

ORDINANCE NO. {{item.sequential_number}}
(FY-24-30-ZC)

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM NEIGHBORHOOD SERVICE TO GENERAL RETAIL ON APPROXIMATELY TWO ACRES LOCATED IN THE MAXIMO MORENO SURVEY, ABSTRACT NUMBER 14, IN THE CITY OF TEMPLE, TEXAS, AND ADDRESSED AS 2945 MARTIN LUTHER KING JUNIOR DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant requests rezoning of approximately 2.00 acres from Neighborhood Service (NS) zoning district to General Retail (GR) to accommodate a proposed convenience store and a washateria/laundromat;

Whereas, since alcohol beverage sales, off-premises consumption, beer and wine store requires a Conditional Use Permit (CUP) in the current NS district, the rezoning to GR is necessary for the applicant's project to move forward and to allow all proposed uses, including fuel sales, convenience store with a restaurant/kitchen, alcohol beverage sales for off-premises consumption, and a washateria/laundromat;

Whereas, all proposed uses are permitted by right in the GR zoning district and do not require a CUP - rezoning to the GR zoning district was recommended by City Staff;

Whereas, the Site Plan includes landscaping and Staff has recommended evergreen planting and cypress hedges for screening - compliance to landscaping, parking, and setbacks will be confirmed with a building permit as the land is currently undeveloped and not platted;

Whereas, at its June 17, 2024 meeting, the Planning and Zoning Commission voted 8 to 0 to recommend approval;

Whereas, Staff recommends approval of the requested rezoning from NS to GR on approximately 2.00 acres located in the Maximo Moreno Survey, Abstract No. 14, in the City of Temple, Texas, and addressed as 2945 Martin Luther King Jr. Drive; 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 Neighborhood Service (NS) to General Retail (GR) on approximately 2.00 acres located in the Maximo Moreno Survey, Abstract No. 14, in the City of Temple, Texas, and addressed as 2945 Martin Luther King Jr. Drive.

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 **11th** day of **July, 2024**.

PASSED AND APPROVED on Second and Final Reading on the **18th** day of **July, 2024**.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Jana Lewellen
City Secretary

Kathryn H. Davis
City Attorney