plan	No major mobility issues identified. Typical 2F density: 7du/acre X 13 acres = ~91 duplexes. Estimated trip generation for 91 attached homes (ITE Land Use 215): 655 weekday trips. Subdivision Entry Standards will require 2 standard entrances or 1 alternate design (41ft BOC). No Thoroughfare Plan requirements, no proposed CIP projects on Cedar Creek Rd. CIP project Outer Loop North Phase II is complete and provides median cut at Cedar Creek Road for circulation.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning 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.

BOARDS & COMMISSIONS RECOMMENDATION: On September 3, 2024 the Planning and Zoning Commission and recommended disapproval by a vote of 4 to 3.

FISCAL IMPACT: Not Applicable.

ATTACHMENTS:

Ordinance
Photos
Tables
Maps
Survey