



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-24-5-ANX: Consider adopting an ordinance authorizing voluntary annexation of 16.776 +/- acres of land situated in the Henry Millard Survey, Abstract No. 552 in the City of Temple's Extra-Territorial Jurisdiction (ETJ) generally located north of Cedar Creek Road and addressed as 4170 Cedar Creek Rd.

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 north ETJ.

LGC § 43.0671 allows a municipality to annex an area if each owner of land in the area requests the annexation. On April 18, 2024, a written request for voluntary annexation from property owner BWH Holdings – Series 3 LLC and BWH Holdings – Series 6 LLC for a total of 16.776 +/- acres of land, as shown and being more particularly described in Exhibit A of the Municipal Services Agreement.

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 offers for a development agreement on April 22, 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 May 10, 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 October 3, 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 Troy Independent School District (TISD) were notified by certified mail from the City on September 3, 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.

The annexation is required for a future development of duplex units. The property owner has made application for Two-Family (2F) zoning which will allow duplexes. The rezoning is on-hold pending the outcome of the annexation. 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.

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 Business Park. The Business Park category is intended for land areas that will be developed to support various employment opportunities predominately related to office, service, research and technology-related, light industrial, and warehousing uses in a campus-like environment. While residential uses may not be appropriate in this category, compliance with the Comp Plan will be evaluated in greater detail with the review of any future rezoning request.
Mobility Master Plan	No significant mobility issues have been identified at this time. Mobility will be evaluated in more detail during the rezoning and platting stages.

STAFF RECOMMENDATION: Receive staff presentation, hold public hearing and recommend scheduling a 2nd reading on October 3, 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 with the Development Review Committee (DRC) on May 20, 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 16.776 +/- 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 / Aerial Map

Petition for Voluntary Annexation

Municipal Services Agreement

Survey of Proposed Annexation Area (Exhibit A)

Field Notes of Proposed Annexation Area (Exhibit A)