



COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning and Development
Kelly Atkinson, Assistant Director of Planning
Cheryl Maxwell, Principal Planner

ITEM DESCRIPTION: FIRST READING - PUBLIC HEARING - FY-24-28-ZC: Consider adopting an ordinance authorizing rezoning from Agricultural (AG) to Planned Development (PD) with a base zoning Single-Family-1 (SF-1) being at least 35%, and no more than 25% Multi-Family-2 (MF-2), 15% General Retail (GR) and 25% Single-Family Attached-3 (SFA-3) on 123.381 +/- acres, located in the Maximo Moreno Survey, Abstract No. 14 in the City of Temple, TX, addressed as 1301 FM 93.

BACKGROUND: The applicant has a contract to purchase this property 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 (SF1): Minimum 35%
Single Family Attached-3 (SFA3): Maximum 25%
Multi-Family 2 (MF2): Maximum 25%
General Retail (GR): Maximum 15%

The resulting acreage and estimated dwellings allowed in each proposed zoning district is summarized in the table below:

Zoning	Percentage	Acres	Dwellings/Acre	Estimated Dwellings
SF1	35% min	43.2	5	216
SFA3	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

Although approximately 1,386 dwelling units may be allowed based on the requested zoning, water availability and access are factors that may limit the development of the property as proposed or require phasing of the development. These are discussed in more detail in this report.

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 4 stories and a density of 20 dwelling units per acre. A PD condition limits the height to two stories where units are within 75 ft. of an existing or future single family residential lot. There is also a condition to provide a 20 ft. tree preservation buffer where adjacent to residential use.

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% of the 123.381 acres.

This property has frontage along FM 93, a TxDOT highway with two travel lanes. 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 (minimum 41 ft pavement width) for 300 or more dwelling units. The number of entrances will be more fully evaluated with the subdivision plat. Any access from FM 93 requires TxDOT approval. 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.

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. A project to widen FM 93 from two lanes to four with a median is in the Killeen-Temple Metropolitan Planning Organization (KTMP) 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% design funded in FY25. There is also a CIP project for improvements to Hartrick Bluff Road on the north side of FM 93 and include widening as well as a traffic signal at FM 93. This project is funded and expected to go to bids this fall. No streets within this property are shown on the Thoroughfare Plan but the concept site/development plan shows two internal collector streets. These will be evaluated with the subdivision plat. No residential driveways are allowed on collector streets and this is included as a PD condition.

With regard to water service, the city has a 6-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. However, 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. 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 FY 2030 to 2040; and 2) a 12-inch water line along FM 93 for FY 2040 to 2070.

For sanitary sewer service, there is an existing 12-inch sewer main along the north side of FM 93 approximately 200 ft west of this site. Plans to provide sewer service to this development will be evaluated with the subdivision plat; a temporary lift station may be required to serve this site. Future CIP sewer projects include an 8-inch gravity line along east side of this tract; Taylor's Valley lift station at Leon River; and new wastewater treatment plant south of Leon River. These projects have not been scheduled at this point.

Planned Development: UDC Section 3.4.1 defines a Planned Development as:

"A flexible overlay zoning district designed to respond to unique development proposals, special design considerations and land use transitions by allowing evaluation of land use relationships to surrounding areas through development plan approval."

As a Planned Development, per UDC Sec.3.4.3A, a Site/Development Plan is subject to review and approval by City Council and conditions of approval can be included into the rezoning Ordinance with a binding Site/Development Plan. In determining whether to approve, approve with conditions or deny a Planned Development application, the PZC and City Council must consider specific criteria identified in UDC Section 3.4.5. (attached). A detailed site/development plan is not available at this time. Staff will review and approve site plans for the SF1 and SFA3 sections; a PD condition requires review and approval by PZC and City Council for the MF2 and GR sections.

The surrounding properties to the east and west consist of residential uses on large lots a minimum of 0.5 acre in size with many lots exceeding 5 acres. These properties are outside the city limits and therefore, not assigned a zoning district. A generalized listing of permitted and conditional uses for the existing and proposed zoning districts is provided in the attached table. Also attached are tables with estimated AADT (average annual daily traffic) for this development and traffic counts for nearby roadways.

Development Regulations: The attached tables compare the current development standards for existing and proposed zoning district standards in UDC Section 4.5.1.

Subdivision Plat: A subdivision plat is required prior to any development and will incorporate provisions of this PD. Drainage, utility needs, and transportation related issues will be fully evaluated with the subdivision plat.

Neighborhood Planning District (NPD): The subject property does not lie within a NPD.

DEVELOPMENT REVIEW COMMITTEE (DRC): As required by UDC Section 3.4.2B, the DRC discussed this project on June 3, 2024. DRC recommendations have been incorporated into the PD conditions.

PUBLIC NOTICE: 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 (ISD), as required by State law and City Ordinance. As of 8:00 a.m. on Tuesday, July 2, 2024, 14 responses have been returned with one in agreement and 13 in opposition. Of these 14 responses, 4 are in the city limits

and 10 are from property owners in the ETJ that received a courtesy notice. Staff will provide an update during the City Council meeting as needed.

The newspaper printed the notice of the public hearing on June 20, 2024, in accordance with state law and local ordinance.

SCHOOL DISTRICT: Academy Independent School District (AISD)

ALIGNMENT WITH ADOPTED PLANS:

Plan	Comments
Strategic Plan	This item supports the City of Temple’s Strategic Plan goal of “Neighborhoods Where People Love to Live.”
Comprehensive Plan	<p>Compliance to goals, objectives or maps of the Comprehensive Plan, Mobility Master Plan, and Sidewalk and Trails Master Plan are summarized below:</p> <p><u>Future Development Plan (CP Map 4.2)</u> Chapter 4 of the 2020 Comprehensive Plan identifies this area as predominantly Rural / Estate future development category for the portion of the property that was previously outside the city limits. This category limits uses to primarily large lot residential. Areas in our ETJ were typically assigned this category due to limited infrastructure, to include water and sewer, which would necessitate developments with larger lots at a lower density. Existing developments adjacent to this site are consistent with the Rural / Estate category with large lot residential uses on lots a minimum of 0.5 acre in size with many in excess of 5 acres.</p> <p>Residential and Neighborhood Services category is projected along the FM 93 frontage and on the east side of Hartrick Bluff Road, with Corridor Mixed Use/Mixed Use Activity Center at the intersection of FM 93 and Hartrick Bluff Road. The proposed mixed-use development offers a variety of residential uses and density levels more consistent with the Residential and Neighborhood Services category as well as the Corridor Mixed Use category that includes multi-family use and retail.</p> <p>The boundaries of these future development categories are not absolute and may shift, allowing for some discretion in determining compliance. Proposed CIP projects in the future will make water/sewer more accessible in this vicinity and support higher density residential uses and retail development. The requested PD with mixed uses and higher density residential closer to FM 93 with a transition to less dense residential farther south, is generally consistent with the intent of the 2020 Future Development Plan and appears to be reasonable when utilities are available to support these uses in the future.</p> <p><u>Thoroughfare Plan (CP Map 4.3)</u> The 2020 Thoroughfare Plan identifies FM 93 as a major arterial and Hartrick Bluff Road as a community collector. FM 93 is</p>

Plan	Comments
	<p>a TxDOT highway; no improvements currently funded. Improvements to reconstruct Hartrick Bluff to two lanes with a center turn lane are identified in a CIP project with 30% design funded in FY25. A traffic signal at FM 93 will be installed as part of a CIP project to widen Hartrick Bluff Road on the north side of FM 93; this project is funded and expected to go to bids this fall. The site plan includes future collector streets connecting to these two roadways. This will be addressed in more detail with the subdivision plat.</p> <p><u>Availability of Public Facilities (CP Goal 4)</u> Water availability is currently limited in this vicinity and will be contingent upon a pressure analysis. Future CIP water projects are planned for FY 2030 to 2040, and 2040 to 2070. Sanitary sewer service is also limited and will be evaluated with the subdivision plat; a temporary lift station may be required to serve this site. Future CIP sewer projects have been identified but not scheduled at this time.</p>
Trails Master Plan & Subdivision Ord.	<p><u>Trails MP:</u> Proposed Thoroughfare Connector along FM 93 (min width 8 – 10 ft). Proposed Greenway Trail running N/S through this property (min width 10 - 12 ft.). These are included as PD conditions. <u>Subdivision Ord:</u> Minimum 6 ft. wide sidewalk required along arterial streets (FM 93); 4 – 5 ft. on collector streets. A PD condition requires a minimum 5 ft sidewalk on each side of internal collector streets or 10 ft. SUP on one side.</p>
Mobility Master Plan	<p>Hartrick Bluff Rd Reconstruction included in the adopted FY24-29 CIP, 30% designs funded in FY25. Subdivision entrance standards allow for more than 300 dwelling units when 3 improved entrances are constructed. However, the standards do not address higher numbers of dwellings. Typically, a development in excess of 300 or 400 units will be large enough to trigger one or more Thoroughfare Plan alignments, which allows for necessary expansion of the transportation network. In this case, no other future thoroughfares cross this property, meaning that all traffic will load onto FM 93 or Hartrick Bluff Road. The current condition of Hartrick Bluff Road is poor and increased traffic volumes will cause increased deterioration. Limit on dwelling units may be needed until CIP project is constructed; TIA may be needed to quantify increased volumes and recommend mitigations.</p>
Neighborhood Planning District	n/a

STAFF RECOMMENDATION: 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 ft. pavement width). The applicant is pursuing a connection to

Hartrick Bluff Road which would allow a 3rd connection. 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. 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. We are currently updating the UDC and this is one item that we propose to address.

It seems 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, 3 alternate design entrances would support up to 450 dwelling units, and 4 would support up to 600 dwelling units. Given the existing development in this vicinity, it is unlikely more than 4 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. This is included as condition #5.f. Staff supports rezoning to the requested zoning districts subject to the conditions below.

1. SF1 SECTION - At least 35% of the 123.381-acre subject property must be for SF1 use. Use and dimensional standards for SF1 Zoning District shall apply.
2. SFA3 SECTION - No more than 25% of the total 123.381-acre subject property may be for SFA3 use. Use and dimensional standards for SFA3 Zoning District shall apply.
3. MF2 SECTION
 - a. No more than 25% 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 2-stories for any units located within 75 ft of an existing or future single family residential lot.
4. GR SECTION
 - a. No more than 15% 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. Multi-family use may be allowed in the GR section subject to MF2 standards noted above; however, MF2 use may not exceed 25% 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 site plan for SF1 and SFA3 sections.
 - b. Detailed site plan approval by PZC and City Council required for MF2 and GR sections.
 - c. Minimum 6 ft wide sidewalk required along FM 93, with possible upsizing per Thoroughfare Plan and Trails Master Plan to 8 – 10 ft width. Provide minimum 5 ft wide sidewalk on both sides of collector street or 10 ft SUP on one side.
 - d. Alignment of collector streets and greenway trail is conceptual and will be finalized with the subdivision plat. Minimum 10 – 12 ft 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 ft. 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 7.4.5 (trees sized appropriately based on lot size; minimum 2" dbh 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.

BOARDS & COMMISSIONS RECOMMENDATION: On July 1, 2024, the Planning and Zoning Commission met and reviewed this item and recommended disapproval by a vote of 6 to 0 and one abstention.

FISCAL IMPACT: Not Applicable.

ATTACHMENTS:

Ordinance
Conceptual Site/Development Plan; Tables; Maps; Photos
Residential Subdivision Entrance/Access Design Standards
Letter from Applicant: Concerns and Proposed Solutions
Returned Property Owner Responses