



## COUNCIL AGENDA ITEM MEMORANDUM

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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Brian Chandler, Director of Planning and Development  
Mark Baker, Principal Planner

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING – FY-21-20-ZC: Consider adopting an ordinance for a rezoning request from Agricultural (AG) to Planned Development Neighborhood Service (PD-NS) on 2.725 +/- acres and to Planned Development Single-Family-1 (PD-SF-1) on 2.778 +/- acres with development/ site plan approval, located at 4107 W. FM 93.

**BACKGROUND:** The applicant, Turley Associates on behalf Edward Marek, requests rezoning of 5.503 +/- acres from Agricultural (AG) zoning district to Planned Development Neighborhood Service (PD-NS) zoning district on 2.725 +/- acres and Planned Development Single-Family 1 (PD-SF-1) zoning district on 2.778 +/- acres. The subject property is located on the south side of W. FM 93 and is comprised of 2 tracts addressed as 4107 W. FM 93.

This rezoning is anticipated to follow the same land use patterns and developed in the same manner as the adjacent Planned Developments for Valley Ranch. Valley Ranch was developed in accordance with Ordinance 2004-3979 & Ordinance 2013-4601. Additionally, Ordinance 2004-3970 addressed the Planned Development tracts for Neighborhood Service on either side of Dubose Road.

In an effort to provide enhanced screening and buffering between the single family uses and future non-residential, the applicant has agreed to development/ site plan review by the Planning & Zoning Commission and City Council. A condition has been proposed to ensure compatibility.

Case numbers in **Bold**, this is the first of a multi-step development is summarized as follows:

1. PD rezoning of 5.5 +/- Acres to PD-NS & PD-SF-1 (**FY-21-20-ZC**)
2. Annexation of 23.802 +/- acres directly south to Forester Road (**FY-21-2-ANX**)
3. PD rezoning of 23.802 +/- acres to PD-SF-1 w/ development/ site plan, plat layout (**FY-21-19-ZC**)
4. Plat Vacation – Valley West subdivision, a 6 lot, 1 block subdivision approved in 1980
5. New subdivision plat for the entire 29.302 +/- acres (consistent with development/ site plan)

A generalized listing of permitted and conditional uses for both the AG as well as the base NS and the SF-1 zoning districts is provided in the attached table.

**Planned Development (UDC SEC. 3.4):** A Planned development is 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 / site plan approval.

As a Planned Development (PD), per UDC Sec.3.4, a Development / Site Plan is binding and subject to review and approval by City Council as part of the rezoning. As opposed to a standard rezoning, conditions of approval can be included into the rezoning Ordinance.

This PD will have base-zoning of Single-Family-1 (SF-1) and Neighborhood Service (NS). The SF-1 zoning district will provide for detached single family residences on a minimum 7,500 square foot lots which are consistent with the adjacent Valley Ranch development to the east.

It should be noted that the developer is the same as that of the existing Valley Ranch and this new development is intended to follow that same development pattern and consistency. Therefore, the PD-SF-1 is compatible with the surrounding zoning and development in the immediate area.

In determining whether to approve, approve with conditions or deny a Planned Development application, the Planning & Zoning Commission and City Council must consider criteria as set forth in UDC Section 3.4.5 A-J. The Planned Development Criteria and Compliance Summary is attached.

**Subdivision Plat:** It is anticipated that the 5.503 acres will be combined with the 23.802+/- acres that borders to the south, once it is annexed (FY-21-2-ANX) and rezoned (FY-21-19-ZC).

**Development Regulations:** The attached tables compare the current development standards for AG with the proposed NS & SF-1 standards in UDC Section 4.5.1.

**Public Notice:** Ten notices (10) notices were sent to property owners within 200-feet of the subject property containing notice of the public hearing as required by State law and City Ordinance. As of Thursday April 20, 2021, at 12:00 PM, three notices, one notice from the owner of the two subject tracts, as well as two in disagreement have been received.

The newspaper printed the notice of the public hearing on April 18, 2021, in accordance with state law and local ordinance.

**School District:** Temple Independent School District (TISD)

**ALIGNMENT WITH ADOPTED PLANS:**

Plan	Comments
Strategic Plan	<p>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 “Neighborhoods where people love to live,” as well as the commitment to “Facilitate high quality, safe, and strategic community growth.”</p>
Comprehensive Plan	<p>Compliance to goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan are summarized by the attached Comprehensive Plan Compliance table but further described below:</p> <p><u>Future Development Plan (CP Map 4.2)</u> Chapter 4 of the 2020 Comprehensive Plan identifies this area as Residential &amp; Neighborhood Services category. The Residential &amp; Neighborhood Services future development category is intended for areas to be developed primarily as new single-family detached residential subdivisions and associated supporting amenities, including parks, trails, open space areas, elementary schools and supporting neighborhood-serving retail personal service uses. The proposed SF-1 zoning is supported by this designation and would be acceptable at this location. Therefore, the proposed rezoning <b><u>is consistent</u></b> with the 2020 Future Development Plan.</p> <p><u>Thoroughfare Plan (CP Map 4.3)</u>  The subject property takes access from W. FM 93. The proposed SF-1 portion will have access and circulation that will be evaluated with the review of any future subdivision. Any needed ROW or other improvements will be addressed by any future subdivision plat.</p> <p><u>Availability of Public Facilities (CP Goal 1)</u>  Wastewater is available from an 8-inch sewer line approximately 900 feet south of the subject property. Water is available from a 6-inch water line that runs north and south within the subject property and a 6-inch water line fronting along W. FM 93.</p> <p><u>Temple Trails Master Plan Map and Sidewalks Ordinance</u>  There is an existing local connector trail identified by the Trails Master Plan. As a major arterial, a minimum 6-foot sidewalk is required. However, in keeping with the spirit of the 2020 Thoroughfare Plan, an 8-foot sidewalk would be desired. If found to be necessary, any needed ROW or sidewalk would be addressed with the review of a subdivision plat.</p>

Plan	Comments
Neighborhood Planning District (NPD)	The subject property is not within the boundaries of any neighborhood planning district.

**STAFF RECOMMENDATION:** Staff recommends approval of the planned development with the following conditions:

1. The 2.725 +/- acre NS-zoned portion shall be developed in accordance with uses allowed by UDC Section 5.1;
2. A development/ site plan in the form of the subdivision plat is required to be reviewed by the Planning & Zoning Commission and City Council; and
3. That a separate development/ site plan is required to be reviewed by the Planning & Zoning Commission and City Council to ensure adequate buffering and screening for any non-residential development.

**BOARDS & COMMISSIONS RECOMMENDATION:** On April 5, 2021, the Planning & Zoning Commission voted 8 to 0 to recommend approval per staff's recommendation.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Survey Map (Exhibit A)  
PD Criteria Table (UDC Section 3.4.5A-J)  
Photos  
Tables  
Maps  
Returned Notices  
Ordinance