

ORDINANCE NO. {{item.sequential_number}}
(FY-24-32-ZC)

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM AGRICULTURAL TO GENERAL RETAIL ON APPROXIMATELY 0.040 ACRES LOCATED IN THE S P TERRY SURVEY, ABSTRACT NUMBER 812 IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS, AND ADDRESSED AS 2 WOODLAND TRAIL, BELTON, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant proposes to rezone a small piece of land adjoining a larger parcel owned by the applicant from Agricultural (AG) to General Retail (GR) that the applicant is developing as a gas station and convenience store - the applicant owns both parcels, which are joined under the same Property Identification Number in the Bell County Tax Appraisal District's system;

Whereas, the need for the zoning change was identified early in 2024 when the applicant requested a Conditional Use Permit (CUP) for a package store - at the same time, the applicant was working through construction issues while renovating the property, both for fuel sales and the retail store;

Whereas, the applicant requested to temporarily postpone both the CUP and rezoning in July 2024 and, in December 2024, the applicant contacted City Staff and stated that they were no longer pursuing the package store, and the CUP case was withdrawn - however, the rezoning is moving forward to ensure consistent zoning across the entire property owned by the applicant;

Whereas, at its January 6, 2025 meeting, the Planning and Zoning Commission voted 7 to 0 to recommend approval;

Whereas, Staff recommends approval of the requested rezoning from AG to GR; 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 Agricultural (AG) to General Retail (GR) on approximately 0.040 acres located in the S P Terry Survey, Abstract No. 812 in the City of Temple, Bell County, Texas, and addressed as 2 Woodland Trail, Belton, Texas.

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 **16th** day of **January, 2025**.

PASSED AND APPROVED on Second and Final Reading on the **6th** day of **February, 2025**.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Liz Caraway
Deputy City Secretary

Kathryn H. Davis
City Attorney