



## COUNCIL AGENDA ITEM MEMORANDUM

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**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-24-4-ANX: Consider adopting an ordinance authorizing the voluntary annexation of 80.40 +/- acres of land situated in the Stephen Frazier Survey, Abstract No. 311 and the Stephen Frazier Survey, Abstract No. 329, in the City of Temple's south Extra-Territorial Jurisdiction (ETJ) generally located south of FM 93 and west of Witter Lane identified as all, or portions, of Bell County Tax Appraisal Numbers 148512 and 79023 and addressed as 7948 & 8198 Witter Lane.

**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 southern ETJ.

LGC § 43.0671 allows a municipality to annex an area if each owner of land in the area requests the annexation. On March 13, 2024, a written request for voluntary annexation from property owner Bell Temp LLC for 80.40 +/- acres of land, as shown and being more particularly described by metes and bounds in Exhibit A.

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 the offer for a development agreement on March 18, 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 April 24, 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 August 15, 2024.

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 July 17, 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.

Upon approval of an expected rezoning request, the annexation will allow for a future single family subdivision and warehouse office use development to include single-family units, and warehouse office use opportunities along FM 93. At this time, Planning staff has not received a request for a Conditional Use Permit. However, staff has met with the owner/ developer regarding the aforementioned uses and process. In addition to the rezoning, a subdivision plat will be required prior to the expected development.

**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	The subject property is within the boundaries of the 2020 Comprehensive Plan Future Land Development category of 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. At this time, no conflicts or impacts to the 2020 Comprehensive Plan have been identified and none are anticipated as a result of the approval of the Annexation Ordinance of the 80.40 +/- acres. Compliance with the Comp Plan will be evaluated in greater detail with the review of any future rezoning request.
Mobility Master Plan	No issues.

**STAFF RECOMMENDATION:** Receive staff presentation, hold public hearing, and recommend scheduling a 2nd reading on August 15, 2024, 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. The annexation was discussed in a Pre-Development meeting on January 5, 2024. No issues were identified. Further discussion about proposed uses and impacts will be addressed during the rezoning and platting stages of development.

**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 80.40 +/- 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 Maps  
Petition for Voluntary Annexation  
Municipal Service Plan  
Survey of Proposed Annexation Area (Exhibit A)  
Field Notes of Proposed Annexation Area (Exhibit A)